

SENATE JOURNAL
SIXTY-FIRST LEGISLATURE
STATE OF WASHINGTON

AT

OLYMPIA, THE STATE CAPITOL

2009 Regular Session Convened January 12, 2009

Adjourned Sine Die April 26, 2009

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



Linda Jansson,
Minute and Journal Clerk

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

TABLE OF CONTENTS

Regular Session, First Day, January 12, 2009 through One-Hundred Fifth Day, April 26, 2009	1-2143
Roster of Members and Committee Assignments	2144-2153
Governor's Messages	
Senate Bills Signed After Adjournment	2154-2170
Veto and Partial Veto on Senate Bills	2171-2181
Governors Pardons and Commutations	2182-2185
Gubernatorial Appointments.....	2186-2188
Bills, Memorials and Resolutions	
Passed by Both Houses	2189-2199
History of Bills.....	2200-2243
Other Senate Actions	2244-2248
General Index	2249-2373

SENATE CAUCUS OFFICERS

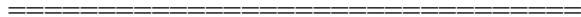
2009

DEMOCRATIC CAUCUS

Majority Leader.....Lisa Brown
Majority Caucus ChairEdward B. Murray
Majority Floor LeaderTracey J. Eide
Majority WhipChris Marr
Majority Assistant Floor Leader.....Joe McDermott
Majority Caucus Vice ChairDebbie Regala
Majority Assistant WhipClaudia Kauffman

REPUBLICAN CAUCUS

Republican LeaderMike Hewitt
Republican Caucus ChairLinda Evans Parlette
Republican Floor LeaderMark Schoesler
Republican WhipDale Brandland
Republican Deputy LeaderMike Carrell
Republican Caucus Vice ChairCheryl Pflug
Republican Deputy Floor LeaderJim Honeyford
Republican Deputy WhipJerome Delvin



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

FIRST DAY

 NOON SESSION

Senate Chamber, Olympia, Monday, January 12, 2009

At 12:00 noon, pursuant to law, the Senate of the 2009 Regular Session of the Sixty-First Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen, prior to introducing the Honor Guard, the President would like to inform the members and the ladies and gentlemen in the galleries that today in addition to the two suffragist that are with us today, Shanna Stevenson and Ms. Sue Lean are the Washington Women's History Consortium who are representing Mae Arkwright Hutton of Spokane and Emma Smith Devoe of Pierce County who were the two major leaders of the Women's Suffrage Movement in the State of Washington in 1909 of course we are celebrating this centennial of that. We will also have the presentation of the county colors who are presented to us by this week's pages and some of the interns. So, at this time the President is pleased to present the Washington State Patrol Honor Guard."

The Washington State Patrol Honor Guard consisting of Commander Sager, Trooper Evers, Trooper Greer, Trooper Dorsey and Trooper Stock presented the colors.

The President led the Senate in the Pledge of Allegiance.

The thirty-nine county flags were presented by the following Senate high school student pages and college interns: Clark County, Mr. Matt Sas; Lewis County, Ms. Lillian Hawkins; Pacific County, Mr. Cole Rabinowitz; Thurston County, Ms. Sherry Harris; Jefferson County, Miss Dakota Oblad; King County, Miss Nicole Frattini; Pierce County, Mr. Beau Perschbacher; Island County, Miss Sami Steere; Skamania County, Miss Hania Marien; Whatcom County, Miss Brittany Smith; Mason County, Mr. Josiah Julagay; Grays Harbor County, Mr. Alex Soldano; Cowlitz County, Mr. Cole William Bryant; Wahkiakum County, Miss Abby Burlingame; Walla Walla County, Miss Katherine Evelyn Schroeder; Clallam County, Mr. Blake Scully; Kitsap County, Mr. Dylan Turner; Spokane County, Miss Jerrie Darnell; Klickitat County, Mr. John Wheeler; Snohomish County, Mr. Dalton Cole; Stevens County, Miss Jennifer Wetli; Yakima County, Mr. Michael Althaus; Whitman County, Miss Sierra Lea Steinbrecher; San Juan County, Mr. Donald C. Kimball; Columbia County, Mr. Carl Schremp; Garfield County, Miss Kayla Long; Asotin County, Miss Audri Henderson; Kittitas County, Miss Ashley Lara; Lincoln County, Miss Amanda Stauffer; Adams County, Mr. Micah Theckston; Douglas County, Miss Chelsea Stanton; Franklin County, Mr. Matheau Rathke; Skagit County, Mr. Gabe Lungstrom; Okanogan County, Mr. Jeff Dong; Ferry County, Miss Emily Hull; Chelan County, Mr. Dixon

McReynolds; Benton County, Mr. Adam Archer; Grant County, Mr. Colin Kearns; and Pend Oreille County, Mr. Christian Bell.

Mrs. Shanna Stevenson and Ms. Sue Lean, suffragist re-enactors, proceeded to the places at bar of the Senate in commemoration of the one-hundredth anniversary of the passage of House Bill 59 during the Eleventh Legislature of 1909, which, upon approval of the voters on November 8, 1910, granted women the right to vote in the State of Washington.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lakes High School Pacific Harmony Ensemble of Lakewood, consisting of Issac Panui, James Papaia, Caleb Dixon Galbreath, Tyler Bonnevie, Rylan Bonnevie and Jermone Iafeta who performed the National Anthem.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Benjamin Keller, Lakes High School Choral Director and Arts & Communication Co-Chair who was seated in the gallery.

Reverend George Anne Boyle of the St. Benedict Episcopal Church of Lacey offered the prayer.

The Washington State Patrol Honor Guard retired from the chamber.

The county flags were retired from the chamber.

Mrs. Stevenson and Ms. Lean, suffragist re-enactors, retired to seats at the rear of the chamber.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kimberly Forgaard, the 2008 Lakefair Queen, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Lakefair Queen Kimberly Forgaard to address the Senate and welcome the senators to Olympia.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 2009 Capital Lakefair President Bob Barnes, his first lady, Serry Barnes and Kimberly's mother, Linda Forgaard, who were seated in the gallery.

REMARKS BY KIMBERLY FORGAARD

Kimberly Forgaard: "Thank you. Good afternoon, ladies and gentlemen. My name is Kim Forgaard and I'm currently a senior at Capitol High School. It is my pleasure to have this opportunity to address you as the 2008 Lakefair Queen. I'm truly honored to represent this wonderful city and our great state of Washington. Our state and country face challenging times ahead. We have just experienced yet a second devastating storm in the past thirteen months leaving hundreds of families homeless or with severe damage to their property. In times like this we must reach out to our neighbors and community to help in any way we can. As I begin the next phase of my life, leaving home and entering college, I reflect on the current economic situation in our country. We face unparalleled demands with a failure of several financial institutions, the collapse of the housing sector and the instability of world markets. The current economic down turn has directly affected me, as the business I was working for closed its doors in early December. My plan is to pursue and education and career in business and economics and I'm intrigued on how we have come to face this current

FIRST DAY, JANUARY 12, 2009

economic situation. As complex as these issues are it is clear that we must work together to solve them. A common key to success always begins with the establishment of solid goals and objectives. My father says, 'aim at nothing and you're bound to hit it.' Having said that, my current goal is to get back to school because I'm sure as most of you know Capital's roof collapsed over break which has delayed its start by one week. So, for you, leaders of this great state, you face unprecedented challenges this coming term and I won't take up anymore of your time allowing you to get to the task at hand. Once again, I thank you for this unique opportunity."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Taiwan dignitaries, Daniel Liao, Director General of the Taiwan Economic and Cultural Office of Seattle and Richard Lin, Director of the Taiwan Economic and Cultural Office of Seattle who were seated in the gallery.

MOTION

There being no objection, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. President:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the fourth day of November, 2008, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of returning Senators whose terms expire in 2011.

SENATORS ELECTED NOVEMBER 4, 2008

DISTRICT	COUNTIES REPRESENTED	NAME	PARTY
1	King*, Snohomish*	Rosemary McAuliffe	(Prefers Democratic Party)
2	Pierce*, Thurston*	Randi Becker	(Prefers Republican Party)
3	Spokane*	Lisa Brown	(Prefers Democratic Party)
4	Spokane*	Bob McCaslin	(Prefers Republican Party)
5	King*	Cheryl Pflug	(Prefers Republican Party)
9	Adams, Asotin, Franklin*, Garfield, Spokane*, Whitman	Mark G. Schoesler	(Prefers G.O.P. Party)
10	Island, Skagit*, Snohomish	Mary Margaret Haugen	(Prefers Democratic Party)
11	King*	Margarita Prentice	(Prefers Democratic Party)
12	Chelan, Douglas, Grant*, Okanogan*	Linda Evans Parlette	(Prefers Democratic Party)
14	Yakima*	Curtis King	(Prefers Republican Party)
16	Benton*, Columbia, Franklin*, Walla Walla	Mike Hewitt	(Prefers Republican Party)
17	Clark*	Don Benton	(Prefers Republican Party)
18	Clark*, Cowlitz*	Joseph Zarelli	(Prefers Republican Party)
19	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Brian Hatfield	(Prefers Democratic Party)
20	Lewis, Thurston*	Dan Swecker	(Prefers Republican Party)
22	Thurston*	Karen Fraser	(Prefers Democratic Party)
23	Kitsap	Phil Rockefeller	(Prefers Democratic Party)
24	Clallam, Grays Harbor*, Jefferson	Jim Hargrove	(Prefers Democratic Party)

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

25	Pierce*	Jim Kastama	(Prefers Democratic Party)
27	Pierce*	Debbie Regala	(Prefers Democratic Party)
28	Pierce*	Mike Carrell	(Prefers Republican Party)
34	King*	Joe McDermott	(Prefers Democratic Party)
39	King*, Skagit*, Snohomish*, Whatcom	Val Stevens	(Prefers Republican Party)
40	San Juan, Skagit*, Whatcom*	Kevin Ranker	(Prefers Democratic Party)
41	King*	Fred Jarrett	(Prefers Democratic Party)
49	Clark*	Craig Pridemore	(Prefers Democratic Party)

SENATORS WHOSE TERMS EXPIRE IN 2011

DISTRICT	COUNTIES REPRESENTED	NAME
6	Spokane*	Chris Marr
7	Ferry, Lincoln, Okanogan*, Pend Oreille, Spokane*, Stevens	Bob Morton
8	Benton*	Jerome Delvin
13	Benton*, Grant*, Kittitas, Yakima*	Janea Holmquist
15	Benton*, Klickitat, Skamania*, Yakima*	Jim Honeyford
21	Snohomish*	Paul Shin
26	Kitsap*, Pierce*	Derek Kilmer
29	Pierce*	Rosa Franklin
30	King*	Tracey Eide
31	King*, Pierce*	Pam Roach
32	King*, Snohomish	Darlene Fairley
33	King*	Karen Keiser
35	Grays Harbor*, Kitsap*, Mason, Thurston*	Tim Sheldon
36	King*	Jeanne Kohl-Welles
37	King*	Adam Kline
38	Snohomish*	Jean Berkey
42	Whatcom*	Dale Brandland
43	King*	Ed Murray
44	Snohomish*	Steve Hobbs
45	King*	Eric Oemig
46	King*	Ken Jacobsen
47	King*	Claudia Kauffman
48	King*	Rodney Tom

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia this 30th day of December, 2008.

SAM REED, Secretary of State

(Seal)

The Secretary called the roll of the following holdover members of the Senate and all were present: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Morton, Murray, Oemig, Roach, Sheldon, Shin and Tom.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Carrell and Kauffman to escort Chief Justice Gerry Alexander to the rostrum.

The President welcomed and introduced the Honorable Alexander, Chief Justice of the Supreme Court of the state of Washington for the purpose of swearing in the newly re-elected Senators.

The Secretary called the roll of the following newly re-elected members of the Senate and all were present: Senators Benton, Brown, Carrell, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Kastama, King, McAuliffe, McCaslin, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Stevens Swecker and Zarelli.

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

Chief Justice Gerry Alexander thereupon administered the oath of office to each of the newly re-elected members.

The President presented each of the newly re-elected Senators a certificate of election.

The Sergeant at Arms escorted each of the newly re-elected members to their seats on the floor of the senate.

The Secretary called the roll on the following newly elected members of the Senate and all were present: Senators Randi Becker, Fred Jarrett, Joe McDermott and Kevin Ranker.

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

Chief Justice Gerry Alexander thereupon administered the oath of office to each of the newly elected members.

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

The Sergeant at Arms escorted each of the newly elected members to their seats on the floor of the senate.

INTRODUCTION OF SPECIAL GUESTS

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

The President welcomed and introduced the family and friends of Senator Becker family who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family and friends of Senator Jarrett family who were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to welcome all of the newly elected members to Washington State Senate and to their families. It's a great privilege and honor to serve in this tremendous institution and I hope that the members of the family will come back and visit us often. You're always welcome here."

ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for the office of President Pro Tempore of the Senate.

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. I wanted to know it to your already getting us in the mood for saving money by not buying a razor or dye to color your beard. I thought that was really good."

REMARKS BY THE PRESIDENT

President Owen: "The President would hope that you would continue what you've been doing in the interim and save us money by not eating so much."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "I rise to nominate for President Pro Tempore, Senator Rosa Franklin. I've done this before and it's because I can't think of anybody that does a better job and backing up the President than Senator Rosa Franklin. She not only has experience, she's been here doing this job for a number of years. She has actually more stamina than the President, I believe, she can stand up there in long hours and do a great job. She has grace which I really think is one of her defining characteristics but you better pay attention because she has kind of a quick gavel. I can sometimes remember that she will say 'all those in favor' and then slam the gavel before she gets the no's down but she's always fair and how can you resist that smile? So, I like to tell people that the President and the President Pro Tempore make all of here in the Senate look good and I'll have to say for the President Pro Tempore that still holds true."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. I'm very pleased to second the nomination of Senator Rosa Franklin as President Pro Tempore. It's hard to follow Senator Hargrove as he has really covered so many of the wonderful qualities of Senator Franklin. As we've all known her and I believe that I can state this in a bi-partisan way, we've all loved her. Senator Franklin to me embodies the integrity, the respect and in fact the institution of the Washington State Senate. It's wonderful for me and I'm sure for all of us to know that when Senator Franklin is presiding that we are going to have any decisions that need to be made in terms of calling on people, keeping the body in order, maintaining decorum that it will be handled appropriately, gently and elegantly all of these characters reflecting our

wonderful colleague and I'm very happy to place her name, second her nomination. Thank you."

MOTION

On motion of Senator Eide, the nominations for the office of President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Rosa Franklin was elected President Pro Tempore: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, and Zarelli.

Absent: Senator Prentice

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hargrove and Kohl-Welles to escort Senator Rosa Franklin to the rostrum.

Chief Justice Alexander thereupon administered the oath of office to Senator Franklin.

The President introduced the President Pro Tempore of the Washington State Senate, Senator Rosa Franklin.

REMARKS BY PRESIDENT PRO TEMPORE

Senator Franklin: Thank you Mr. President and ladies and gentlemen of the Senate. Thank you so much for your consent, for your approval and your approval of my performance. It is indeed an honor, a great honor to serve in these chambers and this august body. I will certainly do my best, I will be fair and the gavel of course comes down to say the bill has passed. Thank you so much."

The committee of honor escorted Senator Franklin to her seat on the floor of the senate.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for the office of Vice President Pro Tempore of the Senate.

REMARKS BY SENATOR BERKEY

Senator Berkey: "Mr. President, I would like to nominate Senator Paull Shin for Vice President Pro Tempore. Thank you Mr. President, ladies and gentlemen. Senator Shin is extremely well respected and well qualified for this position. During his professional career in higher education he served as a college professor for thirty-one years so we know he's quick on his feet. Paull has also served as a senator since 1998 representing the Twenty-first legislative district in Snohomish County. He has served us as the Vice President Pro Tempore for eight sessions. With his knowledge of Senate operating procedures I believe he has done an exemplary job. Please support Senator Shin for this position. Thank you."

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "Thank you Mr. President. It's my honor to second the nomination of Senator Paull Shin for Vice President Pro Tempore for the Washington State. Thank you Mr. President. Senator Shin is known and respected for his work nationally and internationally building relationships between the people of Korea and Washington State. He represents us well in many countries and he makes Washington State respected because of the work he does with all people of all nations. He will maintain the dignity of the Senate as has the Lieutenant Governor and we are honored to have him served."

MOTION

On motion of Senator Eide, the nominations for the office of Vice President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Paull Shin was elected Vice President Pro Tempore: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli.

Excused: Senator Prentice

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Berkey and McAuliffe to escort Senator Paull Shin to the rostrum.

Chief Justice Alexander thereupon administered the oath of office to Senator Shin.

The President introduced the Vice President Pro Tempore of the Washington State Senate Senator Paull Shin.

REMARKS BY SENATOR SHIN

Senator Shin: "My colleagues in the Senate. About 2000 years ago our mentor Confucius said, 'When I was fifteen I began my studies, when I was thirty I opened my eyes and when I became fifty I was ready to listen,' I'm still an infant, learning stage. I'm a student and thank you for confidence and trust you've placed in me and I'll do my best to assist Senator Rosa Franklin in her absence, Lieutenant Governor Owen and to carry out my responsibilities. Thank you very much."

The committee of honor escorted Senator Shin to his seat on the floor of the senate.

ELECTION OF SECRETARY OF SENATE

The President declared nominations to be open for the office of Secretary of the Senate.

REMARKS BY SENATOR MURRAY

Senator Murray: "Thank you Mr. President. I place into nomination for Secretary of Senate the name of Tom Hoemann. Thank you Mr. President. I think that we have all come to know Tom over the last four years as an outstanding Secretary of the Senate and for many years as an outstanding employee of the Senate. He has brought fairness, leadership and an even

tempered attitude to what can be a very difficult job. I have particularly come to appreciate him in my new capacity as Chair of the Facilities and Operations Committee where his strategic approach and his concern for this body as an institution helps us in so many ways. I would add though if you don't like you're parking place, it's his fault and not mine. Having said that I think we are lucky to have Tom willing to serve for yet another term. Thank you."

REMARKS BY SENATOR PARLETTE

Senator Parlette: "Thank you Mr. President. It is my honor to second the nomination of Tom Hoemann for Secretary of the Senate. Thank you Mr. President. I know that Tom really cares about doing a very, very good job and he is doing of his ability. It's kind of difficult, all those people under him that he has to have report to him and sometimes they get a bit unruly and that doesn't make him happy. I'm happy to tell you he took the time to come to my district and see me, but I think to be honest it's because of the good wineries in the Lake Chelan area. I won't hold that against him but I hope you will join me and support him as I do believe he's doing an excellent job as Secretary of the Senate."

MOTION

On motion of Senator Eide, the nominations for the office of Secretary of the Senate were closed.

ROLL CALL

The Secretary called the roll and Tom Hoemann was elected Secretary of the Senate: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli.

Excused: Senator Prentice

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Parlette and Murray to escort Tom Hoemann to the rostrum.

Chief Justice Alexander thereupon administered the oath of office to Tom Hoemann.

The President introduced the Secretary of the Senate of the Washington State Senate Tom Hoemann.

The committee of honor escorted Tom Hoemann to his place at the rostrum.

ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for the office of Sergeant at Arms.

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Thank you Mr. President. It's my honor to place nomination the name of Jim Ruble for Sergeant at Arms. Thank you Mr. President. We've been honored to have Jim Ruble as our Sergeant at Arms now for four years. He's brought a level of security here that has created a constructive climate for us to conduct the state's business. Prior to him coming here I want to give you a little background of his, what

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

he was involved in. For thirty years he in fact had experience in the class room so you know he's very good at keeping us level of decorum amongst many different individuals and primary intermediate junior high levels and adult classes. He was chairman of the Puyallup School District Social Studies department and after retirement he continued as a state and national history and government student, writer and book editor. Again, this will be his third term as Sergeant at Arms. He's a European traveler, a Puyallup fair tractor driver, husband and father and most importantly my former civics teacher at Kalles Junior High and my former football coach. With that I would ask you to approve his nomination."

MOTION

On motion of Senator Eide, the nominations for the office of Sergeant at Arms of the Senate were closed.

ROLL CALL

The Secretary called the roll and Jim Ruble was elected Sergeant at Arms of the Senate: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli.

Excused: Senator Prentice

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Kastama and Parlette to escort Jim Ruble to the rostrum.

Chief Justice Alexander thereupon administered the oath of office to Jim Ruble.

The President introduced the Sergeant at Arms of the Senate of the Washington State Senate Jim Ruble.

The committee of honor escorted Jim Ruble to his place at the rostrum.

The President of the Senate thanked Chief Justice Gerry Alexander.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Carrell and Kaffman to escort Chief Justice Gerry Alexander from the Senate chambers.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8600

By Senators Brown and Hewitt

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8600.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8600, the President appointed Senators Holmquist, Jarrett, King and Ranker to notify the House of Representatives that the Senate is organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

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

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Appleton, Ericks, Herrera and Schmick appeared before the bar of the Senate and notified the Senate that the House was organized and ready to conduct business.

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8601

By Senators Eide and Schoesler

BE IT RESOLVED, That the Rules of the Senate for the 2007 Regular Session of the 60th Legislature, as amended in the 2007 Regular Session and the 2008 Regular Session, be adopted as amended as the Rules of the Senate for the 2009 Regular Session of the 61st Legislature, to read as follows:

**PERMANENT RULES
OF THE
SENATE
SIXTY-FIRST LEGISLATURE
2009**

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

Rule 1 Duties of the President

Rule 2 President Pro Tempore

Rule 3 Secretary of the Senate

Rule 4 Sergeant at Arms

Rule 5 Subordinate Officers

Rule 6 Employees

Rule 7 Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

Rule 8 Payment of Expenses- Facilities and Operations

Rule 9 Use of Senate Chambers

Rule 10 Admission to the Senate

Rule 11 ENGROSSED Printing of Bills

Rule 12 Furnishing Full File of Bills

Rule 13 Regulation of Lobbyists

Rule 14 Security Management

SECTION III - RULES AND ORDER

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
- Rule 18** Special Order
- Rule 19** Unfinished Business
- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
- Rule 22** Voting
- Rule 23** Announcement of Vote
- Rule 24** Call of the Senate
- Rule 25** One Subject in a Bill
- Rule 26** No Amendment by Mere Reference to Title of Act
- Rule 27** Reading of Papers
- Rule 28** Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
- Rule 30** Recognition by the President
- Rule 31** Call for Division of a Question
- Rule 32** Point of Order- Decision Appealable
- Rule 33** Question of Privilege
- Rule 34** Protests
- Rule 35** Suspension of Rules
- Rule 36** Previous Question
- Rule 37** Reconsideration
- Rule 38** Motion to adjourn
- Rule 39** Yeas and Nays- When Must be Taken
- Rule 40** Reed's Parliamentary Rules

SECTION V - COMMITTEES

- Rule 41** Committees- Appointment and Confirmation
- Rule 42** Subcommittees
- Rule 43** Subpoena Power
- Rule 44** Duties of Committees
- Rule 45** Committee Rules
- Rule 46** Committee Meetings During Sessions
- Rule 47** Reading of Reports
- Rule 48** Recalling Bills from Committees
- Rule 49** Bills Referred to Rules Committee
- Rule 50** Rules Committee
- Rule 51** Employment Committee
- Rule 52** Committee of the Whole
- Rule 53** Appropriation Budget Bills

SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

- Rule 54** Definitions
- Rule 55** Prefiling
- Rule 56** Introduction of Bills
- Rule 57** Amendatory Bills
- Rule 58** Joint Resolutions and Memorials
- Rule 59** Senate Concurrent Resolutions
- Rule 60** Committee Bills
- Rule 61** Committee Reference
- Rule 62** Reading of Bills
- Rule 63** First Reading
- Rule 64** Second Reading/Amendments
- Rule 65** Third Reading
- Rule 66** Scope and Object of Bill Not to be Changed
- Rule 67** Matter Related to Disagreement Between the Senate and House
- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

**SECTION I
OFFICERS-MEMBERS-EMPLOYEES****Duties of the President**

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec.

10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their

FIRST DAY, JANUARY 12, 2009

offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave,

except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II OPERATIONS AND MANAGEMENT Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,
Members of the house of representatives,
State elected officials,
Officers and authorized employees of the legislature,
Honored guests being presented to the senate,
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
Representatives of the press,
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

**SECTION III
RULES AND ORDER
Time of Convening**

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:
FIRST. Reports of standing committees.
SECOND. Reports of select committees.
THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials and floor resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present. All questions relating to the priority of business shall be decided without debate. Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the measure that was before the senate when consideration of the special order was commenced.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

**Motions and Senate Floor Resolutions
(How Presented)**

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. The Senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the Senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on Senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. Members' names shall only be added to the resolution if the member signs the resolution. Members shall have until thirty minutes after the senate is convened the following day the senate is in a regular or pro forma session to add their names to the floor resolution. A motion may be made to close the period for signatures at an earlier time.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Adjourn, recess, or go at ease
 Reconsider
 Demand for call of the senate
 Demand for roll call
 Demand for division
 Question of privilege
 Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
 Method of consideration
 Suspend the rules
 Reading papers
 Withdraw a motion
 Division of a question

SUBSIDIARY MOTIONS

1st Rank: To lay on the table
 2nd Rank: For the previous question
 3rd Rank: To postpone to a day certain
 To commit or recommit
 To postpone indefinitely
 4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would have voted in order to avoid results that would only occur because of the unanticipated absence.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV PARLIAMENTARY PROCEDURE Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question

has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the president stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may

change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec.21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

authority.

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

**SECTION V
COMMITTEES**

Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee	Total Membership
(1. Agriculture and Rural Economic Development . . . . .	.6
2. Consumer Protection and Housing	9
3. Early Learning and K-12 Education	13
4. Economic Development, Trade and Management	6
5. Financial Institutions and Insurance	8
6. Government Operations and Elections	7
7. Health and Long-Term Care	9
8. Higher Education	6
9. Human Services and Corrections	7
10. Judiciary	8
11. Labor, Commerce, Research and Development	8
12. Natural Resources, Ocean and Recreation	9
13. Rules	18 (plus the Lieutenant Governor)
14. Transportation	17
15. Water, Energy and Telecommunications	11
16. Ways and Means	21))
1. Agriculture & Rural Economic Development	8
2. Early Learning & K-12 Education	11
3. Economic Development, Trade & Innovation	7
4. Environment, Water & Energy	11
5. Financial Institutions, Housing & Insurance	7
6. Government Operations & Elections	7
7. Health & Long-Term Care	9
8. Higher Education & Workforce Development	10
9. Human Services & Corrections	7
10. Judiciary	8
11. Labor, Commerce & Consumer Protection	7
12. Natural Resources, Ocean & Recreation	8
13. Rules	17 (plus the Lieutenant Governor)
14. Transportation	16
15. Ways & Means	22

Subcommittees

Rule 42. Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them. The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed. A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the

journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole. The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution. "Bill" when used alone

means bill, joint memorial, joint resolution, or concurrent resolution. "Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with. Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

When statutes are being repealed, the Revised Code of Washington section number to be repealed, the section caption and the session law history, from the most current to the original, shall be cited.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62,

63, and 64.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill. Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full. After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 5.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

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

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
- To non-concur
- To recede
- To insist
- To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear

before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment. When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8601.

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

MOTION

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

MESSAGE FROM THE HOUSE

January 12, 2009

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 12, 2009

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 12, 2009

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

SB 5000 by Senators Sheldon, Parlette, Swecker, Benton, Holmquist and Roach

AN ACT Relating to property taxes; adding new sections to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5001 by Senators Jacobsen and Kauffman

AN ACT Relating to the American Indian endowed scholarship program; amending RCW 28B.108.050 and 28B.108.060; and repealing RCW 28B.108.070.

Referred to Committee on Higher Education & Workforce Development.

SB 5002 by Senators Jacobsen and Swecker

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

Referred to Committee on Agriculture & Rural Economic Development.

SB 5003 by Senators Jacobsen and Swecker

AN ACT Relating to providing a sales and use tax exemption for breathalyzers sold to businesses who provide alcohol for consumption on-site; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5004 by Senators Jacobsen, Swecker, Ranker and Roach

AN ACT Relating to creating a mobile custom farm slaughtering unit loan program; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5005 by Senators Jacobsen and Swecker

AN ACT Relating to naturally raised beef cattle; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5006 by Senator Jacobsen

AN ACT Relating to genetically engineered plants; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5007 by Senators McAuliffe, King, Oemig, Holmquist, McDermott, Kauffman, Pridemore, Kilmer, Hobbs, Tom, Brandland, Swecker, Shin, Franklin, Parlette and Roach

AN ACT Relating to allowing public technical colleges to

offer associate transfer degrees; amending RCW 28B.50.140; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5008 by Senators Hewitt, Hobbs, Honeyford, Schoesler, Zarelli, Parlette, Stevens, Kilmer, Hatfield, Swecker, Benton and Roach

AN ACT Relating to hunting licensing requirements for members of the military; and amending RCW 77.32.155.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5009 by Senators Marr, Swecker, Hobbs, King, Sheldon, Kilmer, Ranker, Berkey, Haugen, Kauffman, Rockefeller, Hatfield, McAuliffe, Shin and Roach

AN ACT Relating to benefits charged to the experience rating accounts of employers; and amending RCW 50.29.021.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5010 by Senators Kline, Fairley, McCaslin, Kauffman and Pridemore

AN ACT Relating to establishing a statewide CBRNE response program; amending RCW 43.43.938; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5011 by Senators Kauffman, Kohl-Welles, Kline and Keiser

AN ACT Relating to fire safety standards for novelty lighters; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5012 by Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach

AN ACT Relating to abducted or missing persons; amending RCW 13.60.010; and adding a new section to chapter 13.60 RCW.

Referred to Committee on Judiciary.

SB 5013 by Senators Hargrove, Brandland, Fraser, Hatfield and Parlette

AN ACT Relating to fees collected by county clerks; amending RCW 36.18.012 and 36.18.016; and reenacting and amending RCW 36.18.020.

Referred to Committee on Judiciary.

SB 5014 by Senators McAuliffe, Hargrove, Brandland and Stevens

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

AN ACT Relating to exempting special commitment center security information from disclosure under the public records act; and amending RCW 42.56.420.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Human Services & Corrections.

SB 5015 by Senators Franklin, Hargrove and Kauffman

AN ACT Relating to foster parent licensing; and amending RCW 74.15.100.

Referred to Committee on Human Services & Corrections.

SB 5016 by Senators McDermott, Parlette, Fairley, Oemig, Kilmer, Hatfield, Shin and Honeyford

AN ACT Relating to modifying the dates on which a special election may be held; and amending RCW 29A.04.321 and 29A.04.330.

Referred to Committee on Government Operations & Elections.

SB 5017 by Senators McDermott, Parlette, Fairley, Oemig, Hatfield, Shin, Honeyford and Haugen

AN ACT Relating to inactive voters; and amending RCW 29A.48.010.

Referred to Committee on Government Operations & Elections.

SB 5018 by Senators Honeyford, Swecker, Parlette, Schoesler and Carrell

AN ACT Relating to historic preservation; reenacting and amending RCW 43.79A.040 and 43.79A.040; adding new sections to chapter 43.334 RCW; creating a new section; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5019 by Senators Honeyford and Swecker

AN ACT Relating to resident curators of state properties; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5020 by Senators Honeyford and Swecker

AN ACT Relating to the issuance of horseless carriage plates to trailers more than thirty years old; amending RCW 46.16.305; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5021 by Senators Honeyford, Holmquist, McCaslin, Morton and Swecker

AN ACT Relating to standards for electricity generated from renewable resources; amending RCW 19.28.010; and creating a new section.

SB 5022 by Senators Honeyford, Parlette, Morton, McCaslin, Schoesler, Swecker, Brandland and Holmquist

AN ACT Relating to outdoor wood-fired boilers; amending RCW 70.94.453 and 70.94.457; adding new sections to chapter 70.94 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5023 by Senators Honeyford and Swecker

AN ACT Relating to fire suppression regulation; adding a new section to chapter 81.44 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5024 by Senators Kline, McCaslin, Carrell and Roach

AN ACT Relating to notices of dishonor; and amending RCW 62A.3-540.

Referred to Committee on Judiciary.

SB 5025 by Senators Kline, McCaslin and Carrell

AN ACT Relating to statutory costs; and amending RCW 4.84.010 and 12.20.060.

Referred to Committee on Judiciary.

SB 5026 by Senators Regala and Brandland

AN ACT Relating to the collection of biological samples for DNA identification analysis; and amending RCW 43.43.754.

Referred to Committee on Human Services & Corrections.

SB 5027 by Senators Haugen and Pridemore

AN ACT Relating to eliminating the handling loss deduction for the motor vehicle fuel tax; repealing RCW 82.36.029; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5028 by Senator Haugen

AN ACT Relating to jurisdictional route transfers; amending RCW 47.26.167; adding a new section to chapter 47.01 RCW; and recodifying RCW 47.26.167.

Referred to Committee on Transportation.

SB 5029 by Senators Oemig, Fairley, Roach, Swecker and McDermott

AN ACT Relating to reorganizing and making technical clarifications to campaign contribution and disclosure laws; amending RCW 42.17.020, 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450,

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, and 42.56.010; reenacting and amending RCW 42.17.2401; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730, 42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5030 by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach

AN ACT Relating to militia records, property, command, and administration; and amending RCW 38.12.020.

Referred to Committee on Government Operations & Elections.

SB 5031 by Senators Fairley, Hobbs, Swecker, Shin, Sheldon, Berkey, Haugen, Hatfield and McAuliffe

AN ACT Relating to rental or lease of armories; and amending RCW 38.20.010.

Referred to Committee on Government Operations & Elections.

SB 5032 by Senators Hobbs, Swecker, McCaslin, Shin, Berkey, Haugen, Hatfield, McAuliffe and Kilmer

AN ACT Relating to the Washington code of military justice; amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760,

38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW.

Referred to Committee on Government Operations & Elections.

SB 5033 by Senators Swecker, Holmquist, McCaslin, Hatfield, Pflug, Parlette, Shin, Brandland, King, Morton, Carrell, Honeyford, Kilmer and Haugen

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.945, and 82.12.945; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5034 by Senators Shin, Roach, Hobbs, Swecker, Kauffman, Marr, Kastama, Kilmer, McAuliffe and Haugen

AN ACT Relating to veterans' scoring criteria; and amending RCW 41.04.010.

Referred to Committee on Government Operations & Elections.

SB 5035 by Senators Hobbs, Swecker, Marr, Roach, Kastama, Kauffman, Kilmer, Hatfield, McAuliffe and Haugen

AN ACT Relating to improving veterans' access to services; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5036 by Senators Kilmer, Roach, Hobbs, Swecker, Kauffman, Marr, Kastama, Hatfield, McAuliffe, Shin and Haugen

AN ACT Relating to veterans' relief; and amending RCW 73.08.005.

Referred to Committee on Government Operations & Elections.

SB 5037 by Senators Stevens, Swecker and Benton

AN ACT Relating to funding certain state route number 2 highway projects; amending RCW 46.16.270, 46.68.041, and 82.08.020; adding a new section to chapter 46.68 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5038 by Senators Kohl-Welles, King, Keiser, Franklin and Pridemore

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090, 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010, 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204, 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396, 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011, 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260, 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150, 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090, 35.14.030,

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150,
 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060,
 35.18.070, 35.18.090, 35.18.110, 35.18.120, 35.18.130,
 35.18.150, 35.18.170, 35.18.180, 35.18.190, 35.18.200,
 35.18.280, 35.20.105, 35.20.131, 35.20.150, 35.20.170,
 35.20.180, 35.20.190, 35.20.220, 35.20.240, 35.21.260,
 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610,
 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410,
 35.23.440, 35.27.030, 35.27.050, 35.27.090, 35.27.120,
 35.27.170, 35.27.190, 35.27.230, 35.27.280, 35.27.310,
 35.27.330, 35.27.340, 35.32A.020, 35.32A.060, 35.33.011,
 35.33.055, 35.33.135, 35.33.170, 35.36.010, 35.36.050,
 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190,
 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090,
 35.45.130, 35.45.150, 35.49.010, 35.49.040, 35.49.090,
 35.49.100, 35.50.005, 35.50.225, 35.53.070, 35.54.100,
 35.55.070, 35.56.040, 35.56.080, 35.56.140, 35.58.070,
 35.58.100, 35.58.130, 35.58.140, 35.58.150, 35.58.160,
 35.58.210, 35.58.230, 35.58.265, 35.58.270, 35.58.370,
 35.58.390, 35.58.400, 35.58.460, 35.58.530, 35.61.230,
 35.63.020, 35.63.030, 35.63.040, 35.63.100, 35.68.020,
 35.69.030, 35.70.030, 35.70.040, 35.70.060, 35.71.050,
 35.77.030, 35.82.050, 35.82.060, 35.82.180, 35.84.050,
 35.86A.060, 35.88.050, 35.88.060, 35.88.090, 35.92.260,
 35.94.020, 35.94.030, 35.96.050, 35A.02.055, 35A.08.020,
 35A.08.040, 35A.08.050, 35A.12.010, 35A.12.030,
 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100,
 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150,
 35A.12.170, 35A.13.010, 35A.13.020, 35A.13.030,
 35A.13.033, 35A.13.035, 35A.13.040, 35A.13.050,
 35A.13.060, 35A.13.070, 35A.13.080, 35A.13.100,
 35A.13.120, 35A.13.130, 35A.13.140, 35A.14.190,
 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135,
 35A.33.160, 35A.36.010, 35A.36.050, 35A.36.060,
 35A.42.010, 35A.42.030, 35A.63.020, 35A.63.110,
 36.08.020, 36.08.070, 36.08.090, 36.09.020, 36.09.040,
 36.13.040, 36.16.040, 36.16.060, 36.16.070, 36.16.087,
 36.16.120, 36.17.045, 36.17.050, 36.18.030, 36.18.050,
 36.18.060, 36.18.070, 36.18.080, 36.18.090, 36.18.130,
 36.18.160, 36.18.180, 36.22.030, 36.22.040, 36.22.050,
 36.22.120, 36.22.150, 36.23.020, 36.23.040, 36.23.080,
 36.24.010, 36.24.020, 36.24.040, 36.24.070, 36.24.080,
 36.24.090, 36.24.110, 36.24.155, 36.24.170, 36.24.180,
 36.26.050, 36.26.060, 36.26.070, 36.26.080, 36.27.010,
 36.27.030, 36.27.040, 36.27.050, 36.27.070, 36.28.010,
 36.28.020, 36.28.030, 36.28.040, 36.28.050, 36.28.090,
 36.28.130, 36.28.150, 36.28.160, 36.28.170, 36.28.180,
 36.29.025, 36.29.130, 36.32.050, 36.32.060, 36.32.100,
 36.32.135, 36.32.310, 36.32.330, 36.33.070, 36.33.080,
 36.33.190, 36.34.070, 36.34.150, 36.34.200, 36.35.180,
 36.35.190, 36.35.220, 36.35.230, 36.35.240, 36.38.020,
 36.40.010, 36.40.130, 36.40.210, 36.48.040, 36.48.050,
 36.53.030, 36.53.040, 36.53.060, 36.53.100, 36.53.120,
 36.53.130, 36.54.040, 36.54.060, 36.55.050, 36.57.050,
 36.57.090, 36.57A.050, 36.57A.120, 36.63.255, 36.64.090,
 36.67.530, 36.68.060, 36.69.120, 36.69.230, 36.69.370,
 36.70.020, 36.70.080, 36.70.090, 36.70.110, 36.70.120,
 36.70.150, 36.70.160, 36.70.170, 36.70.180, 36.70.250,
 36.70.260, 36.70.400, 36.70.600, 36.70.850, 36.70.880,
 36.71.020, 36.71.040, 36.71.050, 36.71.070, 36.76.120,
 36.77.070, 36.78.090, 36.78.110, 36.79.160, 36.79.170,
 36.80.015, 36.80.020, 36.80.030, 36.80.050, 36.80.060,
 36.81.050, 36.81.060, 36.82.100, 36.87.040, 36.88.040,
 36.88.130, 36.88.150, 36.88.200, 36.88.250, 36.88.270,
 36.88.300, 36.88.330, 36.88.450, 36.90.030, 36.92.030,
 36.93.070, 36.93.110, 36.93.160, 36.94.060, 36.94.290,
 36.94.340, 36.95.060, 36.95.100, 36.95.110, 36.95.150,
 36.95.160, 43.01.040, 43.01.050, 43.01.070, 43.03.011,
 43.03.015, 43.03.020, 43.03.030, 43.03.110, 43.03.120,

43.03.170, 43.03.180, 43.03.200, 43.06.020, 43.06.040,
 43.06.050, 43.06.055, 43.06.070, 43.06.080, 43.06.090,
 43.06.110, 43.06.120, 43.06.200, 43.06.270, 43.07.010,
 43.07.020, 43.07.030, 43.07.040, 43.07.050, 43.07.090,
 43.07.110, 43.08.010, 43.08.020, 43.08.030, 43.08.040,
 43.08.050, 43.08.062, 43.08.066, 43.08.068, 43.08.070,
 43.08.080, 43.08.100, 43.08.120, 43.08.130, 43.08.135,
 43.08.150, 43.10.010, 43.10.020, 43.10.030, 43.10.060,
 43.10.080, 43.10.090, 43.10.110, 43.10.115, 43.10.120,
 43.10.130, 43.10.160, 43.10.170, 43.17.030, 43.17.040,
 43.17.050, 43.17.060, 43.17.100, 43.19.180, 43.19.1915,
 43.19.1937, 43.19.200, 43.19.595, 43.19.600, 43.19.620,
 43.19.630, 43.19.635, 43.20.030, 43.20A.040, 43.20A.110,
 43.20A.310, 43.20A.320, 43.20A.415, 43.20A.605,
 43.20A.635, 43.20A.660, 43.21A.050, 43.21A.067,
 43.21A.090, 43.21A.100, 43.21A.140, 43.21A.600,
 43.21A.605, 43.21A.610, 43.21A.620, 43.21A.630,
 43.21B.020, 43.21B.050, 43.21B.060, 43.21B.080,
 43.21C.010, 43.21C.020, 43.21E.010, 43.21F.405,
 43.21G.080, 43.22.310, 43.22.400, 43.22.485, 43.23.015,
 43.23.090, 43.23.110, 43.23.120, 43.23.130, 43.23.160,
 43.24.090, 43.24.115, 43.27A.190, 43.33.040, 43.37.050,
 43.37.120, 43.37.150, 43.37.160, 43.37.170, 43.41.060,
 43.41.100, 43.41.106, 43.41.360, 43.43.040, 43.43.110,
 43.43.120, 43.43.130, 43.43.135, 43.43.330, 43.43.350,
 43.43.370, 43.43.735, 43.43.750, 43.43.815, 43.43.860,
 43.46.090, 43.52.290, 43.52.374, 43.52.375, 43.52.378,
 43.52A.050, 43.56.040, 43.59.010, 43.59.030, 43.59.060,
 43.59.080, 43.70.210, 43.78.010, 43.78.020, 43.78.070,
 43.79.074, 43.79.280, 43.79.303, 43.79.313, 43.79.323,
 43.79.343, 43.79.393, 43.79A.020, 43.80.130, 43.82.140,
 43.83B.220, 43.84.041, 43.84.120, 43.85.070, 43.85.190,
 43.86A.020, 43.88.100, 43.89.040, 43.101.040, 43.101.050,
 43.101.070, 43.115.040, 43.117.040, 43.117.050,
 43.117.090, 43.126.025, 43.126.065, 43.130.040,
 43.130.050, 43.336.020, 44.04.100, 44.04.120, 44.16.010,
 44.16.030, 44.16.040, 44.16.070, 44.16.080, 44.16.090,
 44.16.100, 44.16.120, 44.16.140, 44.16.160, 44.16.170,
 44.20.060, 44.39.050, 44.39.060, 44.48.050, 44.48.060,
 44.48.110, 48.02.010, 48.02.020, 48.02.030, 48.02.060,
 48.02.080, 48.02.090, 48.02.100, 48.02.110, 48.02.130,
 48.02.140, 48.02.150, 48.02.170, 48.03.030, 48.04.030,
 48.05.110, 48.05.150, 48.05.160, 48.05.210, 48.05.290,
 48.05.370, 48.06.050, 48.06.070, 48.06.100, 48.06.110,
 48.06.180, 48.07.080, 48.07.150, 48.08.020, 48.08.090,
 48.08.100, 48.08.110, 48.08.120, 48.08.130, 48.08.140,
 48.08.170, 48.09.130, 48.09.160, 48.09.220, 48.09.230,
 48.09.270, 48.10.140, 48.10.170, 48.10.200, 48.10.250,
 48.10.260, 48.10.270, 48.10.280, 48.10.300, 48.10.330,
 48.10.340, 48.11.080, 48.12.010, 48.12.080, 48.12.140,
 48.13.350, 48.14.070, 48.15.100, 48.15.110, 48.15.120,
 48.15.170, 48.16.080, 48.16.100, 48.17.430, 48.18.020,
 48.18.050, 48.18.070, 48.18.090, 48.18.120, 48.18.130,
 48.18.293, 48.18.340, 48.18.375, 48.18.400, 48.18.410,
 48.18.420, 48.18.440, 48.18.450, 48.18A.020, 48.19.080,
 48.19.090, 48.19.100, 48.19.110, 48.19.120, 48.19.180,
 48.19.190, 48.19.220, 48.19.250, 48.19.290, 48.19.310,
 48.19.330, 48.19.340, 48.19.350, 48.19.360, 48.19.370,
 48.19.410,

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5039 by Senators Jarrett and Kohl-Welles

AN ACT Relating to membership of the Washington state forensic investigations council; amending RCW 43.103.040; and creating a new section.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Referred to Committee on Judiciary.

SB 5040 by Senators Delvin, Prentice, King and Kohl-Welles

AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5041 by Senators Kilmer, Swecker, Hobbs, Shin, Kauffman, Franklin, Marr, Rockefeller, Haugen, Eide, Kastama and McAuliffe

AN ACT Relating to state contracts with veteran-owned businesses; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5042 by Senators Kilmer, Holmquist, Berkey, Schoesler, Kauffman, Marr, Rockefeller, Haugen, Eide, Kastama, Hatfield, Swecker, Tom, McAuliffe, Benton, Parlette and Roach

AN ACT Relating to first-time paperwork violations by small businesses; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5043 by Senators Kilmer, Kauffman, Shin, Rockefeller, Kastama, Kohl-Welles, Jarrett, Tom and McAuliffe

AN ACT Relating to creating a higher education coordination board work group to develop a single, coordinated student access portal; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5044 by Senators Kilmer, Berkey, Kastama, Schoesler, Marr, Shin, Rockefeller, Eide, Jarrett, Keiser, Tom and Kohl-Welles

AN ACT Relating to the state work-study program; amending RCW 28B.12.030 and 28B.12.060; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5045 by Senators Kilmer, Zarelli, Brown, Kauffman, Shin, Marr, King, Regala, Rockefeller, Haugen, Berkey, Eide, Kastama, Jarrett, Pridemore, McAuliffe and Ranker

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections

to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5046 by Senators Kohl-Welles, Keiser, Kline and Franklin

AN ACT Relating to placing symphony orchestras, operas, and performing arts theaters under the jurisdiction of the public employment relations commission for purposes of collective bargaining; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5047 by Senators McDermott, Murray, Kline and Oemig

AN ACT Relating to the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand; and repealing RCW 35.87.010, 35.87.020, 35.87.030, and 35.87.040.

Referred to Committee on Government Operations & Elections.

SB 5048 by Senators Kilmer, Kastama, Schoesler, Shin, Delvin, Kauffman, King and Pridemore

AN ACT Relating to coordinating workforce and economic development; amending RCW 43.330.090, 50.38.050, 28B.50.030, 28C.18.010, 28C.18.060, 28C.18.080, 43.162.020, and 43.330.080; adding a new section to chapter 28B.50 RCW; and adding a new section to chapter 28C.18 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5049 by Senator Franklin

AN ACT Relating to studying Washington's fiscal resources, structure, and needs; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5050 by Senators Franklin, Kilmer, Sheldon and Kline

AN ACT Relating to increasing the small business credit for the business and occupation tax; amending RCW 82.04.4451 and 82.32.045; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5051 by Senators Franklin, Shin, Kohl-Welles and Kline

AN ACT Relating to creating an energy efficiency worker training program; adding a new section to chapter 43.330 RCW; creating a new section; providing an effective date; and providing an expiration date.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Referred to Committee on Labor, Commerce & Consumer Protection.

amending RCW 79.100.100; creating new sections; and providing an expiration date.

SB 5052 by Senators Parlette and Holmquist

AN ACT Relating to health insurance options for young adults; amending RCW 48.43.041, 48.44.022, 48.46.064, and 48.20.029; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5059 by Senator Jacobsen

AN ACT Relating to hearing examiner fees; and amending RCW 58.17.330.

Referred to Committee on Government Operations & Elections.

SB 5053 by Senators Hobbs, McCaslin, Fairley, Carrell, Swecker, Kilmer, McAuliffe, Shin and Roach

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

Referred to Committee on Government Operations & Elections.

SB 5060 by Senator Jacobsen

AN ACT Relating to the use of manufactured wine or beer; and amending RCW 66.12.010 and 66.28.140.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5054 by Senator Rockefeller

AN ACT Relating to special elections for changing the form of government of a noncharter code city; amending RCW 35A.06.050; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5061 by Senator Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5055 by Senators Brown, Fraser, Ranker and Kline

AN ACT Relating to protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission; and amending RCW 80.04.130, 80.12.010, 80.12.020, 80.12.040, and 80.28.060.

Referred to Committee on Environment, Water & Energy.

SB 5062 by Senator Jacobsen

AN ACT Relating to enhancing wildlife viewing opportunities in Washington state; amending RCW 67.28.1815, 67.28.181, 77.32.560, 9.46.010, and 9.46.400; adding a new section to chapter 67.28 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5056 by Senators Brandland, Regala, Keiser and McAuliffe

AN ACT Relating to health care professionals reporting violent injuries; adding a new section to chapter 18.73 RCW; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5063 by Senator Jacobsen

AN ACT Relating to the burial of pet remains; adding new sections to chapter 68.50 RCW; and adding a new section to chapter 68.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 5057 by Senator Rockefeller

AN ACT Relating to limiting the rate of increase of property valuations; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5064 by Senators Jacobsen and Kline

AN ACT Relating to wildlife conservation in Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5058 by Senator Rockefeller

AN ACT Relating to creating a pilot vessel amnesty disposal program within the department of natural resources;

SB 5065 by Senator Kline

AN ACT Relating to election of prosecuting attorneys; and amending RCW 29A.04.110, 29A.52.111, and 29A.52.231.

Referred to Committee on Government Operations & Elections.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

SB 5066 by Senator Jacobsen

AN ACT Relating to designating the state ornithologist; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5067 by Senator Jacobsen

AN ACT Relating to hunting access; amending RCW 77.12.320 and 4.24.210; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5068 by Senators Jacobsen and Tom

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

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5069 by Senator Jacobsen

AN ACT Relating to recreational liability on public and private lands; and amending RCW 4.24.210.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5070 by Senators Jacobsen and Kline

AN ACT Relating to addressing the threats posed by invasive species; amending RCW 79A.25.370; adding new sections to chapter 79A.25 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5071 by Senator Jacobsen

AN ACT Relating to the state endemic mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5072 by Senator Murray

AN ACT Relating to the value of benefits provided to any executive officer, employee, or director of a public service company; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5073 by Senators Zarelli, Swecker, Benton and Parlette

AN ACT Relating to consolidating accounts into the state general fund; amending RCW 3.50.100, 3.62.020, 3.62.040, 7.68.030, 7.68.035, 7.68.085, 9A.82.110, 9.68A.120,

10.82.090, 10.105.010, 28A.150.380, 28A.505.210, 28A.505.220, 35.20.220, 36.18.012, 36.18.025, 36.70A.130, 39.42.070, 41.05.068, 43.08.250, 43.17.150, 43.41.260, 43.72.900, 43.79.480, 43.99H.060, 43.99K.030, 43.99L.040, 43.135.025, 46.61.5058, 66.24.210, 66.24.290, 67.70.240, 67.70.340, 69.50.505, 70.05.125, 70.47.015, 70.96A.350, 70.146.010, 70.146.020, 70.146.075, 70.190.010, 72.09.111, 74.09.053, 77.12.201, 82.08.150, 82.24.026, 82.24.027, 82.24.028, 82.26.020, 82.32.390, 82.64.020, 83.100.220, 84.52.067, and 90.71.370; reenacting and amending RCW 2.56.030, 36.18.020, 43.84.092, 43.135.045, 48.14.0201, 69.50.520, 72.09.480, 82.04.260, and 82.24.020; creating a new section; repealing RCW 41.45.230, 41.45.233, 70.146.030, 70.146.040, 70.146.060, 70.146.080, 83.100.230, and 84.52.068; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5074 by Senators Marr, Jacobsen, Sheldon, Fairley, Franklin, Regala, Oemig, Hargrove, Hobbs, Keiser, Jarrett, Kline, Kilmer and Tom

AN ACT Relating to scoliosis screening in schools; and repealing RCW 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, and 28A.210.250.

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

SB 5075 by Senators Hatfield, Hewitt, Kilmer and Shin

AN ACT Relating to wage criteria used by the community economic revitalization board to determine project selection; and amending RCW 43.160.060.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5076 by Senators Schoesler and Hatfield

AN ACT Relating to creating the Washington grain commission; amending RCW 15.04.200, 15.65.620, 15.66.270, 41.06.070, 42.56.380, and 43.23.033; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5077 by Senators Jacobsen and Kline

AN ACT Relating to creating the historically Black college fund pilot project; amending RCW 28B.10.790 and 28B.92.030; adding new sections to chapter 28B.76 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 5078 by Senator Jacobsen

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.069.

Referred to Committee on Higher Education & Workforce Development.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

SB 5079 by Senators Jacobsen, Haugen, Holmquist, Kohl-Welles and Roach

AN ACT Relating to the Nordic Heritage Museum; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SB 5080 by Senators Jacobsen, Kauffman, Kohl-Welles and Kline

AN ACT Relating to leaves of absence for peace corps volunteers; and adding a new section to chapter 28A.400 RCW.

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

SB 5081 by Senators Jacobsen and Kauffman

AN ACT Relating to the issuance of certain special license plates to persons with disabilities; and reenacting and amending RCW 46.16.381.

Referred to Committee on Transportation.

SB 5082 by Senator Jacobsen

AN ACT Relating to creating a nonpartisan judicial commission; amending RCW 2.04.100 and 2.06.080; adding a new section to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5083 by Senators Haugen, Hatfield, Fairley, Pridemore and Zarelli

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

Referred to Committee on Ways & Means.

SB 5084 by Senators Pridemore and Fairley

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

Referred to Committee on Government Operations & Elections.

SB 5085 by Senator Zarelli

AN ACT Relating to naming state highway routes; and amending RCW 47.17.645 and 47.17.650.

Referred to Committee on Transportation.

SB 5086 by Senator Jacobsen

AN ACT Relating to special assessments for conservation district activities and programs; and amending RCW 89.08.400.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5087 by Senators Rockefeller, Sheldon and Kilmer

AN ACT Relating to hospital benefit zones; and amending RCW 82.14.465, 82.14.470, and 39.100.040.

Referred to Committee on Government Operations & Elections.

SB 5088 by Senator Jacobsen

AN ACT Relating to adjunct faculty salaries; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5089 by Senator Jacobsen

AN ACT Relating to requiring an ethical audit of the personnel management systems at community and technical colleges; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 5090 by Senators Jacobsen and Kline

AN ACT Relating to teleworking options within environmental impact statements on proposed transportation projects; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Transportation.

SJM 8000 by Senators Hobbs, Kauffman, Swecker, Roach, Kastama, Marr, Kilmer and Kline

Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans.

Referred to Committee on Government Operations & Elections.

SJM 8001 by Senators Hatfield and Haugen

Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8200 by Senators Sheldon and Parlette

Setting base years for property tax valuation.

Referred to Committee on Ways & Means.

SJR 8201 by Senator Rockefeller

Limiting property valuation increases.

Referred to Committee on Ways & Means.

SCR 8400 by Senators Murray and Parlette

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Adopting joint rules.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4400 by Representatives Kessler and Kretz

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

HCR 4401 by Representatives Kessler and Kretz

Calling four joint sessions of the Legislature.

HCR 4402 by Representatives Kessler and Kretz

Establishing cutoff dates.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading and the Supplemental Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5075 which was referred to the Committee on Economic Development, Trade & Innovation and Senate Concurrent Resolution No. 8400, House Concurrent Resolution 4400, House Concurrent Resolution No. 4401, House Concurrent Resolution No. 4402 which under suspension of the rules were placed on the second reading calendar.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Holmquist, Jarrett, King and Ranker appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate was organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Kessler and Kretz

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

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4400, the President appointed Senators Becker and Shin to join a like committee from the House of Representatives to notify the

Governor that the Legislature was organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Murray and Parlette

Adopting joint rules.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8400.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Kessler and Kretz

Calling four joint sessions of the Legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler and Kretz

Establishing cutoff dates.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4402.

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted by voice vote.

STANDING COMMITTEE ASSIGNMENTS

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

The President announced the following 2009 Standing Committee assignments.

2009 PROPOSED SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture & Rural Economic Development – Hatfield, Chair; Ranker, Vice Chair; Haugen; Jacobsen; Shin; Schoesler; Becker; Morton

Early Learning & K-12 Education – McAuliffe, Chair; Kauffman, Vice Chair; Oemig; Hobbs; Jarrett; McDermott; Tom; King; Brandland; Holmquist; Roach

Economic Development, Trade & Innovation – Kastama, Chair; Shin, Vice Chair; Eide; Kilmer; Zarelli; Delvin; McCaslin

Environment, Water & Energy – Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Ranker; Sheldon; Honeyford; Delvin; Holmquist; Morton

Human Services & Corrections – Hargrove, Chair; Regala, Vice Chair; Kauffman; McAuliffe; Stevens; Brandland; Carrell

Judiciary – Kline, Chair; Tom, Vice Chair; Kohl-Welles; McCaslin; Carrell; Roach

Labor, Commerce & Consumer Protection – Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Kline; Holmquist; Honeyford; King

Natural Resources, Ocean & Recreation – Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hargrove; Hatfield; Morton; Stevens; Swecker

Financial Institutions, Housing & Insurance – Berkey, Chair; Hobbs, Vice Chair; Franklin; Prentice; Benton; Parlette; Schoesler

Government Operations & Elections – Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore; Roach; Benton; Swecker

Health & Long-Term Care – Keiser, Chair; Franklin, Vice Chair; Fairley; Marr; Murray; Prentice; Pflug; Becker; Parlette

Higher Education & Workforce Development – Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe; Shin; Becker; Hewitt; Pflug; Stevens

Rules – Lieutenant Governor Owen, Chair; Franklin, Vice Chair; Brown; Eide; Fraser; Haugen; Kauffman; Keiser; Marr; Murray; Pridemore; Regala; Hewitt; King; Parlette; Schoesler; Stevens; Zarelli

Transportation – Haugen, Chair; Marr, Vice Chair; Berkey; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; Ranker; Sheldon; Swecker; Becker; Benton; Delvin; King

Ways & Means – Prentice, Chair; Fraser, Vice Chair, Capital Budget; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller; Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette; Pflug; Schoesler

MOTION

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

PERSONAL PRIVILEGE

Senator Brown: “Well, thank you Mr. President and it’s good to be back. I just wanted to make a couple of remarks, first to you, there was a bit of upheaval last week when the Governor was out of town and people were speculating as to her whereabouts, but they were also speculating as to whether or not you’d get a promotion. Didn’t exactly pan out that way and we are happy to have you back presiding over the Senate and secondly to our staff, just wanted to say how pleased I am that all the hard work that people have been doing to get the chambers ready and the new things that we have at our disposal here to make our job easier and I want to thank everyone from Tom Hoemann and Brad to the whole Senate staff for all you’ve done. It’s good to be back with you again. To my fellow Senators congratulations to those of you who just went through a reelection or your first election. It’s going to be a pleasure to work with every single one of you. We have an amazingly difficult challenge ahead of us but I have a lot of confidence in the people in this room that we will maintain decorum and our spirit of cooperation as well as our commitment to our districts and to the people of Washington State. We have pledged on our side of the aisle that our number one job is helping people keep their jobs or find a job if they don’t have one or prepare for a job of the economy tomorrow and we look forward to working together to help accomplish that. We also know that there is a tremendous amount of insecurity out there whether its caused by the economy or by the weather and people are digging out from the snow in Colville or recovering from water damage in Senator Eide’s district or dealing with a job loss in Seattle or Everett or potential job loss. Potentially wondering about their ferry service in San Juan County, new Senator Ranker asked me to say that, or really grappling with the future with their children, children graduating from school and wondering if they are going to secure a job. So, family security and community security across Washington State is a key challenge for us to work together and certainly protecting the most vulnerable people in our state and I also think with every crisis there is an opportunity and the opportunity with this particular crisis is that we will come up with ways to make government work better. So, let’s work together on all those challenges and look forward to that with you over the next one-hundred and five days. Also, a special thank you to our families. Everyone who serves in public office knows that your family also serves and sacrifices, so a special thanks to all those spouses and partners and children and grandchildren who miss their mommies, daddies and grandparents during the legislative session.”

PERSONAL PRIVILEGE

Senator Hewitt: “I can’t help distinguish, noticing how distinguished you look with this addition on your face. It’s wonderful.”

REPLY BY THE PRESIDENT

President Owen: “It’s good to suck up the first day, Senator.”

PERSONAL PRIVILEGE

Senator Hewitt: “Yes, sir. I understand the rules around here Mr. President. And because I am so hungry I am tempted just follow Senator Browns by saying, ‘ditto’.”

REMARKS BY THE PRESIDENT

President Owen: “Did you wish to state a Point of Personal Privilege?”

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you, I thought I did that but I was so intent on telling you how good you looked I forgot to ask for a personal point of privilege, Mr. President. Thank you and I can't help but noticing you still look good, Mr. President. Now that I am officially recognized, it is, I have to tell you that I am very happy that the political season is out of the way. It's hard on all of us, every two years to go through all of this and then have to come back here and be a family again but we do it and it's a wonderful family to live in. I can't imagine being without it at least this point in my life but we're looking forward to working with everyone on the issues before us. It's good for the people in the state of Washington. It's going to be very difficult this year. We have a lot to do, very hard choices to make and I don't think a lot of us are going to like some of the choices we have to make but we are here willing to work with both sides so thank you Mr. President. You look so, so good up there."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. As senator from the State Capitol area I would like to say on behalf of community, welcome to everybody. Members and staff, we're looking forward to having everyone in town for one-hundred five days. You might have noted in the procession today, at the beginning of the session, that there were two suffragists who were promoting women's right to vote. This session gives us an opportunity to reflect on the evolution of democracy here in the state of Washington. This session, the 2009 session, constitutes the centennial, the one-hundredth anniversary of our legislature putting on the ballot the right for women to vote in all elections, so that happened in 1909. I'm pleased to report it passed by a overwhelming majority and back then, the general elections were only every two years so it went on the 1910 ballot and the all male voters approved it overwhelmingly, I'm pleased to let you know, and it was of course an all male legislature back then because women didn't have the right to vote. So, it was an historical note for our state but also is a historical note for our nation. It is a fact that Washington was the fifth state to grant women the right to vote. The first state in the 1900's and the movement had kind of flagged a little bit, had a little discouragement, there were no other states that had done this in the 1900's so after Washington passed women's right to vote it sparked and reinvigorated the movement nationally. So, in 1920, ten years later the national, the amendment to the national constitution granting all women in the country the right to vote was approved by, was ratified by all the states, so we are an important part of the history of women's right to vote in this country. Our suffragists in the procession today represented the two major acclaimed leaders of the movement at that time. Mae Arkwright Hutton of Spokane, well known in the Spokane region and Emma Smith Devoe who lived in Pierce County. So, I think there are plans to commemorate this historic event this year and next year during the session and beyond and around the state including the opening of a major exhibit at the Washington State Historical Commission which you'll have receive notice of and you have a list on your desks of some of the events. So, I think we want to say thank you to the gentlemen of 1909 and 1910 as well as thank you to all the gentlemen we work with here so this is a wonderful historic session for us."

REPORT OF COMMITTEE

The Senate Committee composed of Senators Becker and Shin appeared before the bar of the Senate and reported that the Governor had been notified under the provisions of House Concurrent Resolution No. 4400 that the Legislature was organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

PERSONAL PRIVILEGE

Senator Swecker: "Well, I want thank the members of the Senate. As you know I spent a lot more time in the hospital this year than I planned too. I had three fairly major surgeries and in one case my wife had to give me CPR before the fire department arrived so, I just wanted to thank you for all your kind words, for your encouragement, for all your prayers. I feel great. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Senator Swecker, we are all very, very pleased that you made it through all that. I know it was a difficult time but you look good. Welcome back."

MOTION

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

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provision of RCW 29A, 60.260, I have canvassed the returns of the 3,071,587 votes cast by the 3,630,118 registered voters of the state for and against the initiatives which were submitted to the vote of the people at the state general election held on the 4th day of November, 2008, as received from the County Auditors.

Initiative Measure No. 985

"Initiative Measure No. 985 concerns transportation.

This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes."

Yes	1,163,216
No	1,744,156

Initiative Measure No. 1000

"Initiative Measure No. 1000 concerns allowing certain terminally ill competent adults to obtain lethal prescriptions.

This measure would permit terminally ill, competent, adult Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician."

Yes	1,715,219
No	1,251,255

Initiative Measure No. 1029

"Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities. This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures."

Yes	2,113,773
No	800,733

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 4th day of November, 2008, for all federal, statewide, and joint legislative and judicial offices, and that the votes cast for candidates for these offices are as follows:

President/Vice President		Votes
Barack Obama / Joe Biden	(Democratic Party Nominees)	1,750,848
John McCain / Sarah Palin	(Republican Party Nominees)	1,229,216
Ralph Nader / Matt Gonzalez	(Independent Candidates)	29,489
Gloria La Riva / Eugene Puryear	(Socialism & Liberation Party Nominees)	705
James E. Harris / Alyson Kennedy	(Socialist Workers Party Nominees)	641
Bob Barr / Wayne A. Root	(Libertarian Party Nominees)	12,728
Chuck Baldwin / Darrell L. Castle	(Constitution Party Nominees)	9,432
Cynthia McKinney / Rosa Clemente	(Green Party Nominees)	3,819
U.S. Congressional District 1 - Representative		
Jay Insee	(Prefers Democratic Party)	233,780
Larry Ishmael	(Prefers G.O.P. Party)	111,240
U.S. Congressional District 2 - Representative		
Rick Larsen	(Prefers Democratic Party)	217,416
Rick Bart	(Prefers Republican Party)	131,051
U.S. Congressional District 3 - Representative		
Brian Baird	(Prefers Democratic Party)	216,701

Michael Delavar	(Prefers Republican Party)	121,828
U.S. Congressional District 4 - Representative		
Doc Hastings	(Prefers Republican Party)	169,940
George Fearing	(Prefers Democratic Party)	99,430
U.S. Congressional District 5 - Representative		
Cathy McMorris Rodgers	(Prefers Republican Party)	211,305
Mark Mays	(Prefers Democratic Party)	112,382
U.S. Congressional District 6 - Representative		
Norm Dicks	(Prefers Democratic Party)	205,991
Doug Cloud	(Prefers Republican Party)	102,081
U.S. Congressional District 7 - Representative		
Jim McDermott	(Prefers Democratic Party)	291,963
Steve Beren	(Prefers Republican Party)	57,054
U.S. Congressional District 8 - Representative		
Dave Reichert	(Prefers Republican Party)	191,568
Darcy Burner	(Prefers Democratic Party)	171,358
U.S. Congressional District 9 - Representative		
Adam Smith	(Prefers Democratic Party)	176,295
James Postma	(Prefers Republican Party)	93,080
Governor		
Christine Gregoire	(Prefers Democratic Party)	1,598,738
Dino Rossi	(Prefers G.O.P. Party)	1,404,124
Lieutenant Governor		
Brad Owen	(Prefers Democratic Party)	1,718,033
Marcia McCraw	(Prefers Republican Party)	1,107,634
Secretary of State		
Sam Reed	(Prefers Republican Party)	1,644,587
Jason Osgood	(Prefers Democratic Party)	1,175,086
State Treasurer		
Allan Martin	(Prefers Republican Party)	1,360,063
Jim McIntire	(Prefers Democratic Party)	1,420,022
State Auditor		
Brian Sonntag	(Prefers Democratic Party)	1,770,977
J. Richard (Dick) McEntee	(Prefers Republican Party)	1,016,396
Attorney General		
Rob McKenna	(Prefers Republican Party)	1,689,764
John Ladenburg	(Prefers Democratic Party)	1,152,174
Commissioner of Public Lands		
Doug Sutherland	(Prefers Republican Party)	1,385,903
Peter J. Goldmark	(Prefers Democratic Party)	1,416,904
Superintendent of Public Instruction		
Teresa (Terry) Bergeson		1,211,909
Randy Dorn		1,333,290

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Insurance Commissioner

Mike Kreidler	(Prefers Democratic Party)	1,679,696
John R. Adams	(Prefers Republican Party)	1,056,693

Legislative District 1 - State Senator

Rosemary McAuliffe	(Prefers Democratic Party)	36,628
Dennis Richter	(Prefers Republican Party)	26,583

Legislative District 1 - State Representative Pos. 1

Al O'Brien	(Prefers Democratic Party)	48,791
------------	----------------------------	--------

Legislative District 1 - State Representative Pos. 2

Mark Ericks	(Prefers Democratic Party)	47,846
-------------	----------------------------	--------

Legislative District 2 - State Senator

Marilyn Rasmussen	(Prefers Democratic Party)	30,206
Randi Becker	(Prefers Republican Party)	32,244

Legislative District 2 - State Representative Pos. 1

Jim McCune	(Prefers G.O.P. Party)	36,417
JeanMarie Christenson	(Prefers Democratic Party)	24,540

Legislative District 2 - State Representative Pos. 2

Tom Campbell	(Prefers Republican Party)	35,502
Michael C. Powell	(Prefers Democratic Party)	25,424

Legislative District 7 - State Representative Pos. 1

Shelly Short	(Prefers Republican Party)	30,356
Sue Lani Madsen	(Prefers Republican Party)	22,544

Legislative District 7 - State Representative Pos. 2

Joel Kretz	(Prefers Republican Party)	46,486
------------	----------------------------	--------

Legislative District 9 - State Senator

Mark G. Schoesler	(Prefers G.O.P. Party)	41,263
-------------------	------------------------	--------

Legislative District 9 - State Representative Pos. 1

Steve Hailey	(Prefers G.O.P. Party)	32,022
Kenneth E. Caylor	(Prefers Democratic Party)	17,195

Legislative District 9 - State Representative Pos. 2

Joe Schmick	(Prefers Republican Party)	31,611
Tyana Kelley	(Prefers Democratic Party)	18,258

Legislative District 10 - State Senator

Mary Margaret Haugen	(Prefers Democratic Party)	36,835
Linda Haddon	(Prefers Republican Party)	31,917

Legislative District 10 - State Representative Pos. 1

Norma Smith	(Prefers G.O.P. Party)	34,038
Tim Knue	(Prefers Democratic Party)	33,558

Legislative District 10 - State Representative Pos. 2

Barbara Bailey	(Prefers Republican Party)	37,068
Patricia J. Terry	(Prefers Democratic Party)	29,833

Legislative District 12 - State Senator

Linda Evans Parlette	(Prefers G.O.P. Party)	43,993
----------------------	------------------------	--------

FIRST DAY, JANUARY 12, 2009

Legislative District 12 - State Representative Pos. 1

Cary Condotta (Prefers Republican Party) 40,662

Legislative District 12 - State Representative Pos. 2

Mike Armstrong (Prefers Republican Party) 28,020

Courtney Cox (Prefers Republican Party) 21,789

Legislative District 13 - State Representative Pos. 1

Judith (Judy) Warnick (Prefers Republican Party) 39,597

Legislative District 13 - State Representative Pos. 2

Bill Hinkle (Prefers G.O.P. Party) 38,616

Legislative District 15 - State Representative Pos. 1

Bruce Chandler (Prefers Republican Party) 23,807

John (Jobs) Gotts (Prefers Democratic Party) 15,228

Legislative District 15 - State Representative Pos. 2

Dan Newhouse (Prefers Republican Party) 24,637

Tao Berman (Prefers Democratic Party) 14,647

Legislative District 16 - State Senator

Mike Hewitt (Prefers Republican Party) 42,811

Legislative District 16 - State Representative Pos. 1

Maureen Walsh (Prefers Republican Party) 36,697

Dante Lee Montoya (Prefers Democratic Party) 13,885

Legislative District 16 - State Representative Pos. 2

Bill Grant (Prefers Democratic Party) 27,648

Terry R. Nealey (Prefers Republican Party) 23,673

Legislative District 18 - State Senator

Joseph Zarelli (Prefers Republican Party) 39,311

Jon Haugen (Prefers Democratic Party) 32,127

Legislative District 18 - State Representative Pos. 1

Jaime Herrera (Prefers Republican Party) 42,355

Vanessa Duplessie (Prefers Democratic Party) 28,226

Legislative District 18 - State Representative Pos. 2

Ed Orcutt (Prefers Republican Party) 45,268

Jonathan Fant (Prefers Democratic Party) 25,196

Legislative District 19 - State Senator

Brian Hatfield (Prefers Democratic Party) 41,073

Legislative District 19 - State Representative Pos. 1

Dean Takko (Prefers Democratic Party) 39,935

Legislative District 19 - State Representative Pos. 2

Brian E. Blake (Prefers Democratic Party) 39,521

Legislative District 20 - State Senator

Dan Swecker (Prefers Republican Party) 39,650

Chuck Bojarski (Prefers Democratic Party) 22,428

Legislative District 20 - State Representative Pos. 1

Richard DeBolt (Prefers G.O.P. Party) 35,457

Mike Rechner (Prefers Democratic Party) 26,605

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Legislative District 20 - State Representative Pos. 2

Gary C. Alexander	(Prefers G.O.P. Party)	38,942
Jim Cutler	(Prefers Democratic Party)	22,605

Legislative District 24 - State Senator

Jim Hargrove	(Prefers Democratic Party)	52,742
--------------	----------------------------	--------

Legislative District 24 - State Representative Pos. 1

Kevin Van De Wege	(Prefers Democratic Party)	44,256
Thomas Thomas	(Prefers G.O.P. Party)	23,503

Legislative District 24 - State Representative Pos. 2

Lynn Kessler	(Prefers Democratic Party)	44,338
Robert (Randy) Dutton	(Prefers Republican Party)	24,274

Legislative District 26 - State Representative Pos. 1

Jan Angel	(Prefers G.O.P. Party)	33,602
Kim Abel	(Prefers Democratic Party)	29,407

Legislative District 26 - State Representative Pos. 2

Larry Seaquist	(Prefers Democratic Party)	36,183
Marlyn Jensen	(Prefers Republican Party)	26,059

Legislative District 31 - State Representative Pos. 1

Dan Roach	(Prefers Republican Party)	33,862
Ron Weigelt	(Prefers Democratic Party)	22,550

Legislative District 31 - State Representative Pos. 2

Christopher Hurst	(Prefers Democratic Party)	32,405
Sharon Hanek	(Prefers Republican Party)	22,806

Legislative District 32 - State Representative Pos. 1

Maralyn Chase	(Prefers Democratic Party)	40,916
Alex Rion	(Prefers G.O.P. Party)	18,604

Legislative District 32 - State Representative Pos. 2

Ruth Kagi	(Prefers Democratic Party)	47,197
-----------	----------------------------	--------

Legislative District 35 - State Representative Pos. 1

Kathy Haigh	(Prefers Democratic Party)	38,267
Marco Brown	(Prefers Republican Party)	23,788

Legislative District 35 - State Representative Pos. 2

Fred Finn	(Prefers Democratic Party)	34,684
Randy Neatherlin	(Prefers (G.O.P.) Party)	27,185

Legislative District 39 - State Senator

Val Stevens	(Prefers Republican Party)	36,118
Fred Walser	(Prefers Democratic Party)	25,570

Legislative District 39 - State Representative Pos. 1

Dan Kristiansen	(Prefers R Party)	33,629
Scott Olson	(Prefers Democratic Party)	27,175

Legislative District 39 - State Representative Pos. 2

Kirk Pearson	(Prefers Republican Party)	37,455
David E. Personius	(Prefers Democratic Party)	23,088

Legislative District 40 - State Senator

FIRST DAY, JANUARY 12, 2009

Steve Van Luven	(Prefers Republican Party)	27,028
Kevin Ranker	(Prefers Democratic Party)	38,200
Legislative District 40 - State Representative Pos. 1		
Dave Quall	(Prefers Democratic Party)	51,568
Legislative District 40 - State Representative Pos. 2		
Jeff Morris	(Prefers Democratic Party)	44,168
Howard Pellett	(Prefers Green Party)	13,683
Supreme Court - Justice Position 3		
Mary Fairhurst		2,015,433
Supreme Court - Justice Position 4		
Charles W. Johnson		2,017,077
Supreme Court - Justice Position 7		
Debra L. Stephens		1,999,584
Court of Appeals, Division 2, District 2 - Judge Position 1		
(Joyce) Robin Hunt		242,562
Court of Appeals, Division 3, District 1 - Judge Position 2		
Kevin M. Korsmo		186,287
Court of Appeals, Division 3, District 3 - Judge Position 1		
Stephen M. Brown		104,922
Asotin, Columbia, Garfield Superior Court - Judge Position 1		
William D. (Bill) Acey		10,406
Benton, Franklin Superior Court - Judge Position 1		
Bruce Spanner		47,245
Salvador Mendoza Jr.		37,292
Ferry, Pend Oreille, Stevens Superior Court - Judge Position 1		
Rebecca M. Baker		20,998
Ferry, Pend Oreille, Stevens Superior Court Judge Position 2		
Allen C. Nielson		20,736
Klickitat, Skamania Superior Court - Judge Position 1		
E. Thompson (Tom) Reynolds		10,943
Pacific, Wahkiakum Superior Court - Judge Position 1		
Mike Sullivan		9,840

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the State of Washington, the 4th day of December, 2008.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

December 29, 2008

To the Honorable, the Senate
Of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since the adjournment of the 2008 Regular Session of the 60th Legislature, copies of which are attached.

Sincerely,
John Lane
Executive Policy Advisor

**FULL AND UNCONDITIONAL PARDON
OF
IGOR M. KOZLOV**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on August 18, 2000, Mr. Kozlov and two friends entered a grocery store in Kent, filled several shopping bags with merchandise, and then walked out of the store without

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

paying for the items. Two clerks confronted the men and a fight ensued. Mr. Kozlov and his friends then fled from the scene.

WHEREAS, later that evening, Mr. Kozlov and the two friends attempted to purchase beer at a gas station. When the clerk refused to sell them the beer, the three men physically attacked him and then fled from the station.

WHEREAS, Mr. Kozlov was charged with First Degree Robbery for the grocery store offense and Fourth Degree Assault for the gas station offense. Mr. Kozlov entered a plea agreement whereby he pled guilty to a reduced charge of Second Degree Robbery with the agreement that no additional charges would be prosecuted relating the Fourth Degree Assault.

WHEREAS, Mr. Kozlov discovered religion while incarcerated and decided to change his life by becoming a productive member of his community. Upon his release, Mr. Kozlov pursued a career in construction and today owns his own construction company. He joined a community church where he met and married his wife. Over the past six years, Mr. Kozlov has contributed over \$50,000 to his church – where he and his wife have also spent many hours volunteering. As a result of Mr. Kozlov's dedication to his church community, there was tremendous support at this hearing in the form of letters and verbal statements on his behalf.

WHEREAS, Mr. Kozlov faces deportation to Russia if he is not granted a pardon. His wife and daughter are United States citizens, and his mother and step-father also reside here. Mr. Kozlov has been diagnosed with Hepatitis C; he is concerned that he may not be able to afford – or even obtain – the necessary medical treatment if he is deported. In addition, Mr. Kozlov has virtually no connections – family or otherwise – in Russia; thus, if deported, he does not know how he will find work or survive.

WHEREAS, the prosecutor did not oppose Mr. Kozlov's petition, but, instead, commended Mr. Kozlov for being conviction free for the past seven years.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Igor Kozlov, this full and unconditional pardon of his convictions of Robbery in the Second Degree and Assault in the Fourth Degree so that he may live with his family in the United States.

IN WITNESS WHERE OF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A.D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
AGUSTIN M. CORTES**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Mr. Cortes was involved in gang activity when he was a teenager. On July 1, 1995, there was a confrontation between Mr. Cortes' gang and a rival gang. On that day, Mr. Cortes and his friends were in his car and the rival gang members, riding bicycles, threw rocks at and into the car. Mr. Cortes subsequently chased down the rival gang, and, in so doing, his car grazed one of the bicycles causing the rider to lose control and fall onto the road.

WHEREAS, the injured teenager was taken to the hospital with cuts and abrasions. Mr. Cortes was arrested and subsequently charged with Second Degree Assault; he pled guilty and was sentenced to 179 days confinement, \$1,157.28 restitution, and 12 months community supervision.

WHEREAS, Mr. Cortes used his days in confinement to reflect on his actions and ultimately decided to end his criminal and gang activities.

WHEREAS, Mr. Cortes successfully broke ties with his gang and has been an active member of his community for the past 11 years. He has apologized to the people he hurt in the past and has become friends with the person he hit with his car. He has volunteered for the American Red Cross, Heritage University, Northwest Communities Action Center, the Yakima Nation Area Agency on Aging, and youth recreation programs. Further, he is an advocate for anti-gang activity in his community.

WHEREAS, Mr. Cortes graduated with a Master's Degree in Social Work from Eastern Washington University in December 2006. He desires to use his volunteer experience and educational background to assist others in his community as a social worker; however, his Second Degree Assault conviction is preventing him from reaching his goal and from gaining permanent employment.

WHEREAS, over ten years have passed since Mr. Cortes' conviction; in that time, he has had no other arrest or convictions.

WHEREAS, at his hearing, there was a strong showing of community support for Mr. Cortes in the form of letters and attendance: family members, law enforcement, and religious leaders attested by letter and in person to Mr. Cortes' personal growth, maturation, exceptional contributions to society, and the belief that Mr. Cortes is and would continue to be an asset to his community.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Agustin Cortes this full and unconditional pardon of his conviction of Second Degree Assault so that he may pursue permanent and gainful employment.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
WILLIAM CARTER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Mr. Carter was stationed at McChord Air Force Base from 1978 until he was transferred to Korea in 1983. During this time, he was a Chaplain at the base and ministered to the surrounding community.

WHEREAS, after receiving his orders for Korea, Mr. Carter's congregation requested his assistance in acquiring materials for the church, as it had no bank account of its own. The night before departing for Korea, in reliance upon the promise of the congregation to deposit cash funds into his account, Mr. Carter wrote two checks to the church that drew from his personal account. The promised cash deposits were not made, however, and the checks were returned for insufficient funds. Mr. Carter never received notification that the cash funds were not deposited nor that his checks bounced.

WHEREAS, Mr. Carter continued to serve in the Air Force until his health failed in 1993 and he retired on disability. He has remained active with the Chaplaincy and social services in California.

WHEREAS, in March 2005, Mr. Carter was informed by the Department of Veterans Affairs that a warrant for his arrest was outstanding in the state of Washington and that, as a result, he was considered a "fugitive felon," which required the suspension of his retirement, disability, and social security benefits. Mr. Carter made full restitution and the warrant was discharged.

WHEREAS, the Department of Veterans Affairs discontinued his retirement and disability payments and has deemed all payments he had received as "overpayment" of his benefits. Mr. Carter's social security payments have been reinstated.

WHEREAS, the prosecutor stated that the Governor should grant Mr. Carter's pardon because he has made restitution, has abided by the law for many years, and has been a productive member of society.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington,

hereby grant to William Carter, this full and unconditional pardon of his conviction of Obstructing Justice and Unlawful Issuance of Checks so that he may once again receive his retirement and disability payments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
ERIC A. RUST**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on July 17, 1994, Mr. Rust and two friends robbed a video store in Snohomish County. During the robbery, Mr. Rust pointed a gun at the store clerk while demanding money. The three perpetrators then fled from the store with approximately \$208 in cash. At the time of the crime, Mr. Rust was a 17 year-old who lived in a home where drugs and alcohol were abused regularly.

WHEREAS, following the robbery, Mr. Rust went to his pastor and disclosed what he and his friends had done. The pastor told Mr. Rust that he needed to tell his parents about his involvement in the crime and turn himself into the police. Mr. Rust told his parents but was arrested before he turned himself in. Mr. Rust and his friends subsequently cooperated with the authorities.

WHEREAS, Mr. Rust was convicted of Robbery in the First Degree and sentenced to 30 days detention, 150 hours community service, 12 months community supervision, and ordered to pay \$1,437.16 in restitution and fines. The Court found clear and convincing evidence that imposing a sentence within the standard range would be a manifest injustice based on the mitigating factor that, at the time of the crime, Mr. Rust suffered from a mental condition that significantly reduced his culpability. Today, Mr. Rust takes full responsibility for his actions.

WHEREAS, Mr. Rust served and completed all conditions of his sentence while undergoing intensive counseling and treatment. After serving his sentence, Mr. Rust obtained his GED and an Emergency Medical Technician Certificate. He went on to earn a Bachelor's Degree in Electrical Engineering and then a Masters Degree at the University of Washington. Mr. Rust wants to continue his education by going to law school. He also has aspirations of joining the military.

WHEREAS, Mr. Rust has remained free of arrest and conviction for over 14 years. His current conviction of record will be an impediment to his ability to gain admittance to the state bar and to other areas of employment.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Eric A. Rust, this full and unconditional pardon of his conviction of Robbery in the First Degree so that he may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
GAIL DROZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Ms. Droz was convicted of three misdemeanor charges in 1982: Malicious Mischief; Breach of Peace; and Possession of Marijuana. Though she was fined, Ms. Droz did not receive jail time, restitution, or community service for these convictions. Current state law does not allow Ms. Droz to request the vacation of pre-1984 misdemeanor convictions.

WHEREAS, Ms. Droz was addicted to drugs between the years of 1998 and 2000. In September 2000, at the age of 38, she committed to changing her life. In March 2001, Ms. Droz completed an in-patient treatment program. In 2004, she graduated with an Associate of Applied Sciences Degree in Social and Human Services. In 2006, Ms. Droz graduated with a Bachelor of Arts Degree from Evergreen State College, further demonstrating her dedication to positive personal change through education. Ms. Droz intends to pursue a career in the chemical dependency field where she can utilize her past experiences in helping to rehabilitate others. Her criminal history, however, is a barrier to this goal.

WHEREAS, These misdemeanor convictions, now over 26 years old, have made it difficult for Ms. Droz to purchase better car insurance, apply for a mortgage, obtain housing, and find employment in her chosen field.

WHEREAS, there was a strong showing of community support at Ms. Droz's hearing before the Clemency and Pardons Board in the form of letters from instructors, classmates, coworkers, friends, and her landlord. In addition, Ms. Droz's mother stated to the Board that her daughter has worked very hard to regain the trust of her family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Gail Droz, this full and unconditional pardon of her misdemeanor convictions for Malicious Mischief, Breach of Peace, and Possession of Marijuana so that she may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
RONALD DEAN NICHOLS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, after graduating from high school in 1974, Mr. Nichols joined the U. S. Army and was stationed at Fort Lewis, Washington. On February 20, 1977, Mr. Nichols entered a convenience store, pointed a gun at the clerk, demanded money, and fled after receiving \$11.

WHEREAS, when Mr. Nichols was apprehended less than 30 minutes after he committed the offense; he immediately admitted to the crime and signed a full confession. Mr. Nichols was charged with, and pled guilty to, Robbery in the First Degree with a Firearm; he subsequently spend 2.5 years in prison.

WHEREAS, Mr. Nichols' psychological report showed that he committed the crime during a chaotic time in his life. While incarcerated, Mr. Nichols adjusted positively and programmed appropriately' he was discharged from prison on July 3, 1979.

WHEREAS, Mr. Nichols relocated to California in the early 1980s and began working in the casino industry; starting out as waiter, over time he worked his way up to top dealer at the Commerce Casino in California. In 2004, Mr. Nichols was honored for his 20 years of employment with the casino. In addition, during his time as a casino employee, Mr. Nichols was consistently honest about his conviction on employment and screening applications and maintained official "work permits" issued by the city and county.

WHEREAS, On June 21, 2007, the Los Angeles County Sheriff notified Mr. Nichols' employer that his work permit was being revoked because of his 1977 conviction. This employer attempted to work with Mr. Nichols while Nichols attempted to rectify the situation; ultimately, the employer was force to discharge Mr. Nichols on October 24, 2007.

WHEREAS, over 30 years have elapsed since Mr. Nichols; robbery conviction. His current conviction of record resulted in his loss of employment; at 52 years of age and having worked in the casino industry for decades, it is the only business Mr. Nichols truly knows. Thus, to prevent Mr. Nichols return to the

FIRST DAY, JANUARY 12, 2009

casino would be to greatly impede his ability to hold permanent, gainful employment.

WHEREAS, the King County Prosecutor's Office took no position regarding Mr. Nichols' petition, and the Indeterminate Sentencing Review Board recommended that the Board consider the petition. Further, Mr. Nichols' victim wrote a letter in support of granting a full pardon. Finally, Mr. Nichols has paid all ordered restitution.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of power vested in me as Governor of the State of Washington, hereby grant to Ronald Dean Nichols, this full and unconditional pardon of his conviction of Robbery in the First Degree while Armed with a Deadly Weapon so that he may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on the 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JOSEPH S. AUGUSTYN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Mr. Augustyn was the child of a drug-and-alcohol-dependent single mother who had multiple felony convictions. Custody of Mr. Augustyn was eventually given to his biological father. In 2003, after entering college, Mr. Augustyn was arrested for Driving under the Influence (DUI) and for Violation of the Uniform Controlled Substance Act (VUCSA). Through a plea agreement, the DUI charge was dismissed. Mr. Augustyn pled guilty to the VUCSA charge and was sentenced to 30 days confinement, 12 months community custody and fined \$2,310. He received his certificate of discharge on November 1, 2006.

WHEREAS, following his conviction, Mr. Augustyn focused on making wise decisions about his future and building a successful life. In 2005 he graduated from Western Washington University with a B. A. in General Studies and minors in biology and chemistry. Following graduation, he entered the Ultrasound Program at Bellevue Community College and has maintained a high GPA. Upon graduation, Mr. Augustyn plans on taking the ARDSMS exam for Medical Sonographer as a Registered Vascular Technologist.

WHEREAS, Mr. Augustyn was awarded an internship at Swedish Medical Center and was the only candidate slated for a full-tuition scholarship and immediate employment. However,

due to his conviction, Mr. Augustyn was unable to accept the internship and was not eligible for the scholarship. Madigan Hospital then offered Mr. Augustyn an internship in the Vascular Lab and a position as a Registered Vascular Technologist when he graduates; but again, there is a chance that he will not be eligible to receive the position because of his conviction.

WHEREAS, while completing his studies, Mr. Augustyn worked at the Washington Criminal Justice Center and as a volunteer instructor at the Conscious Fathering Program where he taught parenting skills to teenage fathers.

WHEREAS, at his hearing, there was a strong showing of community support for Mr. Augustyn in the form of letters and attendance. The Head Nurse and the Chief of Vascular Surgery Service at Madigan Army Medical Center wrote that they had absolutely no reservations about hiring Mr. Augustyn based on his high skill level, exceptional professionalism, and strong work ethic. In addition, Detective Christina Bartlett; Katherine Olson (ultrasound program director at Bellevue Community College); and Bernie Dorsey (founder of the Conscious Fathering Program) spoke extensively on Mr. Augustyn's behalf.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Joseph Augustyn, this full and unconditional pardon of his conviction of Violation of the Uniform Controlled Substance Act so that he may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
MELISSA NICHOLE SCOTT**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1992 Ms. Scott was involved in an abusive relationship which had produced one daughter aged 14 months. After a particularly violent episode that occurred when she was eight months pregnant with a second child, Ms. Scott announced her intentions of separating from the father and taking their child with her. Unbeknownst to Ms. Scott, the father sought and obtained a temporary custody order awarding him custody of the child pending further proceedings. The order stated that neither parent could remove the child from Kitsap County.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

WHEREAS, on August 15, 1992, the Kitsap County Sheriff served Ms. Scott with the temporary custody order; surprised and outraged, she grabbed her child and fled the residence. A few days later, Ms. Scott was arrested when she returned to Washington State from Idaho. Ms. Scott was charged with First Degree Custodial Interference and subsequently entered into a plea agreement in which she was sentenced to 25 days jail time with credit for 25 days served, 24 months community supervision, and a \$987 fine.

WHEREAS, following her conviction, Ms. Scott entered and completed an in-patient treatment center for drugs and alcohol; sought five years of therapy for the domestic violence she endured; and returned to school to earn her GED. Ms. Scott fought a four year batter to gain custody of her children from their drug-addicted father. In 2000, she received her Associate of Arts and Sciences Degree from Olympic College; in 2002, she received her Bachelor of Arts degree from Western Washington University. While pursuing both degrees, Ms. Scott served as a volunteer for the Head Start and ECEA programs.

WHEREAS, along with her own children, Ms. Scott has had custody of her nieces Hailey and Kailey Frias since they were born. Hailey and Kailey's mother has a history of methamphetamine abuse and has had four children removed from her care; Ms. Scott raised three of those children.

WHEREAS, on September 16, 2006, Kailey was born six weeks premature; she needed two blood transfusions, suffered a Grade 4 bleed on the brain, and weighed less than 4 pounds. The Department of Social and Health Services found that Kailey needed continued placement due to the level of medical care and monitoring she required. At the time of her birth, DSHS chose to institutionalize Kailey; their assessment was that she would die within her first year.

WHEREAS, upon Kailey's release from the hospital in October 2006, she was placed with Ms. Scott at Ms. Scott's insistence; since that time, Kailey has lived continuously in that home with her sister Hailey. Kailey has many developmental delays, cannot sit up unassisted, and requires continuous monitoring. Her long-term diagnosis has not been determined and Cerebral Palsy has not been ruled out.

WHEREAS, Kailey's parents' rights were terminated on March 6, 2008, and Kailey is now adoptable. Ms. Scott is willing to be a permanent placement for Kailey; however, DSHS says that Ms. Scott's 1992 Custodial Interference conviction disqualifies her permanently.

WHEREAS, Ms. Scott presented several letters of support attesting that she has proven herself to be a conscientious, committed, and loving mother to all of her children. Kailey's Guardian ad Litem reported to the court that "Melissa continues to love and nurture Kailey as a birth mother would. She is devoted to providing the best care possible....Since Melissa Scott has custody of Kailey's sister, it would be in both of their...interests to keep them together."

WHEREAS, over 15 years have elapsed since Ms. Scott's conviction without any further arrests or convictions. Her current conviction of record may result in Kailey being removed from the only home she has ever known.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Melissa Scott, this full and unconditional pardon of her conviction of Custodial Interference so that she may care

for and adopt her niece.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 8th day of December, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
MICHAEL B. FOXWORTHY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on February 22, 1985, Michael Foxworthy was pulled over by a police officer, handcuffed, and placed in the back of a patrol car. While in the patrol car, a young lady appeared, looked at him, and told the officer, "No, that's not him." Mr. Foxworthy was arrested, however, and charged with Robbery in the First Degree. All the while, Mr. Foxworthy maintained his innocence.

WHEREAS, counsel for Mr. Foxworthy recommended that he avoid a lengthy trial by entering an *Alford* plea. Because Mr. Foxworthy had no prior criminal history, his attorney believed Mr. Foxworthy would receive at most a work release sentence and the matter would go away. On March 11, 1986, Mr. Foxworthy entered an *Alford* plea to the charge of Robbery in the Second Degree and was sentenced to five months in jail and ordered to pay restitution.

WHEREAS, prior to his arrest and conviction, Mr. Foxworthy served as a medic in the Army, during which he received a good conduct medal. Up until the arrest for which he seeks a pardon, he had no prior criminal record.

WHEREAS, Mr. Foxworthy completed all of his court obligations and received a Certificate and Order of Discharge in 1987. He entered Seattle University, graduating with a Bachelors degree in 1995. In 2001, he applied to be trained as a Registered Vascular Technologist. He was one of four people selected from approximately 1500 applicants for admission to a two-year intensive education program. In 2003, he completed the program and obtained his Vascular Technologist Certification.

WHEREAS, between 2002 and 2006, Mr. Foxworthy underwent two brain surgeries. In 2006, having just recovered from his second brain surgery, Mr. Foxworthy returned to work. At that time, he was informed that it would be virtually impossible to place him in a hospital setting as hospital policies barred employing convicts. Hospital facilities in Seattle where he once worked were no longer options for him. His employer therefore relocated him to Yakima where he is earning significantly less, and away from family and friends in order to keep him employed. As more hospitals have instituted mandatory background checks on all employees, Mr. Foxworthy has found his ability to pursue his career severely diminished.

WHEREAS, the President and CEO of Mr. Foxworthy's employer considers him to be of the highest integrity, focused, dedicated, intelligent and a hardworking employee. Mr. Foxworthy's immediate supervisor noted that his skill as a vascular technologist is impeccable.

FIRST DAY, JANUARY 12, 2009

WHEREAS, at Mr. Foxworthy's Clemency and Pardons hearing, the Board Members noted that he had no other criminal history and that, even after two brain surgeries, he was able to complete an intensive education program and demonstrate that he is a proved asset to the healthcare community. The Board found the petition extraordinary and voted 5-0 to recommend to the Governor that a full and unconditional pardon be granted.

WHEREAS, I have reviewed all pertinent facts and circumstance surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Michael B. Foxworthy this full and unconditional pardon of his conviction of Robbery in the Second Degree so that he may pursue his professional goals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of April, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JAMES LANCE CLARK**

To all to Whom These Presents Shall Come, Greetings:

WHEREAS, shortly after graduating from high school, James L. Clark suffered a hemorrhagic stroke requiring brain surgery. Because he suffered from grand mal seizures, could not drive, and was dependent on family for care, Mr. Clark lived with his mother during his recuperation. His physicians had warned him not to suffer any head trauma during his recovery.

WHEREAS, Mr. Clark described his stepfather as a substance abuser who was prone to violent outbursts. He witnessed his stepfather hit a child with a golf club and choke another until he passed out. Mr. Clark feared his stepfather.

WHEREAS, during his recuperation, Mr. Clark heard his mother and stepfather arguing. He tried to calm them down, only to have his stepfather chase him through the house while threatening to kill him. Mr. Clark grabbed a .22 rifle that he and his stepbrother used for target practice. Mr. Clark stated that he did not know that the rifle was loaded and only hoped that it would scare his stepfather away. As Mr. Clark ran he turned, pointed the gun toward the floor and pulled the trigger. The rifle discharged. Unbeknownst to Mr. Clark, he shot his stepfather in the foot.

WHEREAS, Mr. Clark's defense counsel, without exploring issues of self defense, advised Mr. Clark to plead guilty or risk several years in prison. Mr. Clark pled guilty to Assault in the Third Degree rather than face the chance of jail time. He was sentenced to six months on house arrest.

WHEREAS, after serving his house arrest, Mr. Clark was placed on community supervision for two years. He remained violation free during his entire supervision period, reported regularly to

his community corrections officer, and attended all mental health and counseling sessions as required. Since his conviction in 1998, Mr. Clark has had no subsequent contact with Washington State law enforcement.

WHEREAS, in 1999, Mr. Clark graduated from Clark College with an Associate Arts degree. Mr. Clark has since obtained two Bachelor degrees and is close to completing his doctoral degree. He graduated 2002 with Honors in Neuroscience and Psychology. While pursuing his education, he served as a teaching assistant and research assistant for several professors. In 2003, Clark was one of 94 students admitted from nearly 400 applicants to Washington State University's Doctor of Pharmacy program. Mr. Clark is licensed as a pharmacist intern in Washington, Oregon, and Idaho.

WHEREAS, Mr. Clark's convictions preclude him from arranging and completing a year-long experiential practicum required to complete his doctoral degree, as most health care institutions have a policy against allowing convicts to work in their facilities.

WHEREAS, A large support group attended Mr. Clark's Clemency and Pardons Board hearing or wrote in support of his pardon request, including several of his former professors.

WHEREAS, the Clark County Prosecutor stated that his office would not oppose a pardon if it were recommended by the Board and wrote, "This may very well meet the definition of an extraordinary case."

WHEREAS, at the Clemency and Pardons Board's hearing, the Board Members noted Mr. Clark's remarkable work ethic and academic achievements given his medical and family obstacles. The Board voted 5-0 to recommend to the Governor that a full and unconditional pardon be granted.

WHEREAS, I have reviewed all pertinent facts and circumstance surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to James L. Clark this full and unconditional pardon of his conviction of Assault in the Third Degree so that he may pursue his academic and professional goals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of April, A. D., two thousand eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
MOISES FLORES ARTEAGA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on October 9, 1991, Mr. Arteaga went to Child Protective Services (CPS) and reported that he had sexually abused his stepdaughter approximately three of four times over a period of 10 months, with the last incident occurring

FIRST DAY, JANUARY 12, 2009
approximately one year prior to the report.

WHEREAS, in April 1993, Mr. Artega was sentenced to six month partial confinement under a Work Release Program and ordered to participate in sex offender treatment for two years. Mr. Artega successfully completed the terms of his sentence.

WHEREAS, Dr. Mark Cross, who oversaw Mr. Artega's treatment from 1993 to 1995, wrote in support of Mr. Artega's pardon petition. He stated that Mr. Artega always took full responsibility for his offenses, did not attempt to blame the victim, and sought to learn what he could do to avoid re-offending. Dr. Cross concluded that Mr. Artega is at an extremely low risk of reoffending, especially since more than 10 years have passed since his offense.

WHEREAS, upon his arrest and conviction Mr. Artega reported his crimes to his church and was ex-communicated. According to the former president of Mr. Artega's church, Mr. Artega's dedication and commitment to his church earned him re-admittance as a member in full fellowship in 1996.

WHEREAS, the victim personally addressed the Board and stated that she has forgiven her stepfather for his crimes. She stated that her family, especially her own children, would be devastated if her stepfather was deported to Mexico. She expressed concern with who would support her mother, who is in failing health and is dependent on Mr. Artega. The victim personally asked the Board to recommend that her stepfather's petition be granted.

WHEREAS, Mr. Artega's wife explained her debilitating health problems to the Board, which includes Bell's palsy, diabetes, high blood pressure, and severe sleep apnea. She further explained how dependent she was on her husband's assistance with her care, their home and her medical bills, and that she would likely lose her home if Mr. Artega were deported.

WHEREAS, at Mr. Artega's Clemency and Pardons hearing, the Board Members felt that a combination of factors existed, making this case extraordinary, including the demonstration of rehabilitation for not reoffending for the last 14 years, the support of the victim, the significant lapse of time between the offense and potential deportation, and the severe emotional and financial hardship to the family if Mr. Artega were deported.

WHEREAS, I have reviewed all pertinent facts and circumstance surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Moises Flores Artega a CONDITIONAL PARDON subject to the following conditions: he does not commit any gross misdemeanors or felonies for 10 years. PROVIDED that in the event Mr. Artega is convicted of any offense classified as a gross misdemeanor or felony in the state of Washington or violates the conditions of this commutation within the 10 years following this pardon, as determined by the Governor, the Conditional Pardon is revoked without notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 30th day of April, A. D., two thousand and eight.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

2009 REGULAR SESSION

BY THE GOVERNOR

SAM REED
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia, Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following bills which were partially vetoed by the Governor, together with the official veto message setting forth her objection to the section or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Second Substitute Senate Bill No. 6732,
Second Substitute Senate Bill No. 6377,
Senate Bill No. 6310,
Substitute Senate Bill No. 6743,
Substitute Senate Bill No. 6807,
Engrossed Substitute Senate Bill No. 6580,
Second Substitute Senate Bill No. 5596,
Engrossed Second Substitute Senate Bill No. 6111,
Engrossed Substitute Senate Bill No. 6665,
Engrossed Second Substitute Senate Bill No. 6673,
Senate Bill No. 6818,
Second Substitute Senate Bill No. 6855.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 21st, day of April, 2008.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

March 21, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 11 and 13, Second Substitute Senate Bill No. 6732 entitled:

“AN ACT Relating to implementing the recommendations of the joint legislative task force on the underground economy in the construction industry.”

This bill provides precise tools to both the Department of Labor and Industries and the Employment Security Department to crack down on the underground construction economy. This legislation strengthens the ability of the two departments to enforce the statutes most frequently violated by unregistered contractors. It also provides the enforcement staff and the penalties necessary to make an impact on the underground construction economy.

Section 11 directs the Department of Labor and Industries to hire three staff members, including a working supervisor. While it is understandable that the Legislature wishes to make clear its intent regarding the Department's enforcement staff, specific reporting relationships and staffing levels are decisions best left to the Department and its management. The underlying strategies and tools described in the bill as a whole depend upon

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

increased staffing in the Department's fraud audit infraction and revenue team. Therefore, I am directing the Department of Labor and Industries to hire investigative staff, consistent with the legislative appropriation provided for implementation of this bill, to carry out the activities and functions necessary to curb the activities of the underground construction economy.

Section 13 directs the Department of Labor and Industries to establish a pilot program with local jurisdictions surrounding the collection and sharing of building permit information. The intent and makeup of this study is unclear and the language provides little direction as to the nature of the pilot project. Since the pilot was intended to run until the end of 2014, I believe the legislature can revisit this idea in the next session.

For these reasons, I have vetoed Sections 11 and 13 of Second Substitute Senate Bill No. 6732.

With the exception of Sections 11 and 13, Second Substitute Senate Bill No. 6732 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 21, 2008

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6804 entitled:

"AN ACT Relating to capital grants for integrated long-term care worker training labs in the community and technical college system."

If it had been funded, this bill would have established a capital grant program for up to four long-term care worker training labs in the community and technical college system. However, the bill includes a clause stating that the proposed pilot grant program is null and void unless funding for the program is included in the 2008 supplemental budget. The Legislature did not include funding in either the operating or capital supplemental budgets. By simultaneously including the null and void clause in the bill while not appropriating funding, the Legislature did not intend the bill to become effective.

For these reasons, I have vetoed Substitute Senate Bill No. 6804 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 26, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 204 and 307, Second Substitute Senate Bill No. 6377 entitled:

"AN ACT Relating to secondary career and technical education."

Section 204 provides for three-year grants to high schools and skills centers for implementing integrated work skills, basic skills and English skills program. The Legislature did not allocate funding for Section 204 of this bill in either the supplemental operating budget or in Engrossed Second Substitute Senate Bill No. 6673, which specified the purposes of the appropriations for this legislation. Instead, the Legislature allocated funding in the supplemental operating budget for program development and plans for implementing integrated programs at five skills center. I look forward to receiving the report on these efforts in November. This will guide future program development in this area.

Section 307 creates a new program, the In-Demand Scholars Program, to be administered by the Workforce Training and Education Board. The Legislature did not allocate funding for this new program in either the supplemental operating budget or in Engrossed Second Substitute Senate Bill No. 6673, which specified the purposes of the appropriations for this bill.

For these reasons, I have vetoed Sections 204 and 307 of Second Substitute Senate Bill No. 6377.

With the exceptions of Sections 204 and 307, Second Substitute Senate Bill No. 6377 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 27, 2008

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

Ladies and Gentlemen:

I am returning without my approval as to Section 15, Senate Bill No. 6310 entitled:

"AN ACT Relating to correcting obsolete references concerning chapter 10.77 RCW."

Section 15 is an emergency clause. An emergency clause is to be used where it is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. This bill makes technical corrections to existing law by deleting obsolete terms and correcting references. I do not believe that an emergency clause is warranted.

For these reasons, I have vetoed Section 15 of Senate Bill No. 6310.

With the exception of Section 15, Senate Bill No. 6310 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 28, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Section 1, Substitute Senate Bill No. 6743 entitled:

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

“AN ACT Relating to autism awareness instruction for teachers of students with autism.”

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

This bill provides for training and guidelines for teachers of students with autism.

Section 1 includes an extensive listing of items for an autism guidebook that is being developed by the Caring for Washington Individuals with Autism Task Force with staff support from the Department of Health. These items are very specific regarding possible strategies and activities that could be included to support children with autism in our public schools.

The OSPI already has a guide developed as a resource for both educators and parents, produced by the Autism Outreach Project, which maintains an informational web site as well as an e-mail address for communication with individuals with specific questions and concerns. I believe that this guide is the most appropriate document to address the many issues raised in Section 1.

Therefore, I have asked the OSPI to update its guide and to emphasize tools for parents to use. I have also asked that this updated guide be distributed to educational service districts, school districts, appropriate school employees and parent advocacy groups.

Additionally, I have asked the Professional Educator Standards Board and the OSPI to develop recommendations for autism awareness instruction and methods of teaching students with autism that will strengthen learning for students. The recommendations will address appropriate content in teacher preparation and professional development. These reports will be completed by December 1, 2008.

For these reasons, I am vetoing Section 1 of Substitute Senate Bill No. 6743.

With the exception of Section 1, Substitute Senate Bill No. 6743 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 28, 2008

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

Ladies and Gentlemen:

I am returning without my approval as to Section 2, Substitute Senate Bill No. 6807 entitled:

“AN ACT Relating to discharge of long-term care residents.”

Substitute Senate Bill No. 6807 prohibits a boarding home from transferring or discharging a current resident on the basis that it is voluntarily withdrawing from the Medicaid program.

Section 2 requires all long-term care facilities to disclose in writing to any potential resident prior to admission the facility policy on accepting Medicaid as a payment source. Upon admission, the disclosure will be considered a legally binding contract between the resident and the facility.

I am concerned that this section is impossible to implement retroactively, and there is no recourse for those who would be in violation of this bill the moment it becomes effective. In addition, Washington’s administrative code already requires the disclosure contemplated in Section 2.

For these reason, I have vetoed Section 2 of Substitute Senate Bill No. 6807.

With the exception of Section 2, Substitute Senate Bill No. 6807 is approved.

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Second Substitute Senate Bill No. 5596 entitled:

“AN ACT relating to fair payment for chiropractic services.”

This bill provides that a health insurance carrier may not pay a chiropractor less for a given service or procedure than it pays any other provider for that service or procedure.

Section 3 directs the Insurance Commissioner after January 1, 2010 to contract for an evaluation of the impact of Section 1 on the utilization and cost of health care services, and requires carriers to provide any data necessary to complete the evaluation. The evaluation is due to the Legislature by January, 2012. Since it was not otherwise funded, the study will be paid for through the administrative assessment levied on carriers by the Office of the Insurance Commissioner. This is a significant administrative burden on carriers with little benefit.

For these reasons, I have vetoed Section 3 of Second Substitute Senate Bill No. 5596.

With the exception of Section 3, Second Substitute Senate Bill No. 5596 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning without my approval as to Sections 5, 6, 8, 9, and 11, Engrossed Second Substitute Senate Bill No. 6111 entitled:

“AN ACT Relating to generating electricity from tidal and wave energy.”

Washington State is currently working with tidal and wave energy project proponents and federal agencies to identify what will need to take place to specify potential environmental impacts and Engrossed Second Substitute Senate Bill No. 6111 establishes a workgroup to further this inquiry.

Sections 5 and 6 require that a public-private entity be created to support hydrokinetic energy development, and that a report to the Legislature be submitted in December 2008. I believe that this work is premature until we understand the potential impact on Puget Sound and our ocean resources.

Sections 8 and 9 exempt machinery and equipment used in generating tidal or wave energy from state and local retail sales and use taxes and public utility taxes. Such tax exemptions are more appropriately considered once commercial production of tidal turbines is viable.

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

Section 11 is a null and void clause which, due to the veto of Sections 5 and 6, is unnecessary.

For these reasons, I have vetoed Sections 5, 6, 8, 9, and 11 of Engrossed Second Substitute Senate Bill No. 6111.

With the exception of Sections 5, 6, 8, 9, and 11, Engrossed Second Substitute Senate Bill No. 6111 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill No. 6580 entitled:

“AN ACT Relating to mitigating the impacts of climate change through the growth management act.”

Section 2 requires the Department of Community, Trade and Economic Development to develop advisory methods for how counties and cities can evaluate and respond to climate change. In my view, this section of the bill does not create a new mandate for local governments, and does not provide grounds for new litigation under the Growth Management Act. The section appropriately recognizes the differences between our urban and rural settings, and requires the Department to follow the recommendations of the policy committee created in Section 4 of the bill. The bill directs the committee, which will include legislators, county and city officials, tribes, state agencies, business, agriculture, forestry, land use and other interests, to develop recommendations for whether and how climate change could be addressed in the GMA. Any further action on this topic is subject to future decisions by the Legislature. In addition, Section 6 of the bill ensures that the ongoing Ruckelshaus Center process related to agriculture and land use is not affected.

Section 3 establishes a voluntary pilot global warming mitigation and adaptation program for up to three counties and up to six cities. The Department is required to provide grants and technical assistance to local governments who are addressing climate change through their land use plans. Only partial funding was provided for the pilot program – enough for the Department to provide limited technical assistance, but not enough to provide state grant funds to the pilot jurisdictions. I ask the Department to encourage local jurisdictions that have their own resources to begin, on a voluntary basis, to address the role of land use and transportation planning in mitigating climate change. However, given the state’s budget forecast, I strongly believe that additional state funding for the pilots will not be available next biennium.

Section 7 is an emergency clause to allow the bill to take effect immediately. An emergency clause is to be used where it is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. The clause would allow the Department to promptly convene a committee and begin work on a report due later this year. However, there was no supplemental funding provided to implement the bill in fiscal year 2008. As a result, the emergency clause is not needed.

Section 8 would declare this act null and void if funding were not provided specifically for Section 2 of the bill (advisory methods) in the omnibus appropriations act. Section 9 would declare this act null and void if funding were not provided

specifically for Section 3 of the bill (pilot program) in the omnibus appropriations act. Section 10 of the bill would declare this act null and void if funding were not provided specifically for this measure in the omnibus appropriations act. Funding for this bill, including Sections 2 and 3, was included in the omnibus appropriations act. As a result, the null and void clauses are not needed.

For these reasons, I have vetoed Sections 7, 8, 9 and 10 of Engrossed Substitute Senate Bill No. 6580.

With the exception of Sections 7, 8, 9 and 10, Engrossed Substitute Senate Bill No. 6580 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Substitute Senate Bill No. 6665 entitled:

“AN ACT Relating to the intensive case management and integrated response pilot programs.”

This bill extends the life of two pilot programs authorized by the Legislature in 2005, the Intensive Case Management and the Integrated Crisis Response pilots. Section 4 provides the Department of Social and Health Services with the authority to expand the number of intensive crisis response pilots. Vetoing this sections allows time for the Washington State Institute for Public Policy to adequately study the effectiveness of these programs prior to making a determination on whether to expand their availability.

For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill No. 6665.

With the exception of Section 4, Engrossed Substitute Senate Bill No. 6665 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning without my approval as to Sections 6, 11, 12 and 13, Engrossed Second Substitute Senate Bill No. 6673 entitled:

“AN ACT Relating to learning opportunities to assist students to obtain a high school diploma.”

Engrossed Second Substitute Senate Bill No. 6673 provides support for students in need of additional time or assistance to meet state academic standards and graduation requirements. Key components of this bill enhance the Learning Assistance Program, assure parent notification of student progress, and explore on-line curriculum support in languages other than

FIRST DAY, JANUARY 12, 2009

2009 REGULAR SESSION

English and build teacher instructional capacity. This bill also creates a number of new programs.

Section 6 creates a new duty for school districts to provide all tenth graders enrolled in the district the option of taking the PSAT at no cost to the student. While this test may provide students some information regarding their readiness for the SAT and college preparedness, there has not been coordination with the other college readiness assessment work already in progress, specifically work being done in mathematics.

Section 11 directs Educational Service Districts to develop and provide a program of outreach to community-based programs and organizations that are serving non-English speaking segments of the population as well as those programs that target groups of students who are struggling academically. This is an idea that should be considered within the context of the several studies, due this December, that will analyze and make recommendations on how to close the achievement gap.

Section 12 direct the Office of the Superintendent of Public Instruction to allocate grant funds to school districts to provide summer school funding for all middle and high school students to explore career opportunities rich in math, science, and technology. School districts and skills centers should be finding ways to engage students in learning and career exploration as part of their basic missions. Once exciting opportunity initiated in 2006 in the Washington Aerospace Scholars, a statewide partnership through the Washington Aerospace Scholars Foundation with The Museum of Flight, schools and business partners. The program gives high school students the opportunity to participate in hands-on engineering activities; tour facilities at Boeing, the University of Washington, Microsoft, and Battelle; receive mentoring from astronauts, pilots, engineers, and scientists; and conduct a project on Mars exploration. Future funds need to support targeted programs that have been proven effective.

Section 13 directs the Office of the Superintendent of Public Instruction to contract with a national organization to establish and operate an endowment for the promotion of geography education. There are no funds provided for the creation of the endowment program.

For these reasons, I am vetoing Sections 6, 11, 12 and 13 of Engrossed Second Substitute Senate Bill No. 6673.

With the exception of Sections 6, 11, 12 and 13, Engrossed Second Substitute Senate Bill No. 6673 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning without my approval as to Section 4, Senate Bill No. 6818 entitled:

“AN ACT Relating to transparency in state expenditures.”

Section 4 of this bill would have the Legislative Evaluation and Accountability Program prepare and post to the web a presentation about school funding programs and categories. The Joint Task Force on Basic Education is currently reviewing basic education funding, and will produce a recommendation for a new K-12 funding framework for consideration by the Legislature during the 2009 session. One of the criteria for the new funding system is that it be more transparent. Because the categories and cost allocations specified in Section 4 will be

outdated and need to be changed very soon, I am concerned that this provision could cause more, rather than less, confusion about how the state funds K-12 education.

For these reasons, I have vetoed Section 4 of Senate Bill No. 6818.

With the exception of Section 4, Senate Bill No. 6818 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

April 1, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 10 and 12, Second Substitute Senate Bill No. 6855 entitled:

“AN ACT Relating to dedicated funding for jobs, economic development, and local capital projects.”

This bill expands upon the existing Community Services Facilities Program by creating the Building Communities Fund Account in the State Treasury. I am very supportive of the policy underlying this bill.

Section 10 give responsibility to the Economic Development Commission that it already has and this is not something the Commission requested. Reiterating it in this legislation is unnecessary. Therefore, I am vetoing Section 10 to avoid any expectations about requirements either on the Community Economic Development Board of the Economic Development Commission.

I support the concept of expanding the existing Community Services Facilities Program but it is unnecessary to outline legislative findings in this legislation. Therefore, I am vetoing Section 12.

Fro these reasons, I have vetoed Sections 10 and 12 of Second Substitute Senate Bill No. 6855.

With the exception of Sections 10 and 12, Second Substitute Senate Bill No. 6855 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MOTION

On motion of Senator Eide, the vetoes and partial vetoes were held at the desk.

MOTION

At 2:16 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:01 p.m. by President Owen.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 12, 2009

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8400,

MOTION

At 3:04 p.m., on motion of Senator Eide, the Senate
adjourned until 11:15 a.m. Tuesday, January 13, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 13, 2009

The Senate was called to order at 11:15 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Berkey, Fairley, Haugen, Holmquist, Jacobsen, McCaslin, Prentice, Roach, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Cole Rabinowitz and Matheau Rathke, presented the Colors.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

September 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HAROLD J. ABBE, appointed September 4, 2008, for the term ending June 12, 2012, as Member of the Columbia River Gorge Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

October 20, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JESSICA AHRENS, appointed October 1, 2008, for the term ending December 5, 2009, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAUL ALMEIDA, reappointed February 7, 2008, for the term ending September 25, 2011, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

September 30, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAN ALTMAYER, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE AMOS, appointed September 19, 2008, for the term ending June 30, 2014, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

September 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SONIA AREVALO-HAYES, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 2, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK ASMUNDSON, appointed January 2, 2009, for the term ending September 30, 2011, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 27, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

IDA BALLASIOTES, reappointed October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

SECOND DAY, JANUARY 13, 2009

Referred to Committee on Judiciary.

February 11, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARRY BARBER, appointed February 6, 2008, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

July 2, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTIN BEAN, appointed July 1, 2008, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICK S. BENDER, reappointed October 26, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

April 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 29, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMY BRAGDON, reappointed January 13, 2009, for the term ending January 12, 2013, as Member of the State Board of Education.

Sincerely,

2009 REGULAR SESSION

CHRISTINE O. GREGOIRE, Governor

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

March 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. A. BRICKER, reappointed April 4, 2008, for the term ending April 3, 2012, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

June 17, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ETHELDA BURKE, reappointed July 1, 2008, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACK BURKMAN, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 14 (Clark College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

September 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM H. CHAPMAN, reappointed January 7, 2008, for the term ending December 31, 2010, as Member of the Recreation and Conservation Funding Board.

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

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

July 7, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
BEVERLY J. CHENEY, appointed July 7, 2008, for the term ending September 30, 2012, as Member, Board of Trustees, Olympic Community College District No. 3.

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

December 21, 2004
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
KENNETH CHEW, reappointed January 1, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

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

December 9, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
YANG-SU CHO, appointed November 20, 2008, for the term ending July 1, 2013, as Member of the State School for the Blind Board of Trustees.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Early Learning & K-12 Education.

August 8, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
ALBERTA B. CLARKSON, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 24 (South Puget Sound Community College).

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

February 16, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

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

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

December 30, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
ELIZABETH A. COWLES, reappointed September 30, 2005, for the term ending September 30, 2011, as Member, Board of Regents, Washington State University.

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

August 12, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
JOHN COX, appointed August 12, 2008, for the term ending June 15, 2012, as Member of the Marine Employees' Commission.

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

January 7, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
KAREN DAUBERT, reappointed January 7, 2008, for the term ending December 31, 2010, as Member of the Recreation and Conservation Funding Board.

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

October 22, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
EDWARD DAVILA, reappointed October 22, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Highline Community College District No. 9.

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

January 10, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

SECOND DAY, JANUARY 13, 2009

CHARLES DAVIS, reappointed January 9, 2006, for the term ending December 26, 2009, as Member of the Board of Pilotage Commissioners.

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

October 22, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JIM DEPAEPE, appointed October 22, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Early Learning & K-12 Education.

May 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAM DERKACHT, appointed May 8, 2006, for the term ending at the governor's pleasure, as a Director of the Department of Printing.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Government Operations & Elections.

September 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOSEPH DOLEZAL, appointed October 1, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Centralia Community College District No. 12.

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

September 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY B. DOUGLAS, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

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

January 16, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

2009 REGULAR SESSION

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

GARY L. DOUVIA, appointed January 15, 2007, for the term ending December 31, 2012, as Member of the Fish and Wildlife Commission.

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

March 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

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

July 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DERICK C. EN'WEZOH, appointed July 8, 2008, for the term ending June 30, 2009, as Member, Board of Regents, Washington State University.

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

July 28, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

COURTNEY R. FLEMING, appointed July 28, 2008, for the term ending June 30, 2009, as Member, Board of Trustees, Eastern Washington University.

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

June 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH FORD, reappointed June 16, 2006, for the term ending June 15, 2011, as Member of the Marine Employees' Commission.

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

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

SECOND DAY, JANUARY 13, 2009

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

MARC GASPARD, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 2, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CARVER C. GAYTON, appointed October 1, 2008, for the term ending September 30, 2014, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 22, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRAIG W. GIBELYOU, appointed March 8, 2007, for the term ending December 5, 2010, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

June 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

June 17, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EARL HALE, reappointed July 1, 2008, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 4, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

2009 REGULAR SESSION

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

JUDY L. HARTMAN, appointed February 10, 2005, for the term ending at the governor's pleasure, as Member of the K-20 Educational Network Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

October 27, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL D. HAUGE, reappointed October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

June 5, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTIN HAYDEN, appointed March 31, 2008, for the term ending September 30, 2009, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 27, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANN C. HEATH, reappointed October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

October 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HEIDI HEYWOOD, appointed October 7, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 28, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

SECOND DAY, JANUARY 13, 2009

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

HANNAH M. HIGGINS, appointed July 28, 2008, for the term ending June 30, 2009, as Member, Board of Trustees, Western Washington University.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

September 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LATISHA D. HILL, appointed September 3, 2008, for the term ending June 30, 2014, as Member of the Transportation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

January 4, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA HILLE, reappointed January 20, 2008, for the term ending January 19, 2012, as a Member of the Board of Pharmacy.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

July 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETSY HOLLINGSWORTH, appointed September 1, 2007, for the term ending April 15, 2012, as Member of the Indeterminate Sentence Review Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

May 4, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THEODORE HOWARD II, appointed May 5, 2008, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

May 14, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2009 REGULAR SESSION

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

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

December 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEITH HUNZIKER, appointed December 20, 2007, for the term ending June 30, 2011, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Early Learning & K-12 Education.

March 14, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TROY HUTSON, appointed March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

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

November 24, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURA JENNINGS, appointed July 15, 2005, for the term ending September 30, 2009, as Member, Board of Regents, Washington State University.

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

May 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARLENE JOE, appointed May 8, 2008, for the term ending September 30, 2011, as Member, Board of Trustees, Pierce Community College District No. 11.

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

February 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SECOND DAY, JANUARY 13, 2009

MYRA JOHNSON, appointed February 15, 2007, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

October 20, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM A. JOHNSON, appointed October 20, 2008, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 2, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALLIE M. JOINER, reappointed August 30, 2006, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

October 20, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROSHNI A. JOKHI, appointed October 17, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

September 19, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUANITA J. KAMPHUIS, appointed September 19, 2008, for the term ending July 1, 2013, as Member of the State School for the Deaf Board of Trustees.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

October 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

2009 REGULAR SESSION

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

BRUCE KENDALL, appointed September 15, 2008, for the term ending at the governor's pleasure, as a Chair of the Economic Development Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Innovation.

October 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHERINE KENISON, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEITH L. KESSLER, appointed March 7, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARTLY KRUGER, reappointed January 18, 2008, for the term ending January 17, 2014, as Member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERYL A. LAMBERTON, reappointed January 3, 2008, for the term ending December 5, 2011, as Member of the Western State Hospital Advisory Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

Ladies and Gentlemen:

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

CAROL LANDA-MCVICKER, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 13, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMANDA LEE, appointed May 1, 2007, for the term ending September 25, 2010, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

December 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRAIG LEE, reappointed December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

April 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

March 12, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALBERT J. LINGGI, appointed March 10, 2008, for the term ending January 19, 2012, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBRA LISSER, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE LOPEZ MORTON, appointed October 3, 2007, for the term ending June 17, 2010, as a Chair of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

February 8, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONRAD MAHNKEN, appointed November 4, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

April 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 26, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

Ladies and Gentlemen:

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

DARRYL-JEAN "DJ" K. MARK, appointed January 5, 2009, for the term ending January 4, 2015, as Member of the Personnel Resources Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

February 27, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN MARQUEZ, PH.D., reappointed February 21, 2007, for the term ending December 5, 2010, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL MARTINO, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM P. MAY, appointed January 2, 2005, for the term ending January 1, 2011, as Member of the Forest Practices Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

September 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ENRIQUETA MAYUGA, M.D., reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 19 (Columbia Basin College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

May 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF

WASHINGTON

Ladies and Gentlemen:

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

THOMAS W. MCLANE, appointed May 14, 2008, for the term ending September 8, 2009, as Member of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

May 22, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANDREA MCNAMARA DOYLE, reappointed July 1, 2008, for the term ending June 30, 2014, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Environment, Water & Energy.

February 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOLLY MICHAELS, appointed February 16, 2007, for the term ending December 5, 2010, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAURI MOORE, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 21, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY MOSS, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #29 (Clover Park).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF

SECOND DAY, JANUARY 13, 2009

WASHINGTON

Ladies and Gentlemen:

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

ERIN MUNDINGER, reappointed April 4, 2008, for the term ending April 3, 2012, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 28, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRITTANY NEWHOUSE, appointed July 28, 2008, for the term ending June 30, 2009, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 27, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LENELL NUSSBAUM, reappointed October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

April 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF PARSONS, reappointed January 7, 2008, for the term ending December 31, 2010, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 2, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF

WASHINGTON

Ladies and Gentlemen:

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

CHUCK PERRY, reappointed January 1, 2007, for the term ending December 31, 2012, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

October 23, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANGELA M. PIXTON, appointed September 19, 2008, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILIP G. RASMUSSEN, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 15 (Wenatchee Valley College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

September 30, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA REID, appointed October 1, 2008, for the term ending September 30, 2010, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 2, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONSTANCE W. RICE, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development.

March 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYNDA J. RING ERICKSON, appointed March 16, 2007, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

October 20, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CINDY ROAF, appointed October 17, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE ROE, reappointed March 8, 2005, for the term ending January 19, 2009, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIK S. ROHRER, appointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

September 9, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STANLEY RUMBAUGH, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

February 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOEL RUPLEY, reappointed February 1, 2007, for the term ending January 1, 2013, as Member of the Forest Practices Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

July 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 21, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIGUEL SANCHEZ, appointed February 21, 2008, for the term ending September 30, 2012, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

October 27, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAN SATTERBERG, appointed October 27, 2008, for the term ending August 2, 2010, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

July 21, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOANNE H. SCHWARTZ, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 12 (Centralia College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

SECOND DAY, JANUARY 13, 2009

Referred to Committee on Higher Education & Workforce Development.

August 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHIL SHARPE, appointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

June 28, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HONNA SHEFFIELD, appointed June 12, 2005, for the term ending June 11, 2009, as Member of the Columbia River Gorge Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

October 21, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT A. SHORT, appointed September 30, 2008, for the term ending December 5, 2009, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

January 13, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VANDANA SLATTER, appointed January 20, 2006, for the term ending January 19, 2010, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

June 17, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SASHA SLEIMAN, reappointed July 1, 2008, for the term ending June 30, 2009, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

2009 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development.

June 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

September 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

December 26, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM SNYDER, reappointed December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

March 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARRIET A. SPANEL, reappointed March 7, 2008, for the term ending June 30, 2011, as Member of the Pacific Marine Fishery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 2, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAFAEL STONE, reappointed September 30, 2005, for the term ending September 30, 2011, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CELESTE STRAHL, reappointed October 1, 2007, for the term ending September 30, 2012, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

July 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARGARET E. SUNDSTROM, reappointed July 7, 2008, for the term ending September 30, 2012, as Member, Board of Trustees, Community College District No. 12 (Centralia College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 12, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN SWANSON, reappointed August 12, 2008, for the term ending June 15, 2013, as Chair of the Marine Employees' Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

July 28, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DANIEL SWEENEY, appointed July 28, 2008, for the term ending June 30, 2009, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELLEN TAUSSIG, appointed March 23, 2007, for the term ending March 26, 2011, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 8, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GIDGET TERPSTRA, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

March 14, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETH THEW, reappointed March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

August 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

April 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Innovation.

March 12, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD C. VEITH, appointed March 10, 2008, for the term ending December 31, 2009, as Member of the Western State Hospital Advisory Board.

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Higher Education & Workforce
Development.

May 9, 2008

May 14, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

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

PATRICIA WHITEFOOT, reappointed May 12, 2008, for
the term ending September 30, 2012, as Member, Board of
Trustees, Community College District No. 16 (Yakima Valley
Community College).

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Financial Institutions, Housing &
Insurance.

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

October 27, 2008

September 30, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

Ladies and Gentlemen:

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

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

STEPHEN WARNING, appointed October 27, 2008, for the
term ending August 2, 2011, as Member of the Sentencing
Guidelines Commission.

ROY WILKINSON, reappointed October 1, 2008, for the
term ending September 30, 2013, as Member, Board of Trustees,
Community College District No. 30 (Cascadia Community
College).

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

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

February 26, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

PATRICIA A. WARREN, appointed February 21, 2008, for
the term ending June 15, 2011, as Member of the Marine
Employees' Commission.

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

July 9, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JEAN-PAUL A. WILLYNCK, appointed July 8, 2008, for
the term ending June 30, 2009, as Member, Board of Regents,
University of Washington.

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

December 19, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

MIRANDA WECKER, reappointed January 1, 2007, for the
term ending December 31, 2012, as Member of the Fish and
Wildlife Commission.

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

October 21, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

PAUL WINTERS, reappointed October 20, 2008, for the
term ending September 30, 2014, as Member, Board of Trustees,
The Evergreen State College.

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

October 6, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

FREDERICK WHANG, reappointed October 6, 2008, for
the term ending September 30, 2013, as Member, Board of
Trustees, Community College District No. 22 (Tacoma
Community College).

Sincerely,

October 8, 2008
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

MIKE WREN, appointed September 19, 2008, for the term ending September 30, 2012, as Member, Board of Trustees, Community College District No. 18 (Big Bend Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

November 24, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PEGGY ZORO, reappointed November 20, 2008, for the term ending September 30, 2014, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5091 by Senators Kohl-Welles, Kline, Keiser, Franklin and McDermott

AN ACT Relating to the regulation of certain trades by the department of labor and industries; amending RCW 18.118.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5092 by Senator Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5093 by Senator Jacobsen

AN ACT Relating to creating nonpartisan commissions for judicial nominees; amending RCW 2.04.100 and 2.06.080; adding new sections to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5094 by Senator Jacobsen

AN ACT Relating to interchange and associated fees;

amending RCW 63.14.010; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5095 by Senators Jacobsen and Kline

AN ACT Relating to protecting the California condor and other vulnerable wildlife from the threat of lead poisoning; amending RCW 77.15.400; adding a new section to chapter 77.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5096 by Senator Jacobsen

AN ACT Relating to the archiving of mailed political advertising; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SB 5097 by Senator Jacobsen

AN ACT Relating to the institute of forest resources; amending RCW 76.44.030; adding a new section to chapter 76.44 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5098 by Senators Pridemore, Tom, Kilmer, Hatfield, Shin, Hobbs and Oemig

AN ACT Relating to ballot title information; and amending RCW 29A.36.071, 29A.36.210, 84.52.054, and 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 5099 by Senators Parlette, Hatfield, Shin, Kilmer, Fraser and Regala

AN ACT Relating to annual revaluations of property for property tax purposes; amending RCW 84.41.030 and 84.41.041; adding new sections to chapter 84.41 RCW; creating a new section; making appropriations; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5100 by Senators Shin, Carrell, Hobbs and Swecker

AN ACT Relating to the authority of occupational therapists to purchase, store, and administer medications; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5101 by Senators Hobbs, Stevens and Shin

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

Referred to Committee on Health & Long-Term Care.

SB 5102 by Senators Hewitt, Delvin and Kline

AN ACT Relating to increasing the number of district court judges in Benton county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SB 5103 by Senator Zarelli

AN ACT Relating to service animals in training; and amending RCW 70.84.020 and 70.84.021.

Referred to Committee on Health & Long-Term Care.

SB 5104 by Senator Franklin

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.69.020, 39.89.020, 43.99H.060, and 43.99I.040; reenacting and amending RCW 41.32.052 and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 11:21 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of canvassing the votes of constitutional elective state officers and to honor retiring elected officials in a Joint Session in the House of Representatives.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of the members of the House. The Clerk called the roll of the members of the Senate. A quorum of the Legislature was present.

The Speaker (Representative Morris presiding): "The purpose of this Joint Session is to comply with the constitutional requirement of canvassing the vote for and against referenda and initiatives and for the constitutional elective officers."

MESSAGE FROM THE SECRETARY OF STATE

CANVASS OF THE RETURNS OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2008

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 3,071,587 votes cast by the 3,630,118 registered voters of the state for and

against the initiatives which were submitted to the vote of the people at the state general election held on the 4th day of November, 2008, as received from the County Auditors.

Initiative Measure No. 985

"Initiative Measure No. 985 concerns transportation.

This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes."

Yes 1,163,216
No 1,744,156

Initiative Measure No. 1000

"Initiative Measure No. 1000 concerns allowing certain terminally ill competent adults to obtain lethal prescriptions.

This measure would permit terminally ill, competent, adult Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician."

Yes 1,715,219
No 1,251,255

Initiative Measure No. 1029

"Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities. This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures."

Yes 2,113,773
No 800,733

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 4th day of November, 2008, for all federal, statewide, and joint legislative and judicial offices, and that the votes cast for candidates for these offices are as follows:

Table with 3 columns: Candidate Name, Party, and Votes. Includes Barack Obama / Joe Biden (1,750,848), John McCain / Sarah Palin (1,229,216), Ralph Nader / Matt Gonzalez (29,489), Gloria La Riva / Eugene Puryear (705), James E. Harris / Alyson Kennedy (641), Bob Barr / Wayne A. Root (12,728), Chuck Baldwin / Darrell L. Castle (9,432), Cynthia McKinney / Rosa Clemente (3,819).

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

U.S. Congressional District 1 - Representative			James Postma	(Prefers Republican Party)	93,080
Jay Inslee	(Prefers Democratic Party)	233,780	Governor		
Larry Ishmael	(Prefers G.O.P. Party)	111,240	Christine Gregoire	(Prefers Democratic Party)	1,598,738
			Dino Rossi	(Prefers G.O.P. Party)	1,404,124
U.S. Congressional District 2 - Representative			Lieutenant Governor		
Rick Larsen	(Prefers Democratic Party)	217,416	Brad Owen	(Prefers Democratic Party)	1,718,033
Rick Bart	(Prefers Republican Party)	131,051	Marcia McCraw	(Prefers Republican Party)	1,107,634
U.S. Congressional District 3 - Representative			Secretary of State		
Brian Baird	(Prefers Democratic Party)	216,701	Sam Reed	(Prefers Republican Party)	1,644,587
Michael Delavar	(Prefers Republican Party)	121,828	Jason Osgood	(Prefers Democratic Party)	1,175,086
U.S. Congressional District 4 - Representative			State Treasurer		
Doc Hastings	(Prefers Republican Party)	169,940	Allan Martin	(Prefers Republican Party)	1,360,063
George Fearing	(Prefers Democratic Party)	99,430	Jim McIntire	(Prefers Democratic Party)	1,420,022
U.S. Congressional District 5 - Representative			State Auditor		
Cathy McMorris Rodgers	(Prefers Republican Party)	211,305	Brian Sonntag	(Prefers Democratic Party)	1,770,977
Mark Mays	(Prefers Democratic Party)	112,382	J. Richard (Dick) McEntee	(Prefers Republican Party)	1,016,396
U.S. Congressional District 6 - Representative			Attorney General		
Norm Dicks	(Prefers Democratic Party)	205,991	Rob McKenna	(Prefers Republican Party)	1,689,764
Doug Cloud	(Prefers Republican Party)	102,081	John Ladenburg	(Prefers Democratic Party)	1,152,174
U.S. Congressional District 7 - Representative			Commissioner of Public Lands		
Jim McDermott	(Prefers Democratic Party)	291,963	Doug Sutherland	(Prefers Republican Party)	1,385,903
Steve Beren	(Prefers Republican Party)	57,054	Peter J. Goldmark	(Prefers Democratic Party)	1,416,904
U.S. Congressional District 8 - Representative			Superintendent of Public Instruction		
Dave Reichert	(Prefers Republican Party)	191,568	Teresa (Terry) Bergeson		1,211,909
Darcy Burner	(Prefers Democratic Party)	171,358	Randy Dorn		1,333,290
U.S. Congressional District 9 - Representative			Insurance Commissioner		
Adam Smith	(Prefers Democratic Party)	176,295	Mike Kreidler	(Prefers Democratic Party)	1,679,696
			John R. Adams	(Prefers Republican Party)	1,056,693

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

Bruce Chandler	(Prefers Republican Party)	23,807		
John (Jobs) Gotts	(Prefers Democratic Party)	15,228		
Legislative District 15 - State Representative Pos. 2			Legislative District 19 - State Representative Pos. 2	
Dan Newhouse	(Prefers Republican Party)	24,637	Brian E. Blake	(Prefers Democratic Party) 39,521
Tao Berman	(Prefers Democratic Party)	14,647	Legislative District 20 - State Senator	
Legislative District 16 - State Senator			Dan Swecker	(Prefers Republican Party) 39,650
Mike Hewitt	(Prefers Republican Party)	42,811	Chuck Bojarski	(Prefers Democratic Party) 22,428
Legislative District 16 - State Representative Pos. 1			Legislative District 20 - State Representative Pos. 1	
Maureen Walsh	(Prefers Republican Party)	36,697	Richard DeBolt	(Prefers G.O.P. Party) 35,457
Dante Lee Montoya	(Prefers Democratic Party)	13,885	Mike Rechner	(Prefers Democratic Party) 26,605
Legislative District 16 - State Representative Pos. 2			Legislative District 20 - State Representative Pos. 2	
Bill Grant	(Prefers Democratic Party)	27,648	Gary C. Alexander	(Prefers G.O.P. Party) 38,942
Terry R. Nealey	(Prefers Republican Party)	23,673	Jim Cutler	(Prefers Democratic Party) 22,605
Legislative District 18 - State Senator			Legislative District 24 - State Senator	
Joseph Zarelli	(Prefers Republican Party)	39,311	Jim Hargrove	(Prefers Democratic Party) 52,742
Jon Haugen	(Prefers Democratic Party)	32,127	Legislative District 24 - State Representative Pos. 1	
Legislative District 18 - State Representative Pos. 1			Kevin Van De Wege	(Prefers Democratic Party) 44,256
Jaime Herrera	(Prefers Republican Party)	42,355	Thomas Thomas	(Prefers G.O.P. Party) 23,503
Vanessa Duplessie	(Prefers Democratic Party)	28,226	Legislative District 24 - State Representative Pos. 2	
Legislative District 18 - State Representative Pos. 2			Lynn Kessler	(Prefers Democratic Party) 44,338
Ed Orcutt	(Prefers Republican Party)	45,268	Robert (Randy) Dutton	(Prefers Republican Party) 24,274
Jonathan Fant	(Prefers Democratic Party)	25,196	Legislative District 26 - State Representative Pos. 1	
Legislative District 19 - State Senator			Jan Angel	(Prefers G.O.P. Party) 33,602
Brian Hatfield	(Prefers Democratic Party)	41,073	Kim Abel	(Prefers Democratic Party) 29,407
Legislative District 19 - State Representative Pos. 1			Legislative District 26 - State Representative Pos. 2	
Dean Takko	(Prefers Democratic Party)	39,935	Larry Seaquist	(Prefers Democratic Party) 36,183
			Marlyn Jensen	(Prefers Republican Party) 26,059

SECOND DAY, JANUARY 13, 2009

**Legislative District 31 - State Representative
Pos. 1**

Dan Roach	(Prefers Republican Party)	33,862
Ron Weigelt	(Prefers Democratic Party)	22,550

**Legislative District 31 - State Representative
Pos. 2**

Christopher Hurst	(Prefers Democratic Party)	32,405
Sharon Hanek	(Prefers Republican Party)	22,806

**Legislative District 32 - State Representative
Pos. 1**

Maralyn Chase	(Prefers Democratic Party)	40,916
Alex Rion	(Prefers G.O.P. Party)	18,604

**Legislative District 32 - State Representative
Pos. 2**

Ruth Kagi	(Prefers Democratic Party)	47,197
-----------	----------------------------	--------

**Legislative District 35 - State Representative
Pos. 1**

Kathy Haigh	(Prefers Democratic Party)	38,267
Marco Brown	(Prefers Republican Party)	23,788

**Legislative District 35 - State Representative
Pos. 2**

Fred Finn	(Prefers Democratic Party)	34,684
Randy Neatherlin	(Prefers (G.O.P.) Party)	27,185

**Legislative District 39
- State Senator**

Val Stevens	(Prefers Republican Party)	36,118
Fred Walser	(Prefers Democratic Party)	25,570

**Legislative District 39 - State Representative
Pos. 1**

Dan Kristiansen	(Prefers R Party)	33,629
Scott Olson	(Prefers Democratic Party)	27,175

**Legislative District 39 - State Representative
Pos. 2**

Kirk Pearson	(Prefers Republican Party)	37,455
David E. Personius	(Prefers Democratic Party)	23,088

**Legislative District 40
- State Senator**

Steve Van Luven	(Prefers Republican Party)	27,028
Kevin Ranker	(Prefers Democratic Party)	38,200

**Legislative District 40 - State Representative
Pos. 1**

Dave Quall	(Prefers Democratic Party)	51,568
------------	----------------------------	--------

**Legislative District 40 - State Representative
Pos. 2**

Jeff Morris	(Prefers Democratic Party)	44,168
Howard Pellett	(Prefers Green Party)	13,683

**Supreme Court -
Justice Position 3**

Mary Fairhurst	2,015,433
----------------	-----------

**Supreme Court -
Justice Position 4**

Charles W. Johnson	2,017,077
--------------------	-----------

**Supreme Court -
Justice Position 7**

Debra L. Stephens	1,999,584
-------------------	-----------

**Court of Appeals, Division 2, District 2 -
Judge Position 1**

(Joyce) Robin Hunt	242,562
--------------------	---------

**Court of Appeals, Division 3, District 1 -
Judge Position 2**

Kevin M. Korsmo	186,287
-----------------	---------

**Court of Appeals, Division 3, District 3 -
Judge Position 1**

Stephen M. Brown	104,922
------------------	---------

**Asotin, Columbia, Garfield Superior Court -
Judge Position 1**

William D. (Bill) Acey	10,406
------------------------	--------

**Benton, Franklin Superior Court - Judge
Position 1**

Bruce Spanner	47,245
Salvador Mendoza Jr.	37,292

**Ferry, Pend Oreille, Stevens Superior Court
- Judge Position 1**

Rebecca M. Baker	20,998
------------------	--------

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

**Ferry, Pend Oreille, Stevens Superior Court
Judge Position 2**

Allen C. Nielson 20,736

**Klickitat, Skamania Superior Court - Judge
Position 1**

E. Thompson (Tom) Reynolds 10,943

**Pacific, Wahkiakum Superior Court - Judge
Position 1**

Mike Sullivan 9,840

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the State of Washington, this 4th day of December, 2008.

SAM REED
Secretary of State

The Speaker (Representative Morris presiding): "In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington."

Christine Gregoire	Governor
Brad Owen	Lieutenant Governor
Sam Reed	Secretary of State
Jim McIntire	State Treasurer
Brian Sonntag	State Auditor
Rob McKenna	Attorney General
Randy Dorn	Superintendent of Public Instruction
Mike Kreidler	Insurance Commissioner
Peter Goldmark	Commissioner of Public Lands

The Speaker and the President of the Senate signed the Certificates of Election for the duly elected constitutional officers. The Speaker (Representative Morris presiding) called upon President Owen to preside.

The President introduced the State elected officials seated on the rostrum:

Christine Gregoire	Governor
Sam Reed	Secretary of State
Mike Murphy	State Treasurer
Brian Sonntag	State Auditor
Terry Bergeson	Superintendent of Public Instruction
Doug Sutherland	Commissioner of Public Lands

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Phoebe Sinclair and Erik Anderson. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

Reverend Erlandson: "Gracious Lord, I come to you on behalf of this assembly, offering both praise and thanksgiving. Also to pause and ask you, the creator of all things to be spiritually present in today's tasks.

I offer You thanks for all of the gift of freedom; the freedom to speak, the freedom to travel, the freedom to object or to agree with those around us, the freedoms hard won by patriots who have preceded us and freedoms which are now, in part, the responsibility of those here.

I also offer You thanks for the wonderful natural resources with which you have given this State. Not only the mineral, agricultural and geographic blessings we enjoy, but also the people and their talents that give identify and character to our culture. Thank You especially for those who are being honored today. They have given service to the people of this State that is above and beyond expectation. Bless them in their ongoing public and private lives.

Please provide Your continued blessing in the endeavors of this day and this session. Bless this body in its process of decision making, that the results may provide equity and prosperity. Bless the members and their staff who have all made significant sacrifices of time and energy to serve their fellow citizens. Bless the families of the many members separated from home and hearth in order to do the work of governance. And, may You bless the process of legislation that the result may be well crafted laws that improve the quality of life for the residents of this great State.

Amen."

The President: "As the Speaker has announced, this occasion provides all of us with the opportunity to recognize our friends who are leaving office."

HONORING OUTGOING STATE ELECTED OFFICIALS

The President: "Ladies and gentlemen, the President has the great privilege of being able to share some information about the distinguish public servants that we are honoring today. They have served with great distinction over the years. I am going to start with Commissioner of Public Lands, Doug Sutherland.

As our State's twelfth Lands Commissioner, Doug Sutherland has overseen the management of our State's 5.6 million acres of forest, range, agricultural, aquatic and commerce lands. Throughout his tenure, these resources have generated more than 200 million dollars a year in revenue, much of which has gone to support public schools, state institutions, and county services. Doug was the first Commissioner of Public Lands to permanently protect the old growth forest. He led the development and the signing of the forest practices habitat conservation plan. He improved and diversified management of Washington's trust land portfolio by completing major land exchanges that resulted in the creation of two new State forests, the Ahtanum Multiple Use Area west of Yakima and the Naneum Ridge State Forest north of Ellensburg. He eliminated environmental and public safety hazards from state-owned aquatic lands by removing more than 200 sinking or sunken vessels plus nearly 11 million pounds of toxic creosote laden materials from the beaches and waters of Puget Sound and from other bodies of water in Washington State.

I was privileged to serve with Commissioner Sutherland for many years on the State Capitol Committee which provides oversight of buildings and grounds projects on our splendid capitol campus and I will miss the keen perspectives and insights he provided to this group.

Prior to these impressive accomplishments as Public Lands Commissioner, Doug was a city council member, a mayor of Tacoma, the first city manager for the City of SeaTac and the Pierce County Executive. He has also been active on a wide variety of local boards, commissions and charities including the Pierce County Chapter of the American Heart Association, the Tacoma Youth Symphony, and the Tacoma Urban League.

Commissioner, thank you very much for your incredible service to the people of the State of Washington. I hope we will

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

still see you around working with us in the future."

Doug Sutherland: "Madam Governor, Mr. President, Mr. Speaker of the House, members of the House and Senate, I am delighted to be here and to enjoy today's celebrations.

I have over the past eight years, been blessed with significant and incredible opportunities. Opportunities to be able to serve the people of this State and to be able to serve it in such a way that not only were we able to provide significant financial, ecological, environmental and social opportunities and benefits but also to be able to serve with an incredible group of people who work in the Department of Natural Resources. This group of people, and they are only just part of the 1500 who work day in and day out, like no other agency that I have ever been associated with. The successes that the President has outlined are not because of the things that I have done necessarily but because of the strength and the vision and the capabilities of the people who work in the Department of Natural Resources.

You folks have an incredible challenge in front of you. The lands that we manage are under your trusteeship. You have this incredible 8 to 10 billion dollar asset in which every year we are provide significant benefits to the people of this State – financially, socially, ecologically and environmentally. These benefits come as a result of the recognition of the historical nature of these trust lands. Do not lose the vision that the people that wrote our State constitution and those who developed the Enabling Acts of this State. Those legislatures that have been here before, who have continually provided significant direction – you most maintain that valuable vision that has been created and developed. As this State continues to grow, the demands on these lands are going to continue to grow as well. I see that is a most critical part of being able to maintain the financial, ecological, environmental and social benefits that can accrue from these lands.

This State has a great future. You have a great challenge. This year is going to be very difficult for you. And I wish you all the very best luck. God's speed and thank you so very much for your support and help in making my career here in these past years successful. We didn't always agree but in the end the decisions that were made were made based on good information, based on what and how does it benefit the people of this State. I appreciate the support you have given me and members of our staff.

Thank you."

The President: "Next I have the privilege of introducing Superintendent of Public Instruction, Terry Bergeson. During her twelve years as Washington Superintendent of Public Institution, Dr. Terry Bergeson has striven to transform the teaching profession in our State and to ensure all students achieve a diploma that prepares them for success in the twenty first century.

Terry's distinguish career has covered every aspect of the education profession during which she worked tirelessly to build partnership between legislators, educators, parents and community leaders. She has been active as classroom teacher and Counselor in public schools. Within the National Education Association and Washington Education Association she has been active. She has served as the Executive Director of the Central Kitsap School District and then the Washington State Commission on Student Learning.

As our Superintendent of Public Instruction, Dr. Bergeson worked to strengthened standards and accountability and improve student achievement and make Washington a national leader in its professional support for our teachers. Under her leadership, students in every ethnic group have improved their academic performance with the most notable improvements coming from students in traditionally under performing

populations. For the sixth consecutive year, Washington has the highest SAT scores for states where more than half of all students take the test.

We have worked closely with Superintendent Bergeson in recent years on the Legislative Youth Advisory Council. The young men and women in that program are a very active group and will serve as an important voice in the proceedings of the Legislature especially as legislative proposals relate to young people.

She has also been very supportive and an advocate for international teacher and student exchange programs especially with Spain. Dozens of Washington teachers have gone to the University of Castilla-La Mancha in Spain to improve their Spanish language teaching skills as well as to immerse themselves and learn more about the Spanish culture. Many of our schools have welcomed teachers from Spain as well under her leadership. Students of the State of Washington have truly been the beneficiaries of these exchanges.

So I would like to thank you, Terry Bergeson for your incredible service to our State and most importantly to your dedication to our kids."

Terry Bergeson: "Thank you very much, Lieutenant Governor, Speaker Pro Tem, our wonderful Governor Gregoire, all of my fellow elected official – those who will be staying, and my congratulations to Randy Dorn and to the other newly elected officials taking the new roles they are taking. And to those of you who are here in the House and the Senate – thank you. Congratulation to the people who just arrived. There are some wonderful new additions to the group. To those of you who are continuing to serve I wish you well this year.

For me, thank you for doing this today. It's a wonderful thing to recognize our service to the people of the State of Washington. There has been nothing that has been a more exciting challenge and a greater honor in my life than to be the State Superintendent of Public Instruction. To be the constitutional officer who oversees the paramount duty of the State of Washington, which is in our wonderful constitution, the strongest language in the United States of America. To protect the ample education of children regardless of where they live in our State, regardless of their background. I have tremendously enjoyed the partnership which I have had with the House and the Senate, with you, Chris and with Gary Locke and the governors before you. In joining forces to improve the opportunities for the children of this State. We've done a great job. I have many people in the audience who I have worked with in the House and Senate who have deep caring for children with disabilities, for the gifted children who sometimes are forgotten because we think they are so strong. But they are only strong if they have the opportunity to fly, to find their way in this world. To get access for those children – particularly poor children and children of color. I used to run the gifted program in Central Kitsap and at first I didn't like gifted education because the kids I had always taught never got into the programs. Well today they do. Today we have hundreds of young people in Advanced Placement programs because of the grants you have helped me get from the Federal government and because of the money which you have invested in Advanced Placement. We have children from our migrant communities and children from rural and intercity poverty taking and passing Advanced Placement exams because they are getting access to strong academic programs. They are going to soar. We have children from military families and children who are in foster care who we have worked so hard to make sure that they have an opportunity to have some stability in the schools by changing some of our rules and providing transportation and support. The new Building Bridges program that we just passed is really for the first time concentrating on ways to find the early warning systems of children who are beginning to disengage in our

SECOND DAY, JANUARY 13, 2009

2009 REGULAR SESSION

schools, catch them before we lose them and intervene in ways that are powerful. There are consortia all across the State of wonderful people from the Social and Health Services, community and school people working together to keep these kids, to educate them well and to keep them engaged and interested, and knowing that we love them, that we care about them in our schools.

There are so many things that come through the State Superintendent's Office which relate to children from all different backgrounds, their safety, the schools that they are in, the capital construction. We have wonderful new career and technical legislation which you passed last year which is going to change the face of education and open pathways for young people who need a rigorous future but they need a hands-on learning environment. We have done miracles in our State in the last decade and a half. It has been our partnership together which has made that happen. I want to thank you for the support that you have given me and the strength that you have had to stay with our standards because as I talk about all these different groups of children, the big thing we have done is to take our school system from a place where many kids fell through the cracks because everyone taught what they thought they wanted to teach. Now we have really strong academic standards. We had a really good fight about math and science. And we have revised those standards and now we have great math and science standards. They are going to take kids to a whole new level of heights. Over 93% of our kids met the reading and writing standards, and you had the courage to stay with me and with the educators on the graduation requirements that people thought would be very difficult and were very challenging. But children made it. And kids made it that no one thought would make it. We had three thousand teachers this week at the yearly conference I started when I was with the Commission on Student Learning. A young woman from Selah came up to me. She told me her school district had fifty children last Fall who were not going to make it. The teachers started working with those children and all fifty of those children graduated. She found one young man who could not read or write at all. They worked together for eight weeks after school and during the school day, and it just popped. He learned to read and he learned to write. It was in there and this young man connected. No one knew how bad off he was, he passed both the tests and now he is on his way to college. You have helped me and everyone in the State make that happen. I thank you for that because we are better because of it. Our future is brighter because of it.

Doug said it, and I love my work with Doug on the Board of Natural Resources but as we look into the future that this is going to be such a challenging year for you. I hate to leave the work and the people but I don't miss having to make some of the decisions you are going to be struggling with, with the budget crisis which we are in. But we are going to come out of the crisis because we are Americans. We are going to have something new at the national level. We have dug a hole for ourselves and we cannot leave our kids in that hole. We are going to find our way out of it. This State is strong and resilient, and we will come back. As you make your decisions about education funding, we have good information now about how to fund schools. A group of your colleagues have helped to create that new structure. There will not be a lot of money to do anything about it at this point other than to get the policy direction set. But our schools need to remain an island of safety and stability and place of learning for every child in our State. The most vulnerable families are going to have the most difficulty in the times which we face. So as you struggle with your decisions, I would urge you to keep your hearts where I believe they always are for the children and their education in the State of Washington.

Thank you for giving me the opportunity to serve this State.

I'm not done, I don't have a Plan B because I didn't plan to lose. But I am making my Plan B. I would love to help our new president fix 'No Child Left Behind'. He says 'Mend it, don't end it'. I don't know where I'm going but I will still be involved with children and education. I will never forget you.

Thank you. And thank you for doing this for all of us today."

The President introduced Mrs. Teri Murphy, wife of retiring State Treasurer Mike Murphy.

Mr. President: "Mike Murphy's distinguished career of public service began with a tour of duty in the military after which he was hired by the Office of the State Treasurer where he served in various capacities for fifteen years. He was appointed to the position of Thurston County Treasurer in the Spring 1987 and was subsequently elected and re-elected to that office where he served until he was elected Washington's twenty-first State Treasurer in 1996. As State Treasurer, Mike Murphy has been responsible for our State's treasury portfolio and the local government investment pool. As the chair of the State Finance Committee, he has been responsible for the management of the State's outstanding debt and has served as one of ten voting members of the State Investment Board which manages more than 81.9 billion dollars in investments.

Treasurer Murphy helped institute innovative new ways to help local governments take advantage of the services of the State Treasurer for their debt issuance. He also oversaw the development of the Guaranteed Education Tuition or GET program which is the fastest growing pre-paid college tuition in the nation. During the last twelve years, Mike has proposed smart financing packages for projects like the new Tacoma Narrows Bridge where the State saved over 416 million dollars by using bond insurance rather than concession financing through a public-private partnership.

He also spoke out strongly against the public financing proposals which he felt were unsound. In fact, he has been more than willing to take on politicians and issues, myself included, others might think twice about. When Treasurer Murphy felt the financing being considered was not in the best interest of the State, he was often the first to speak up. In the case against me, he was wrong. Whether constituent, reporter, lobbyist or politician - they knew that with Mike Murphy what you see is what you get and what you get is straight talk.

Since I also sit on the Finance Committee and have had the opportunity over the years to work with Treasurer Murphy, I know first hand that he keeps things very interesting despite what can be some dry topics. You might say he puts a little fire in finance. Taking the boring out of bond sales. I think he wrote this. In fact no one moves money like Mike Murphy and we will owe him a great deal of gratitude - actually in truth, Mike, you've done an incredible job; your integrity and innovative style and your dedication to service is second to none."

Mike Murphy: "Thank you, Brad. I am not going to do the normal protocol thing. I am just going to say 'dear friends'.

I started in these halls in 1972. And true to the 'Murphy Tradition' I'm about ready to cry so please bear with me. I have had a really fun time here. I must thank my wife Teri. And most importantly the staff of the State Treasurer's Office. These are the folks who invest billions, borrow hundred of millions for all of us. We just recently had a bond issued last week. We were wanting to issue 860 million dollars. You had already authorized that amount. After evaluating where the markets are today indicated no, we had to issue a smaller number. So we issued 400 million dollars instead of the 860 million dollars. We did get you a good rate though. And our bond rating was reaffirmed. I was very pleased to see that because given the

SECOND DAY, JANUARY 13, 2009

future budget deficient issues, they could very well downgrade our State. But we worked very hard to ensure we are a strong AA State. We are good so far.

I wanted to give some special thank you to the Speaker, Mr. Chopp. When I came in office in 1997, the Legislature had already decided what you were going to do with the Tacoma Narrows Bridge. I got a briefing by the DOT and they said 'Murph, it's not your deal'. I said 'Thanks, I have other things to do'. So I went about my business until I started getting sued. I don't know why they were suing me because it was somebody else's deal. Well, as it turned out, I didn't like being sued, whether as an individual or as an elected official. So I went to a number of my colleagues in the Legislative branch and said, 'Okay I can do this a little cheaper than what you planned.' And they said 'Murphy, the train left town a long time ago, you weren't on it. Forget it'. But I said 'I can save you a whole lot of money.' They said, 'We don't care we are not revisiting that issue. That issue has been done. We're over it.' So finally I got to thinking about what was the next mega-project coming down the road. That's probably the 520 highway who's district is on the western end of that? Frank Chopp. So I went up and had a chat with Frank and I was prohibited by SCC regulations from speaking publicly about that because I act as an issuer for the State. So we helped Frank, we gave him the numbers and we are so pleased to be able to help with that financing because by doing publicly funded, we saved you 416 million dollars. That was a whole lot of fun, and Frank, thank you so much for leadership.

I have had a very fun time working in government. We are leaving this afternoon. I'm taking the afternoon off. Heading down through California to our home in Arizona. I wish you all very much luck during this session. I thank you much for your kindnesses. I think I have friends wherever I look out here. We have tried to disagree without being disagreeable. We hope we have succeeded. Thank you."

The President invited everyone to the State reception room to greet the honorees.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved.

The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant of Arms of the Senate escorted President of the Senate Owen and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 12:15 p.m. by President Owen.

MOTION

At 12:16 p.m., on motion of Senator Eide, the Senate adjourned until 11:15 a.m. Wednesday, January 14, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 14, 2009

The Senate was called to order at 11:15 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Delvin, Fairley, Holmquist, McCaslin, Prentice, Roach and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Cole William Bryant and Katherine Evelyn Schroeder, presented the Colors.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5105 by Senators Jacobsen, Haugen and McDermott

AN ACT Relating to the state oak tree; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5106 by Senators Hobbs, Shin and Berkey

AN ACT Relating to creating an independent four-year polytechnical college and authorizing an investment district to provide financing for the college; adding a new chapter to Title 36 RCW; adding a new chapter to Title 28B RCW; and providing a contingent expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 5107 by Senator Honeyford

AN ACT Relating to energy overlay zones; and amending RCW 36.70C.020 and 36.70C.130.

Referred to Committee on Environment, Water & Energy.

SB 5108 by Senators Honeyford and Stevens

AN ACT Relating to documentation of eligibility to claim a tribal member exemption from retail sales tax; adding a new section to chapter 82.08 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5109 by Senators Honeyford, Hewitt, Stevens and Benton

AN ACT Relating to property valuation freezes for senior

citizens and persons retired due to physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways & Means.

SB 5110 by Senators Honeyford, Schoesler, McCaslin, Hewitt, Kohl-Welles, McDermott and Holmquist

AN ACT Relating to allowing spas, wedding boutiques, and art galleries to serve wine to their customers who are twenty-one years of age or older; adding new sections to chapter 66.12 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5111 by Senators Honeyford, Schoesler, McCaslin and Kohl-Welles

AN ACT Relating to beer and wine boutique and gift delivery licenses; and amending RCW 66.24.550.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5112 by Senators Honeyford and King

AN ACT Relating to the one hundred eighty-day school year requirement; amending RCW 28A.150.220, 28A.150.250, 28A.150.290, and 28A.330.100; and creating a new section.

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

SB 5113 by Senators Honeyford and Stevens

AN ACT Relating to certain sales tax sourcing provisions within the streamlined sales and use tax agreement; amending RCW 82.32.730, 82.14.490, and 82.14.390; adding new sections to chapter 82.32 RCW; repealing RCW 82.14.495 and 82.14.500; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5114 by Senators Honeyford, Schoesler, Holmquist, Becker, Morton, Delvin, Hewitt, Roach and Parlette

AN ACT Relating to encouraging efficient use of water by eliminating the partial relinquishment of water rights; amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5115 by Senators Honeyford, Kline and Roach

AN ACT Relating to the judicial conduct commission; and amending RCW 2.64.020.

Referred to Committee on Judiciary.

SB 5116 by Senator Honeyford

AN ACT Relating to designating a state nickname; and adding a new section to chapter 1.20 RCW.

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SB 5117 by Senators Hargrove, Kauffman, Stevens, Kline and Marr

AN ACT Relating to intensive behavior support services for children with developmental disabilities; and adding a new chapter to Title 71A RCW.

Referred to Committee on Health & Long-Term Care.

SB 5118 by Senator Honeyford

AN ACT Relating to the definition of biofuel; and amending RCW 19.112.010.

Referred to Committee on Environment, Water & Energy.

SB 5119 by Senator Fairley

AN ACT Relating to the public records exemptions accountability committee; creating a new section; and repealing RCW 42.56.140.

Referred to Committee on Government Operations & Elections.

SB 5120 by Senators Fairley, McDermott and Holmquist

AN ACT Relating to agricultural structures; amending RCW 19.27.015 and 19.27.100; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Government Operations & Elections.

SB 5121 by Senators Kline and Kohl-Welles

AN ACT Relating to editorial standards for the publication of the Revised Code of Washington; and amending RCW 1.08.015 and 1.08.017.

Referred to Committee on Judiciary.

SB 5122 by Senators Kline and Kohl-Welles

AN ACT Relating to technical corrections to the Revised Code of Washington; reenacting and amending RCW 13.40.210 and 79A.55.020; and reenacting RCW 43.185.070, 43.185A.030, 46.09.170, 49.60.040, 66.20.310, and 70.105D.070.

Referred to Committee on Judiciary.

SB 5123 by Senators Pridemore and McDermott

AN ACT Relating to mole trapping; and amending RCW 77.15.192.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5124 by Senators Pridemore and Kohl-Welles

AN ACT Relating to raffle ticket prices; and amending RCW 9.46.0277.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5125 by Senators Hewitt and Kohl-Welles

AN ACT Relating to the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account; amending RCW 67.16.102, 67.16.175, and 67.16.275; reenacting and amending RCW 43.79A.040; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5126 by Senators Brandland and Keiser

AN ACT Relating to unattended children in motor vehicles; amending RCW 46.61.685, 46.20.342, and 46.63.020; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5127 by Senators Jacobsen, Hewitt and Haugen

AN ACT Relating to the governance of the department of fish and wildlife; amending RCW 43.17.020, 77.04.013, 77.04.055, 77.04.030, and 77.04.060; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5128 by Senators Jacobsen and Kline

AN ACT Relating to addressing natural resource impacts from off-road vehicle use; amending RCW 46.09.117, 4.24.210, 46.09.120, and 46.09.200; reenacting and amending RCW 46.09.170; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5129 by Senators Jacobsen and Kline

AN ACT Relating to licensing of off-road vehicles; amending RCW 46.09.070; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5130 by Senators Carrell, Hargrove, Swecker, Hatfield, Holmquist, Brandland, Sheldon, Tom, King, Hobbs, McCaslin, Stevens and Marr

AN ACT Relating to access to public records by persons serving criminal sentences in correctional facilities; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Human Services & Corrections.

SB 5131 by Senators Delvin, Hargrove, Brandland and Regala

AN ACT Relating to crisis referral services for criminal justice and correctional personnel; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Human Services & Corrections.

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

SB 5132 by Senators Fraser, Brandland and Keiser

AN ACT Relating to loans to local governments for public works projects; amending RCW 43.155.050, 43.155.068, and 43.155.070; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5133 by Senators Hargrove, Kline, McCaslin, Regala and Roach

AN ACT Relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense; and amending RCW 13.50.010.

Referred to Committee on Human Services & Corrections.

SB 5134 by Senators Kline, McCaslin, Tom, McDermott and Kohl-Welles

AN ACT Relating to electronic signatures for juror questionnaires; and amending RCW 2.36.072.

Referred to Committee on Judiciary.

SB 5135 by Senators Kline, Tom, McDermott and Kohl-Welles

AN ACT Relating to increasing the number of district court judges in King county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SB 5136 by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline and Hatfield

AN ACT Relating to the use of solar energy panels by members of homeowners' associations; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5137 by Senators Honeyford, Sheldon, Holmquist, Morton, Delvin, Hatfield and Parlette

AN ACT Relating to energy resources; amending RCW 19.285.030 and 19.285.040; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Environment, Water & Energy.

SJR 8202 by Senator Jacobsen

Relating to the constitutional provisions regarding initiatives and referendums.

Referred to Committee on Government Operations & Elections.

SJR 8203 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8204 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8205 by Senators Franklin and Kline

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

SCR 8401 by Senators Brown, Hewitt and Honeyford

Calling a joint session to honor deceased former members.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5117 which was referred to the Committee on Health & Long-Term Care, Senate Bill No. 5129 which was referred to the Committee on Natural Resources, Ocean & Recreation and Senate Concurrent Resolution No. 8401 which under suspension of the rules was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Brown and Hewitt

Calling a joint session to honor deceased former members.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401.

SENATE CONCURRENT RESOLUTION NO. 8401 was adopted by voice vote.

MOTION

At 11:21 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of receiving the state of the state address in a Joint Session in the House of Representatives.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker (Representative Morris presiding) called upon President Owen to preside.

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

President Owen: "The purpose of the Joint Session is to administer the oath of office to statewide elected officials and to receive the inaugural address from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Driscoll and Shea, and Senators Franklin and Parlette.

The President appointed a special committee to escort the State elected officials to the House Chamber: Representatives Conway and Parker, and Senators Pflug and Pridemore.

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Dammeier and Jacks, and Senators Hobbs and Becker.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander, and Justices Charles W. Johnson, Barbara A. Madsen, Richard B. Sanders, Tom Chambers, Susan J. Owens, Mary E. Fairhurst, James M. Johnson and Debra L. Stephens.

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed and wife Margie, State Treasurer Jim McIntire with guest Kristina Koons, State Auditor Brian Sonntag and wife Jann, Attorney General Rob McKenna and wife Marilyn, Superintendent of Public Instruction Randy Dorn and wife Kaye, Insurance Commissioner Mike Kreidler and wife Lela and Commissioner of Public Lands Peter Goldmark and wife Wendy.

The President introduced the special guests present in the gallery: Governors Al Rosellini, Mike Lowry, Booth Gardner and Dan Evans; Brian CladoosBy, Swinomish Tribe; Herman Dillon, Puyallup Tribe; Melvin Sheldon, Tulalip Tribe; Charolotte Williams, Muckelshoot Tribe; Snohomish County Executive Aaron Reardon; Snohomish County Sheriff and former Speaker Pro Tempore of the House of Representatives John Lovick and former Secretary of State Ralph Munro.

The President introduced his mother, Laurel and Tom Willis and the rest of his family who were present in the gallery.

The President introduced the members of the Consular Association of Washington: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Daravuth Huoth, Consul of Cambodia; Peter Lloyd, Consul General of Canada; Jorge Gilbert, Consul of Chile; Petra Walker, Consul of Germany; Helen Szablya, Consul of Hungary and Vice President of the Consular Association of Washington; Enid Dwyer, Consul of Jamaica; Yasuo Ishii, Consul of Japan; Haryong Lee, Consul General of the Republic of Korea; Stephen Zirschky, Consul of Latvia; Victor Lapatinskas, Consul of Lithuania; Marisela Quijano, Deputy Consul of Mexico; Kim Nesselquist, Consul of Norway; Miguel Angel Velasquez, Consul of Peru; Emity Repkov, Consul of the Russian Federation; Luis Fernando Esteban, Consul of Spain; Lars Jonsson, Consul of Sweden; John Gokchen, Consul General of Turkey; and Daniel Liao, Director General, Taipei Economic and Cultural Office. The President introduced Lu Wenxiang, Deputy Consul General of the People's Republic of China in San Francisco.

Governor Christine Gregoire and her husband Mike Gregoire, daughters Courtney and Michelle Gregoire and son-

in-law Scott Lindsey arrived, were escorted to the rostrum, and were introduced.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard, commanded by Sergeant John Sager. The National Anthem was sung by Kate Ellwanger of Olympia, a senior at Charles Wright Academy. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Father Michael J. Ryan, formerly of St. Michael's Parish, Olympia.

Father Ryan: "My sisters and brothers, let us pray. Generous and compassionate God, you have revealed your glory to all the nations. God of power and might, wisdom and justice, through your authority is rightly administered, laws enacted and judgement is decreed. We pray today for Christine Gregoire, the Governor of this great state of Washington, for the members of the Legislature, the judges and elected civil officials and all others who are intrusted to guard our political welfare. May they be enabled by your powerful protection to discharge their responsibilities with honesty and ability. Like Solomon of old who faced with the opportunity to enjoy a mediated power he elected instead to ask of heaven, the gift of an understanding heart that he might discern between good and evil and therefore judge rightly amongst the various demands and expectations of his people. No leader could ask for more but only a foolish one would ask for less. And so as these newly elected officials begin their challenging times ahead we ask you, God our creator to bless them with courage, with understanding hearts and we pray that all the citizens of this state take the responsibility in the care of our human family. We are all one union, family. Life is not about us, we are about life so may we drop today any negative attitudes, cynicism and come together in the care and concern of one union family. Together we can do this, apart we can not and so we pray to you our Lord and God for ever and ever. Amen."

OATHS OF OFFICE

Justice Debra L. Stephens administered the Oath of Office to Peter Goldmark, Commissioner of Public Lands.

Justice James Johnson administered the Oath of Office to Mike Kreidler, Insurance Commissioner.

Justice Mary E. Fairhurst administered the Oath of Office to Randy Dorn, Superintendent of Public Instruction.

Justice Susan Owens administered the Oath of Office to Rob McKenna, Attorney General.

Justice Charles Johnson administered the Oath of Office to Brian Sonntag, State Auditor.

Justice Tom Chambers administered the Oath of Office to Jim McIntire, State Treasurer.

Justice Richard B. Sanders administered the Oath of Office to Sam Reed, Secretary of State

Justice Barbara Madsen administered the Oath of Office to Brad Owen, Lieutenant Governor.

Chief Justice Gerry Alexander administered the Oath of Office to Christine Gregoire, Governor.

GOVERNOR'S INAUGURAL ADDRESS

Governor Gregoire: "Thank you, Father Ryan, for that beautiful prayer and blessing. And thank you, Kate Elwanger,

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

for your wonderful performance of the National Anthem.

Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, members of the Consular Association of Washington, my fellow citizens: Good Afternoon.

I first want to express my condolences at the passing of Representative Steve Hailey of the 9th District. His career ended much too soon. I also want to share my personal sadness at the passing last week of Representative Bill Grant. All of us, this chamber, Bill's beloved 16th District, Bill's family — and the people of Washington — are the poorer for his loss. Bill brought to this chamber a sense of bi-partisanship, humor and compassion that we will sorely miss.

I am deeply honored to stand before you in the first moments of my second term as governor of the Great State of Washington. I am grateful and humbled that the people of Washington have chosen me to lead this state through the most difficult and trying times maybe since the Great Depression.

I know all of us in this chamber are honored to be here, and are ready to take on a crisis the likes of which our generation has never seen, let alone imagined. All of us, Democrats and Republicans — the newly elected and the seasoned — have a huge opportunity — the opportunity to bring Washington more firmly into the 21st century. For us — and for all Washingtonians — there are two words that will define us as we confront the challenge and seize the opportunity. Those words are courage and generosity.

The people of Washington are looking to us to act with remarkable courage. In turn, I believe Washingtonians will respond with very personal compassion and generosity for their neighbors. And more than ever, the people of Washington do not want partisan politics! They want us to work together to build a better state for them and their children. So I will challenge all of us today — and throughout the session — to join together. Let's use this crisis! Let's summon the courage to make the hard decisions. And let's make sure Washington emerges better positioned to create jobs, prepare our kids for the future and provide affordable health care. Let's make sure we improve our ranking from third best place to do business — to number one!

With me today is my family: My husband Mike, who plans to continue his work on behalf of veterans and children's literacy; our daughter Courtney, and, of course, our brand-new son-in-law Scott; and our daughter Michelle. My family is here not only to share this important day with me, but to remind us of just what we have at stake this legislative session — and it's the well-being of all Washington families. Too many of our families are struggling just to put food on the table and a roof over their heads. They are worried about keeping a job or finding one. They lose sleep wondering if they can save the business where they have poured their sweat and their savings. And last week, Mother Nature laid on another layer of misery, forcing thousands of people from their homes when our rivers rose and hillsides came down. Our highway transportation system and the commerce that depends on it ground to a halt. But it could have been worse if Washingtonians had not responded so quickly and wisely to the warnings and evacuated by the hundreds. For that, we owe a huge debt of gratitude to the skill of local responders, and our own state and federal agencies. I also want to thank the hundreds of Washingtonians who stepped up to help their suffering neighbors and friends. But the misery continues, and we're working very hard to help with recovery.

Last fall, a different kind of storm rolled over the nation's incredibly mismanaged mortgage and credit markets. That financial storm is now parked over Washington and almost every other state, and it's raining buckets of hardship for

families and businesses. We've all worked to create a world-class education system and affordable, accessible health care, and to rapidly build on our already amazing, diverse economy. I promise you we cannot and will not forget that work. But today, our work is more basic and urgent. Our work is to help our families and businesses survive at a time when they are forced to juggle bills and cut back spending ... when too many stores, restaurants and car dealerships are struggling for customers ... and last month, when 75 percent more Washington workers filed for unemployment benefits than a year ago.

We all know our state didn't make this economic crisis, and we all know we can't unilaterally solve it. But we cannot just ride out the hard times and then go back to business as usual. Instead, we must renew hope for Washingtonians who are suffering today, and lay — for them — a platform for a better tomorrow.

First, we can and must quickly create new jobs for working families by rebuilding roads and schools, and creating a green economy for the 21st century — all in partnership with President-elect Barack Obama's "American Recovery and Reinvestment" plan.

Second, like our struggling families and businesses, we can and will tighten our belts, balance our budget and focus on basic needs — protection of our children, our schools and colleges, our public safety, our environment and our economy.

Third, we won't waste this crisis! We can and must reform state government. In this moment of clarity, we must grab the opportunity to reform so we can respond to the evolving needs of this century.

Fourth, we can and must approach all our challenges as a computer engineer might. Let's build a new platform that makes Washington unique — that can support the exciting possibilities of the 21st century rather than the fading possibilities of the last.

And finally, this is the time for generosity among all Washingtonians.

Real solutions to many of our problems will come from partnerships with our families, our communities, our faith-based organizations and our service groups. This is our time. A time like no other. Our time to show courage. Our time to reach across the aisle — Democrats and Republicans — to help our people. Our time for all to light the lamp of generosity.

And if we need an example of this can-do spirit, we can reach back 76 years to an even worse time — the Great Depression — a time of breadlines, massive unemployment, despair and hope for a better day. The first thing President Franklin Roosevelt did was get people back to work, and by the way, so did Governor Clarence Martin right here in Washington. Indeed, the most visible Northwest project built under Roosevelt's jobs plan was the world-famous Grand Coulee Dam. Tomorrow, I will introduce the "Washington Jobs Now" plan. It is nowhere near as big as the Grand Coulee Dam project back in the 20th century, but it will leave a legacy of roads, schools and green-collar jobs to thrust our state firmly into the 21st century! And I urge you to help me do it — and in the first days of this new session.

This is our moment to act with courage — boldly and urgently — as our President-elect is doing — to speed up a recovery. We can quickly create thousands of new jobs this year and next by accelerating nearly \$1 billion in public works projects. These projects will build new roads and schools, and create green-collar jobs to lay more groundwork for the prosperity to come.

The time to act is now! My "Washington Jobs Now" plan will stretch over the next two years — even as we undertake the largest transportation construction cycle in state history! We now have 1,400 transportation projects under way, or about to start, worth \$3 billion. By combining this historic transportation package with my "Washington Jobs Now" plan,

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

we will provide nearly 20,000 jobs in the next two years.

Franklin Roosevelt did more than create jobs. And so must we. That's why I'm urging you to also act on an unemployment insurance proposal I'll soon introduce to help laid-off workers and struggling businesses. Our state has the healthiest Unemployment Trust Fund in the country. We need to put these funds to work through a temporary increase in benefits for workers and a temporary tax cut for businesses. Unemployment benefits are a uniquely powerful tool to benefit our economy. Benefits go directly to folks who need help and they are spent locally to boost business. Every dollar of benefits results in another \$1.64 of buying power in our economy. And the tax break will help businesses weather the downturn.

And we must help ease the suffering of families struggling to feed their kids. Last fall, we greatly expanded eligibility for food stamps, which brings to our state \$825 million in federal funding this year. Every \$5 spent in food stamps ultimately means \$9.20 circulating through our economy.

And finally, I have an urgent proposal to keep families in their homes. We helped homeowners last year and this year I'm asking you to approve legislation to help struggling homeowners work out ways to avoid foreclosure with time extensions. My "Washington Jobs Now" plan and the recovery proposals address some short-term needs, but they amount to more than a short-term fix. They help us build that new foundation to prepare Washington for the future.

I welcome a new dawn in Washington, D.C. — where Barack Obama and the new Congress are ready to create jobs, rebuild our nation, and help working people and businesses. Next week President-elect Obama will introduce his plan to get Americans back to work. His plan includes funding for schools, infrastructure and expansion of a green economy. I am working with the President-elect to make sure his plan includes ready-to-go projects here in Washington. The President-elect's plan will double our commitment to renewable energy production — a huge opportunity for Washington, which is already leading in renewable energy production.

Let's join that new dawn with our own plan to accelerate jobs and economic recovery. I know many of you have ideas for an economic recovery plan. I want to work with you, and with everyone else, for an effective package that will quickly pass. There is no reason to delay. The sooner we do it, the better it will be for working Washington families and businesses. When this recession ends, and it will end, we must be ready for a new economy. We need to preserve our education system to make sure we provide workers skilled in science, math, engineering and technology. We need to nurture and cultivate our growing life sciences and global health sectors. We need to deliver on the promise of a green economy and thousands of green collar-jobs. This is the economic future for our children and our state. Economic recovery also means tightening our belts and living within our means. We must do what the people who sent us here are doing.

There is a growing number of Washington families out there right now who suddenly find themselves living on an unemployment check. They know what it means to tighten their belts. I have proposed a two-year spending plan that addresses the largest budget gap in state history. This budget contains as much care and compassion as we could muster. But it still hurts real people, and with each cut I chose, I saw their faces. I don't like this budget, but I proposed it for one simple reason — I must.

Let's face it. We were dealt a terrible hand by forces beyond our control. We are forced to make unprecedented and difficult choices.

Ladies and gentlemen, this is a time for real courage! I sent you a budget that rests on our basic values. And we lay the foundation to reap the results when the recovery comes. And so we will — all of us — Democrats and Republicans — working

together to make the wisest, most compassionate decisions. I'm ready to work with all of you. This is what the people expect.

And one thing we have to do together is reform state government to bring it into the 21st century, and soon. At very basic levels, businesses are struggling to reform, to change the way they do business because they simply must to survive. And our business leaders tell me that American companies, large and small, will emerge from this recession forever changed.

We have to do the same. And that's government reform. This is our chance to reform state government to make it a more nimble and relevant partner in a new state economy. Ladies and gentlemen, we need to reboot! Over the decades, state government has evolved — layer upon layer upon layer. But too much of what served the people well in 1940 or 1960 or 1990 does not serve the people well in the 21st century. There are sacred cows standing in the way. There are political roadblocks. But let's step up to the challenge for the people who sent us here. For example, we have some 470 separate boards and commissions across numerous agencies.

Is there anybody in this chamber, or this state, who believes we need any more than half of 470 boards and commissions to serve the people of Washington? There are almost 60 involved with the Department of Social and Health Services alone.

And that's not the only issue we face. For instance, we have three agencies managing natural resources, each with its own scientist standing in the same Washington stream. We need to reform, and we will. We need a lean, nimble state government serving our people in the 21st century.

We know we can do it because in some cases we already have. Today, almost 40 percent of license tabs are renewed online, saving hassles and gas. We can close 26 licensing offices across the state while extending hours of operation at the 10 most popular locations. We are finding new ways to serve our customers. And customer service is what it's all about.

Today, 18,000 full-time students at our community and technical colleges are earning course credits online. It would take an additional four community colleges to offer all those classes the old-fashioned way. Thousands of people go online to check the balance on their food stamp debit card. And more than half of small business owners are filing their state taxes online. I ask you, if we can serve our motorists, our businesses, our students and our poor with 21st century technology, why can't we serve all citizens in ways that are more convenient for them, and cheaper and more effective for government? The answer is, we can. The answer is, we will!

I'm putting the finishing touches on a package of reforms for you to consider this session. I'm asking you to act on them this year. It will take courage. But the time has come to put our sacred cows out to pasture forever.

I can't reform government all by myself. For starters, I've asked Auditor Sonntag to help us figure out ways to sunset boards and commissions and to help us establish a 21st century way of doing business. I am also partnering with business and labor, state employees, citizens, and you, to get the job done. We need to make sure we have a government for the 21st century so our workers and businesses can compete with anyone in the world.

Finally this afternoon, I issue an urgent call to all Washingtonians — each and every one of us — to come together to help our neighbors in a spirit of shared generosity.

First, please join me by recognizing the men and women, who, for the past five years, have sacrificed by putting their lives on hold to fight in distant wars — and who, in some cases, have sacrificed their very lives. In Iraq last week, I met, among others, Sergeant First Class Gerald Frazier of the Washington National Guard's Heavy Brigade Combat Team. Jerry is typical of the Washington men and women helping Iraq rebuild into a democracy — focused, committed and above all, generous. Jerry and his fellow soldiers run the American combat base at

THIRD DAY, JANUARY 14, 2009

2009 REGULAR SESSION

Ramadi. Let me describe their lives to you. They live in a dusty, barren desert, and they work 12 to 14-hour days, seven days a week. Jerry and his fellow soldiers definitely don't come home to home-cooked meals — one of the seasonings on their food is dust, a lot of it. They live in retro-fitted shipping containers, and for recreation, they have a little temporary building with a TV and some weights. Because they're in a combat zone, they don't go outside the camp. They were tickled pink when I gave them a Washington state flag to hang alongside their 12th Man flag. Let us thank them for their generosity — to the people of Iraq and to all of us.

So today, I am honored to introduce to you Jerry Frazier's wife, Val and their two children, Caitlin and Jerry Junior, who are here to represent all the families of the dedicated men and women of the 81st Brigade. These families care enough about this world to see their spouses and parents off to a dangerous war in order to help others, and us, maintain the freedoms we have. Val and you children, please stand for a well-deserved round of applause.

Thank you, each of you, for your generosity to our country and our community. Let your spirit of giving be our spirit too. Let's help our neighbors in need, as the Frazier family has, and as our grandparents and great-grandparents did during the Great Depression so long ago. We must find and embrace the generous spirit of those times. Let's recognize the suffering of our neighbors.

With the terrible flooding last week, we saw once again the spark of generosity in the hearts of Washingtonians. We saw it from the people of Spokane, who turned out in huge numbers to help the city clear storm drains to ease flooding. We saw it in Snohomish where neighbors are still helping neighbors clean up, in Orting where townspeople packed sandbags, and in Lewis County where a hotel cut its room rates in half to accommodate people fleeing their homes.

Today, I want to issue a challenge. I ask every Washingtonian right now, today, to commit to at least one hour a month to help other Washingtonians in need. I personally embrace that challenge. And so does every member of my family. Will you join us? Mother Teresa once said, "If you can't feed a hundred people, then feed just one."

And please know that we are in a time when, for too many people, the things that matter most are incredibly basic — food, shelter, utilities and something deeper — the knowledge that somebody cares about them. There is no shortage of things we can do — help build shelter for poor families ... volunteer at a food bank or homeless shelter ... check "yes" on our utility bills to donate heat and lights to a fellow customer. And we can start by looking around — knocking on a neighbor's door to see if they need help — and by opening our hearts. You know, the Jewish faith teaches that any society in which people care only for themselves is a society that — literally — is headed for poverty. I believe that, too. As Mother Teresa says, "No one person can do it all. But just think what we can do for each other if everybody takes responsibility.

I also want to challenge each person — if you have the means — to commit to donating four non-perishable food items each month to a food bank, or the equivalent in cash. I asked Northwest Harvest what it would mean if even one in four Washingtonians answered the challenge for just one month. Here's what it said: The donations would feed more than 4,200 people for a month! That's a lot of food for hungry kids, seniors and families if we all stepped up to the challenge.

And there is another challenge we can embrace next Monday — the holiday celebrating the birth of Dr. Martin Luther King, Jr. President-elect Obama is calling for a national day of service, and I urge all who can take part to do it. Let us join hands, and let us help each other through these difficult times.

Ladies and gentlemen, we will get through this hard time

and open the door to a better, brighter day. We are Democrats and Republicans. But we are so much more. We are the sons and daughters of our gleaming high-tech cities ... of our rolling wheat fields and lush orchards ... of our fishing and timber towns. We are from small hamlets and far-flung suburbs. We are teachers, lawyers, salesmen, homemakers, cops, retirees, engineers, nurses, firefighters, computer experts. We are the people of Washington. We represent all the people of Washington, and we share a distinction that transcends who we are and what we are. We are One Washington and we come to serve. We are here in the year 2009 to make hard choices with courage and political will. We are here to protect families, get people back to work and prepare for the 21st century. We are here to reform our government to better serve our future, and we are here together as a family is together — to help and support each other, and to build for tomorrow.

This is the time for courage, and this is the time for generosity among all Washingtonians.

Let's do it, ladies and gentlemen, let's get to work!

God bless you all.

And God bless the Great State of Washington!"

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the State elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin and Deputy Minority Leader Carroll, and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 1:07 p.m. by President Owen.

MOTION

At 1:08 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 15, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 15, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 14, 2009

MR. PRESIDENT:

The Speaker has signed the following bills:
SENATE CONCURRENT RESOLUTION NO. 8400,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 14, 2009

MR. PRESIDENT:

The Speaker has signed the following bills:
HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5138 by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline and Pridemore

AN ACT Relating to an integrated climate change response strategy; and adding a new chapter to Title 43 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5139 by Senator Jacobsen

AN ACT Relating to ergonomic airline seats; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5140 by Senators Shin, Kastama, McAuliffe, Jacobsen, Pridemore, Keiser, Hatfield, Kohl-Welles and Kline

AN ACT Relating to language access services in health care; amending RCW 70.47.060; adding new sections to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.02 RCW; creating new sections; providing an effective date; and providing a contingent effective date.

Referred to Committee on Health & Long-Term Care.

SB 5141 by Senators Hargrove, Regala and Shin

AN ACT Relating to a pilot program to increase family participation in juvenile offender programs; adding a new section to chapter 13.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5142 by Senators Regala, Carrell and Kline

AN ACT Relating to improving education and employment opportunities for individuals with criminal convictions; adding new sections to chapter 18.235 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5143 by Senators Regala, Franklin and Kohl-Welles

AN ACT Relating to allowing a six percent property tax limit for emergency medical care and service levies; amending RCW 84.55.0101; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 5144 by Senators Kline, Rockefeller and Pridemore

AN ACT Relating to false claims against the government; amending RCW 48.80.020; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5145 by Senators Kline, Regala, McDermott and Kohl-Welles

AN ACT Relating to the definition of sexually explicit conduct; and amending RCW 9.68A.011.

Referred to Committee on Judiciary.

SB 5146 by Senators Kline, Regala, Pridemore, Kohl-Welles and Shin

FOURTH DAY, JANUARY 15, 2009

2009 REGULAR SESSION

AN ACT Relating to interest on judgments entered against offenders; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

SB 5147 by Senators Kline and Rockefeller

AN ACT Relating to criminal libel; amending RCW 43.06A.085; and repealing RCW 9.58.010, 9.58.020, 9.58.030, 9.58.040, 9.58.050, 9.58.060, 9.58.070, 9.58.080, 9.58.090, and 10.37.120.

Referred to Committee on Judiciary.

SB 5148 by Senators Kline, Fairley and McDermott

AN ACT Relating to Washington's vesting laws; amending RCW 36.70A.290, 36.70A.130, 58.17.033, and 19.27.095; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5149 by Senators Kline, Swecker, Rockefeller, Pflug, Fraser, Hargrove, Jarrett, Pridemore, Kohl-Welles, Schoesler, Brandland and Shin

AN ACT Relating to assessing the state's geothermal resources for electrical power production; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SB 5150 by Senators Kline, Pridemore and Kohl-Welles

AN ACT Relating to a maximum rate for interest or fees charged for small loans; and amending RCW 31.45.073.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5151 by Senators Kline, Rockefeller and Kohl-Welles

AN ACT Relating to the appointment of court commissioners to assist with criminal cases; and amending RCW 2.24.010.

Referred to Committee on Judiciary.

SB 5152 by Senators Kline, Rockefeller, McDermott and Kohl-Welles

AN ACT Relating to statutory construction; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5153 by Senators Kline, Rockefeller and Shin

AN ACT Relating to creating the uniform foreign-country money judgments recognition act; adding a new chapter to Title 6 RCW; and repealing RCW 6.40.010, 6.40.020, 6.40.030, 6.40.040, 6.40.050, 6.40.060, 6.40.070, 6.40.900, 6.40.905, 6.40.910, and 6.40.915.

Referred to Committee on Judiciary.

SB 5154 by Senators Kline and Rockefeller

AN ACT Relating to revising Article 7 of the Uniform Commercial Code, documents of title; amending RCW 62A.7-101, 62A.7-102, 62A.7-103, 62A.7-104, 62A.7-105, 62A.7-201, 62A.7-202, 62A.7-203, 62A.7-204, 62A.7-205, 62A.7-206, 62A.7-207, 62A.7-208, 62A.7-209, 62A.7-210, 62A.7-301, 62A.7-302, 62A.7-303, 62A.7-304, 62A.7-305, 62A.7-307, 62A.7-308, 62A.7-309, 62A.7-401, 62A.7-402, 62A.7-403, 62A.7-404, 62A.7-501, 62A.7-502, 62A.7-503, 62A.7-504, 62A.7-505, 62A.7-506, 62A.7-507, 62A.7-508, 62A.7-509, 62A.7-601, 62A.7-602, 62A.7-603, 62A.1-201, 62A.1-201, 62A.2-103, 62A.2-104, 62A.2-310, 62A.2-323, 62A.2-401, 62A.2-503, 62A.2-505, 62A.2-506, 62A.2-509, 62A.2-605, 62A.2-705, 62A.2A-103, 62A.2A-514, 62A.2A-526, 62A.4-104, 62A.4-210, 62A.8-103, 62A.9A-102, 62A.9A-203, 62A.9A-207, 62A.9A-208, 62A.9A-301, 62A.9A-310, 62A.9A-312, 62A.9A-313, 62A.9A-314, 62A.9A-317, 62A.9A-338, and 62A.9A-601; adding a new section to chapter 62A.7 RCW; creating new sections; repealing RCW 62A.10-104; and providing contingent effective dates.

Referred to Committee on Judiciary.

SB 5155 by Senators Kline and Rockefeller

AN ACT Relating to the Uniform Commercial Code; amending RCW 62A.1-101, 62A.1-102, 62A.1-103, 62A.1-104, 62A.1-105, 62A.1-106, 62A.1-108, 62A.1-201, 62A.1-202, 62A.1-203, 62A.1-204, 62A.1-205, 62A.1-206, 62A.2-103, 62A.2-202, 62A.2A-103, 62A.2A-501, 62A.2A-518, 62A.2A-519, 62A.2A-527, 62A.2A-528, 62A.3-103, 62A.4-104, 62A.4A-105, 62A.4A-106, 62A.4A-204, 62A.5-103, 62A.8-102, and 62A.9A-102; adding new sections to chapter 62A.1 RCW; creating a new section; and repealing RCW 62A.1-107, 62A.1-109, 62A.1-207, 62A.1-208, 62A.2-208, and 62A.2A-207.

Referred to Committee on Judiciary.

SB 5156 by Senators Brandland, McCaslin and Keiser

AN ACT Relating to certification actions of Washington peace officers; and amending RCW 43.101.380.

Referred to Committee on Judiciary.

SB 5157 by Senators Brandland, Pridemore, McCaslin, Keiser and Shin

AN ACT Relating to psychological examinations for peace officer certification; and amending RCW 43.101.095.

Referred to Committee on Judiciary.

SB 5158 by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline and Marr

AN ACT Relating to sales of wine and beer at the legislative gift center; adding new sections to chapter 44.73 RCW; and adding a new section to chapter 66.12 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5159 by Senators King, Haugen, Swecker, Sheldon, Kastama, Kauffman, Berkey and Shin

FOURTH DAY, JANUARY 15, 2009

2009 REGULAR SESSION

AN ACT Relating to the time period for motor vehicle fuel excise tax and special fuel tax refunds; amending RCW 82.36.330 and 82.38.190; and creating a new section.

Referred to Committee on Transportation.

SB 5160 by Senators Kline, McCaslin and Tom

AN ACT Relating to service of notice from seizing law enforcement agencies; and amending RCW 69.50.505.

Referred to Committee on Judiciary.

SB 5161 by Senators Hobbs, Rockefeller, Honeyford, Hewitt, Oemig, Shin, Zarelli, Regala, Benton, Kilmer, Kline, Roach, Haugen and Pridemore

AN ACT Relating to extending tax incentives for renewable resources, including tidal and wave energy; amending RCW 82.08.02567, 82.12.02567, and 82.16.055; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5162 by Senators Hobbs, Swecker, Fairley, Pridemore, Hatfield, Shin, Jacobsen and Haugen

AN ACT Relating to appeals under the growth management act; amending RCW 36.70A.290; adding new sections to chapter 43.330 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5163 by Senators Hobbs, Schoesler, Berkey, Hewitt, Sheldon, Zarelli, Pflug, Carrell and Roach

AN ACT Relating to removing the requirement to purchase art for public buildings during the 2009-2011 biennium; amending RCW 28A.335.210, 28B.10.027, and 43.17.200; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5164 by Senators Berkey, Benton, Hobbs and Parlette

AN ACT Relating to placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans; and amending RCW 31.45.082.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5165 by Senators Jarrett, Swecker, Marr, Shin, Kilmer, Kline, Sheldon and Haugen

AN ACT Relating to the implementation of a regional transfer of development rights program; amending RCW 43.362.005 and 43.362.010; and adding new sections to chapter 43.362 RCW.

Referred to Committee on Government Operations & Elections.

SB 5166 by Senators Regala, Stevens and Kline

AN ACT Relating to the child support license suspension program; amending RCW 74.20A.320; and adding new sections to chapter 74.20A RCW.

Referred to Committee on Human Services & Corrections.

SB 5167 by Senators Regala, Kline and Hargrove

AN ACT Relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location; amending RCW 9.94A.637; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5168 by Senator Regala

AN ACT Relating to school board elections in certain first-class school districts; amending RCW 28A.343.300, 28A.343.600, and 28A.343.640; adding a new section to chapter 29A.04 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5169 by Senator Hargrove

AN ACT Relating to forest products addressed by chapter 76.48 RCW; amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; and repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5170 by Senators Rockefeller and Parlette

AN ACT Relating to repealing chapter 385, Laws of 2005; creating a new section; and repealing RCW 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, 43.88.162, and 2.56.200.

Referred to Committee on Government Operations & Elections.

SB 5171 by Senators Kline and Rockefeller

AN ACT Relating to modifying the Washington principal and income act of 2002; amending RCW 11.104A.180 and 11.104A.290; adding a new section to chapter 11.104A RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5172 by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline

FOURTH DAY, JANUARY 15, 2009

2009 REGULAR SESSION

AN ACT Relating to establishing a University of Washington center for human rights; adding a new section to chapter 28B.20 RCW; and making an appropriation.

Referred to Committee on Higher Education & Workforce Development.

SB 5173 by Senators Shin, Fairley, Kastama, Sheldon, McAuliffe, Brown, Pridemore, Delvin, Hobbs, McDermott, Jarrett, Kilmer, Jacobsen and Kohl-Welles

AN ACT Relating to honorary doctorate degrees; and amending RCW 28B.35.205.

Referred to Committee on Higher Education & Workforce Development.

SB 5174 by Senators Shin, Kastama, McAuliffe, Pridemore, Rockefeller, Keiser, Delvin, Hobbs, Hatfield and Kohl-Welles

AN ACT Relating to graduation rate improvements; and amending RCW 28B.10.693.

Referred to Committee on Higher Education & Workforce Development.

SB 5175 by Senators Shin, Fairley, Kastama, Jarrett, Rockefeller, Hobbs, Delvin and Hatfield

AN ACT Relating to the Washington promise scholarship program; and amending RCW 28B.119.005, 28B.119.010, and 28B.119.020.

Referred to Committee on Higher Education & Workforce Development.

SB 5176 by Senators Shin, Kastama, McAuliffe, Rockefeller, Jarrett, Pridemore, Hobbs, Delvin, Keiser, Hatfield, Kilmer, Jacobsen and Roach

AN ACT Relating to creating a bi-state partnership for teachers of children with visual impairments; adding a new section to chapter 28B.30 RCW; creating a new section; and making and appropriation.

Referred to Committee on Higher Education & Workforce Development.

SB 5177 by Senators Shin, Delvin, Kastama, King, Rockefeller, McAuliffe, Pridemore, Hobbs, Fraser, McDermott, Jarrett, Kilmer, Keiser, Hatfield and Roach

AN ACT Relating to establishing a global Asia institute; adding a new section to chapter 28B.20 RCW; creating a new section; and making an appropriation.

Referred to Committee on Higher Education & Workforce Development.

SB 5178 by Senator Haugen

AN ACT Relating to historic cemeteries and graves; amending RCW 68.52.030; adding new sections to chapter 27.34 RCW; repealing RCW 68.60.030; and making an appropriation.

Referred to Committee on Government Operations & Elections.

SB 5179 by Senator Haugen

AN ACT Relating to revaluation of property impacted by government restrictions; amending RCW 84.40.0301 and 84.41.090; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5180 by Senators Haugen and Parlette

AN ACT Relating to public transit vehicle stops at unmarked stop zones; and amending RCW 46.61.560.

Referred to Committee on Transportation.

SB 5181 by Senator Haugen

AN ACT Relating to the local toxics control account; and reenacting and amending RCW 70.105D.070.

Referred to Committee on Environment, Water & Energy.

SB 5182 by Senators Haugen and Sheldon

AN ACT Relating to requiring offset credits in air operating permits for sawmills using forest waste products as feedstock in cogeneration facilities; amending RCW 70.94.161; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5183 by Senators Hobbs, Stevens, McAuliffe, Brandland, Hargrove, Carrell, Pflug, Hewitt, Parlette, Swecker, Shin, Benton, Roach, Haugen and Holmquist

AN ACT Relating to viewing sexually explicit depictions of minors on the internet; amending RCW 9.68A.110 and 9.68A.070; reenacting and amending RCW 9.94A.030 and 9.94A.515; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5184 by Senators Brandland, Hobbs, McAuliffe, Regala, Stevens, Pflug, Hewitt, King, Swecker and Roach

AN ACT Relating to evaluating the need for a digital forensic crime lab; and creating a new section.

Referred to Committee on Judiciary.

SB 5185 by Senators Rockefeller, Keiser, Pridemore, Jacobsen, Hobbs, Kastama, Haugen, Hargrove, Hatfield, Ranker, Kilmer, Sheldon, Oemig, Delvin, Shin, Kohl-Welles, Kline and Holmquist

AN ACT Relating to increasing solar energy incentives; and amending RCW 82.16.110, 82.16.120, 82.16.130, and 19.285.040.

Referred to Committee on Environment, Water & Energy.

SB 5186 by Senators Stevens, Schoesler, Swecker, Hewitt, Pflug and Holmquist

FOURTH DAY, JANUARY 15, 2009

2009 REGULAR SESSION

AN ACT Relating to establishing a period of public and legislative review of appropriations legislation; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5187 by Senator Stevens

AN ACT Relating to voting procedures; amending RCW 29A.08.010, 29A.08.110, 29A.08.123, 29A.08.140, 29A.08.210, 29A.44.205, and 46.20.117; adding a new section to chapter 29A.08 RCW; and repealing RCW 29A.08.113, 29A.08.145, 29A.48.010, 29A.48.020, 29A.48.030, 29A.48.040, 29A.48.050, and 29A.48.060.

Referred to Committee on Government Operations & Elections.

SB 5188 by Senators Stevens and Swecker

AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

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

SB 5189 by Senators Kohl-Welles, King, McAuliffe, Brandland, Tom, Carrell, Kauffman, McDermott and Kilmer

AN ACT Relating to crimes that require dismissal or certificate revocation for school employees; amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW.

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

SB 5190 by Senators Hargrove, Stevens, Regala and Shin

AN ACT Relating to technical corrections to ensure accurate sentences for offenders; amending RCW 2.24.040, 9.41.045, 9.92.151, 9.94A.190, 9.94A.505, 9.94A.633, 9.94A.6332, 9.94A.670, 9.94A.701, 9.94A.703, 9.94A.704, 9.94A.731, 9.94A.771, 9.94A.835, 9.94A.850, 9.94B.030, 9.94B.060, 9.94B.070, 9.95.011, 9.95.017, 9.95.055, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.140, 9.95.425, 9.95.900, 9A.76.115, 13.40.135, 72.09.335, 72.09.340, 72.09.370, 72.09.714, 72.09.716, 72.09.718, and 72.09.720; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.94B RCW; recodifying RCW 9.94A.602, 9.94A.605, and 9.94A.771; repealing RCW 9.94A.545 and 9.94A.715; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5191 by Senators Hobbs and Benton

AN ACT Relating to noninsurance benefits included in life

insurance policies; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SJM 8002 by Senators Stevens, Hewitt, Schoesler, Swecker, Pflug and Roach

Requesting that Congress audit the Federal Reserve System.

Referred to Committee on Ways & Means.

SJR 8206 by Senators Stevens, Hewitt, Carrell, Schoesler, Swecker and Holmquist

Placing restrictions on tax increases.

Referred to Committee on Ways & Means.

SJR 8207 by Senators Stevens, Swecker and Roach

Amending the Constitution to include toll revenue to be used exclusively for highway purposes.

Referred to Committee on Transportation.

SCR 8402 by Senator Stevens

Limiting the business of the 2009 Legislature to budgets, matters necessary to implement budgets, and matters incident to a natural emergency.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5181 which was referred to the Committee on Environment, Water & Energy.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Friday, January 16, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTH DAY, JANUARY 16, 2009

2009 REGULAR SESSION

FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, January 16, 2009

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Berkey, Brown, Fairley, Hewitt, Jacobsen, Jarrett, McAuliffe, McCaslin, Morton, Parlette, Prentice, Stevens, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Sami Steere and Dylan Turner, presented the Colors. Reverend Richard Johnson, Pastor of Mt. Zion Baptist Church.

MOTION

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

MOTION

There being no objection, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

December 30, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NITA RINEHART, appointed December 29, 2008, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READINGSB 5192 by Senators Jacobsen and Kline

AN ACT Relating to allowing dogs in bars; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5193 by Senators Delvin, Hewitt, Kastama, Carrell, Kilmer, Zarelli, Stevens, King, Schoesler, Swecker, Pridemore, Roach and Holmquist

AN ACT Relating to weapons possession by an alien when hunting with a Washington-licensed hunter; and amending RCW 9.41.170.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5194 by Senators Delvin, Holmquist, Hewitt, Honeyford, Sheldon, Hatfield, Rockefeller, Shin and Roach

AN ACT Relating to the generation of electricity in energy parks; amending RCW 80.50.300; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

SB 5195 by Senators Berkey, Swecker, Kauffman, Hobbs, King, Marr, Haugen, Franklin, Parlette, Schoesler and Shin

AN ACT Relating to adopting the life settlements model act; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.102 RCW; repealing RCW 48.102.005, 48.102.010, 48.102.015, 48.102.020, 48.102.025, 48.102.030, 48.102.035, 48.102.040, 48.102.045, 48.102.050, 48.102.055, 48.102.900, and 48.102.901; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5196 by Senators Berkey, Swecker, Kauffman, Hobbs, King, Marr, Sheldon, Haugen, Franklin, Kilmer, Shin, Kohl-Welles and McDermott

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5197 by Senators Marr, Keiser, Franklin, Kohl-Welles and McDermott

AN ACT Relating to permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority; amending RCW 74.08.055; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5198 by Senators Hobbs, Holmquist, Hatfield, Parlette, Becker and Honeyford

AN ACT Relating to creating customer rebates and public utility tax credits for light and power businesses and gas companies; adding new sections to chapter 82.16 RCW;

creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5199 by Senators Fraser, Morton, Rockefeller and Shin

AN ACT Relating to public water supply system operators; amending RCW 70.119.020, 70.119.030, 70.119.110, 70.119.130, and 70.119.160; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5200 by Senator Brandland

AN ACT Relating to marauding dogs; and amending RCW 16.08.030.

Referred to Committee on Judiciary.

SB 5201 by Senators Franklin, Keiser and Marr

AN ACT Relating to billing for medical services provided through special education programs; and repealing RCW 74.09.5241, 74.09.5243, 74.09.5245, 74.09.5247, 74.09.5249, 74.09.5251, 74.09.5253, 74.09.5254, 74.09.5255, and 74.09.5256.

Referred to Committee on Health & Long-Term Care.

SB 5202 by Senators Franklin, Keiser and Marr

AN ACT Relating to modifying the implementation date, the benefit design, and the obligations of participating managed health care systems for nonsubsidized state health coverage for children by amending RCW 74.09.470(5)(b); and amending RCW 74.09.470.

Referred to Committee on Health & Long-Term Care.

SB 5203 by Senators Hobbs, Pflug, Fairley, Haugen, Swecker, Rockefeller, Tom, Marr, Pridemore, King, Delvin, Murray, Kohl-Welles, Regala, McAuliffe, McDermott, Kastama, Becker, Kline, Jarrett, Oemig, Brown, Kauffman, Fraser, Shin, Parlette, Kilmer, Brandland and Roach

AN ACT Relating to insurance coverage for autism spectrum disorders; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5204 by Senators McDermott, Oemig, Kohl-Welles, Jarrett, McAuliffe, Regala, Marr, Brown, Tom, Haugen, Kline, Shin and Pridemore

AN ACT Relating to electing the president of the United States by national popular vote; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 5205 by Senators Hargrove, Sheldon, Fraser and Kline

AN ACT Relating to changing the number of court of appeals judges; and amending RCW 2.06.020.

Referred to Committee on Judiciary.

SB 5206 by Senators Hatfield, Holmquist, Sheldon and Zarelli

AN ACT Relating to modifying the electrolytic processing business tax exemption; and amending RCW 82.16.0421 and 82.32.560.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5207 by Senators Regala, Stevens, Hargrove, Fraser and Kohl-Welles

AN ACT Relating to the rights of victims, survivors, and witnesses of crimes to be heard before the indeterminate sentence review board and clemency and pardons board; amending RCW 9.95.420, 9.95.420, 9.94A.885, and 7.69.030; adding a new section to chapter 7.69 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5208 by Senators Brandland, Kline, Hargrove, Stevens, Regala, Sheldon, Marr, Kohl-Welles, Tom, Kilmer and Shin

AN ACT Relating to punishment for domestic violence offenders; amending RCW 9.94A.525; reenacting and amending RCW 9.94A.030 and 9.94A.535; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 5209 by Senators Regala, Holmquist, Kohl-Welles, Brandland, Kauffman, Stevens, Hargrove, McAuliffe and Kline

AN ACT Relating to the availability of crime victims' compensation funds for witnesses in civil commitment proceedings; and amending RCW 7.68.060 and 7.68.070.

Referred to Committee on Human Services & Corrections.

SB 5210 by Senators Berkey, Holmquist, Kohl-Welles, Fairley, Regala, Honeyford and Shin

AN ACT Relating to unsolicited goods and the promotional advertising of prizes; amending RCW 19.56.020, 19.170.010, 19.170.020, 19.170.030, and 19.170.040; adding new sections to chapter 19.56 RCW; and adding a new section to chapter 19.170 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5211 by Senators Sheldon, Roach, Fairley, McDermott, Parlette, Haugen, Shin and Benton

FIFTH DAY, JANUARY 16, 2009

2009 REGULAR SESSION

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

Referred to Committee on Government Operations & Elections.

SB 5212 by Senators Kilmer, Kline, McCaslin, Hewitt, Haugen, Shin and Becker

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.004, 26.09.010, and 26.09.260.

Referred to Committee on Human Services & Corrections.

SB 5213 by Senators Carrell, Swecker, Stevens and King

AN ACT Relating to voter registration; amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010, 29A.08.110, 46.20.155, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.520, 29A.08.651, and 29A.84.110; reenacting and amending RCW 9.94A.515; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.84 RCW; repealing RCW 29A.08.145 and 29A.84.670; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5214 by Senators Carrell, Hobbs, Hewitt, Schoesler, Delvin, Kilmer and Benton

AN ACT Relating to military monuments; adding a new section to chapter 38.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5215 by Senators Carrell, Swecker, King and Hewitt

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.380.

Referred to Committee on Judiciary.

SB 5216 by Senators Carrell, Brandland, Stevens, Oemig, Swecker, Pflug, King, Schoesler, Delvin, Tom and Shin

AN ACT Relating to body armor; amending RCW 9.94A.728; reenacting and amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5217 by Senators Carrell, Hobbs, Pflug, Swecker, Morton, Stevens, King, Schoesler and Hewitt

AN ACT Relating to expenditures for works of art; amending RCW 43.17.200; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5218 by Senators Carrell, Hargrove, Swecker,

Regala, Brandland, Hewitt, King, Stevens, Schoesler, Pridemore, Delvin, Pflug, Tom, Kilmer and Shin

AN ACT Relating to controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives; and amending RCW 71.09.080 and 71.09.092.

Referred to Committee on Human Services & Corrections.

SB 5219 by Senators Carrell, Regala, Hargrove, Kline, Brandland, Swecker, Stevens and King

AN ACT Relating to housing for populations at risk of being homeless, including those suffering from mental illness, those with criminal backgrounds, and those who may have chemical or alcohol dependency issues; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5220 by Senators Franklin, Stevens, Hargrove, Regala and Murray

AN ACT Relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education; adding a new section to chapter 28B.85 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5221 by Senators Tom, Honeyford, Kohl-Welles, Haugen, Kilmer and Holmquist

AN ACT Relating to distressed property conveyances; amending RCW 61.34.020; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5222 by Senators Fraser and Brandland

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 43.155.068, 43.155.070, 40.14.024, 43.09.282, 67.40.040, 79.17.010, 79.17.020, 43.19.501, and 43.99N.060; amending 2008 c 328 s 5001 (uncodified); amending 2007 c 520 s 6013 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5223 by Senators Fraser and Brandland

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5224 by Senator Kline

AN ACT Relating to false claims against the government; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5225 by Senators Kline and Hargrove

AN ACT Relating to crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; reenacting and amending RCW 9.94A.535; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5226 by Senators Kline, Franklin, Keiser, Hargrove and Kohl-Welles

AN ACT Relating to prohibiting requests for waivers of rights of residents of long-term care facilities; and amending RCW 70.129.105.

Referred to Committee on Health & Long-Term Care.

SB 5227 by Senators Kline, Rockefeller and Hargrove

AN ACT Relating to materially false statements; and amending RCW 9A.72.010.

Referred to Committee on Judiciary.

SB 5228 by Senators Haugen and Morton

AN ACT Relating to recalculating day labor construction projects and programs; and amending RCW 36.77.065.

Referred to Committee on Transportation.

SB 5229 by Senators McAuliffe, Hobbs, Franklin, Tom, King, Pridemore, Kohl-Welles, Jacobsen, Kilmer and Shin

AN ACT Relating to the legislative youth advisory council; amending RCW 28A.300.801; and declaring an emergency.

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

SB 5230 by Senators Fairley, Regala and Murray

AN ACT Relating to physical therapy; amending RCW 18.74.010 and 18.74.035; adding a new section to chapter 18.74 RCW; and repealing RCW 18.74.085.

Referred to Committee on Health & Long-Term Care.

SB 5231 by Senators Regala, Kline, Stevens, Hargrove and Brandland

AN ACT Relating to parenting plans and residential schedules in dependency proceedings; amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062.

Referred to Committee on Human Services & Corrections.

SB 5232 by Senators Delvin, Holmquist, Hewitt, Schoesler, Carrell, King, Swecker, Pflug, Shin, Kastama, Benton, Kohl-Welles and Roach

AN ACT Relating to protecting registered school students from sexual misconduct by school employees; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5233 by Senators Delvin, Hewitt, Schoesler, Carrell, Swecker, Parlette, Stevens and Honeyford

AN ACT Relating to county elected officials keeping offices at the county seat; and amending RCW 36.16.090, 36.23.080, 36.28.160, 36.29.170, and 36.80.015.

Referred to Committee on Government Operations & Elections.

SB 5234 by Senators Delvin, Hewitt and Marr

AN ACT Relating to state route number 397; and amending RCW 47.17.577.

Referred to Committee on Transportation.

SB 5235 by Senators Kohl-Welles, Honeyford, Holmquist and Keiser

AN ACT Relating to modifying motor vehicle warranty provisions; amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.100, 19.118.120, and 19.118.160; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5236 by Senators Marr, Fairley, Keiser, Murray, Tom and Kohl-Welles

AN ACT Relating to reducing organ transplant benefit waiting periods based upon prior creditable coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5237 by Senators Shin, Kilmer, Berkey, Kastama, Sheldon, Hobbs, Kauffman, Schoesler, Franklin and Fraser

AN ACT Relating to an accelerated baccalaureate degree program; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SJR 8208 by Senators Carrell, Fairley, Swecker, McDermott and Pridemore

Repealing a conflicting residency requirement for voting in a presidential election.

Referred to Committee on Government Operations & Elections.

FIFTH DAY, JANUARY 16, 2009

2009 REGULAR SESSION

SCR 8403 by Senators Jacobsen and Shin

Creating a joint select committee concerning Latino accessibility to higher education.

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5232 which was referred to the Committee on Judiciary.

The President announced the appointment of Senator Regala to the Committee on Judiciary.

MOTION

On motion of Senator Eide, the appointment was confirmed.

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. Of course today is the time in which we take a moment in order to recognize the Dr. Martin Luther King, Jr. I would like to again just say a few words in that regards then followed by a presentation by the Pastor. You know today it seems as if just yesterday that I was standing here talking about Dr. Martin Luther King and what he had contributed and how he in turn had become the face of the civil rights movement and became a drum major for justice. This I would say is really a privilege to be able to speak in his honor, it's a great time in which we are living. We are privileged to be able to do so. This charismatic minister, Dr. Martin Luther King who then became this drum major for justice was not just for himself but he was for all of us. It has seemed impossible undertaking. During King's life time, that racial injustice was the way of the land. Schools, restaurants, public transportation, hotels and hospitals were segregated. Job opportunities were scarce and often limited to very demeaning tasks or hard labor. In his book 'Strength to love', Dr. King wrote, 'Like an unchecked cancer, it corrodes the personality and eats away it's vital unity. It destroys a man's sense of values and his objectivity. It causes him to describe the beautiful as ugly and the ugly as beautiful, and to confuse the truth with the false and the false with the truth.' Between 1957 and 1968, it is estimated that Dr. King spoke more than twenty-five hundred times and traveled six million miles. His resources were shoe leather and buses. His currency was his strength of will and through his efforts came systemic change and federal policy on voting rights and employment discrimination. Mr. President and ladies and gentlemen of the Senate, there's much that can be said about Dr. Martin Luther King, Jr. and the days in which he lived and what he has contributed. I have much written down but will not really go through that. What I would say to you, each one and those that are listening, that one day should not be about Dr. Martin Luther King, Jr. or what he has done for all humanity. It should be every day. Every day our work should reflect what Dr. Martin Luther King is all about. Ladies and gentlemen of the Senate, I see in each one of you since I've been in this august body that this is happening. We have transitioned now that that dream that Dr. Martin Luther King had is now become a living legacy. That legacy which will take place next week, Tuesday, January 20th, says that America's a great place. It's a place in which we can solve problems. That we can come together and that we can make a difference. Ladies

and gentlemen, we have much to do. We are in difficult times but we've been there before working together, we can make a difference. Dr. Martin Luther King, Jr. would be very proud of us. Much has been done. It's not the end. There's much more but freedom and democracy requires work every day. Mr. President, ladies and gentlemen, I would like to introduce, if I may, Pastor Johnson.

REPLY BY THE PRESIDENT

President Owen: "You may Senator."

PERSONAL PRIVILEGE

I would like, as he speaks, that you go back in time during the 50's and imagine, just imagine. There's a song that says imagine, but imagine that this particular place in time you are listening to Dr. Martin Luther King, Jr. Pastor Johnson, thank you for being here."

Reverend Richard Johnson re-enacted a portion of Martin Luther Kings Jrs. final address at Mason Temple, Memphis, Tennessee on April 3, 1968.

MOTION

At 11:31 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of receiving the state of the judiciary address in the House of Representatives.

JOINT SESSION

The Sergeant at Arms announced the Senate had arrived. The Speaker (Representative Morris presiding) instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, Majority Caucus Chair Ed Murray and Republican Deputy Leader Mike Carrell to seats on the rostrum. The Senators were invited to seats within the chamber.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker (Representative Morris presiding) called upon President of the Senate Owen to preside.

The President appointed a special committee to escort the Supreme Court Justices to the chamber: Representatives Klippert and Ormsby, and Senators Kline and Stevens.

The President appointed a special committee to escort the State elected officials to the chamber: Representatives Maxwell and Short, and Senators Fraser and Delvin.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her to the chamber: Representatives Johnson and Orwall, and Senators McDermott and Holmquist.

The President appointed a special committee to escort Chief Justice Gerry Alexander to the chamber: Representatives Hope and Pederson, Senators Rockefeller and King.

The Supreme Court Justices arrived, were escorted to the

front of the chamber and were introduced: Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Tom Chambers, Justice Susan Owens, Justice Mary E. Fairhurst, Justice James M. Johnson and Justice Debra L. Stephens.

State Treasurer Jim McIntire arrived, was escorted to the rostrum and was introduced.

Governor Christine Gregoire arrived, was escorted to the rostrum and was introduced.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the rostrum and was introduced.

The flags were escorted to the rostrum by the Olympia Marine Corps League Detachment 482, commanded by David Ball. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Sandra Kreis, retired Olympia Lutheran Pastor.

Pastor Kreis: "Let us pray. Our Creator and God, You have called your servants here as senators, representatives and judges to bear the concerns of many on their shoulders. Keep them from growing weary. Help them not to rely on their own insight but to trust in You to direct their path. We call on Your insight for the Judiciary especially the State Supreme Court and Chief Justice Gerry Alexander as they meet with us today. Support them in their difficult task of interpreting the law with grace and mercy.

Dear God, You have given these bodies responsibility to govern this State. Grant them patience and wisdom to discern the best action to take among the competing claims that are present. May they show courage in the crafting and interpretation of laws. May their actions renew hope for those suffering economically with unemployment, foreclosure, the basics of life. As many in our State struggle with economics, some with flooding, inspire us to find ways to help one another.

Oh God, You made us in Your image. At this time of economic uncertainty and war, look with compassion on the whole human family. Break down the walls that separate us. Work through our struggles and confusion to accomplish Your purpose on Earth – that all nations and races may serve in You in harmony. We especially remember today the wars in the Middle East – Iraq and Afghanistan. We ask that you preserve lives, deliver all from terror, give all reconciliation and peace. Grant health and favor to all that bear office in our land and especially President-elect Barack Obama, Governor Chris Gregoire and all representatives, senators and judges of our fair State. Guide them with Your wisdom and love as they provide for the needs of all citizens.

For all this we pray. Amen."

Mr. President: "The purpose of this joint session is to receive the State of the Judiciary address from Chief Justice Gerry Alexander."

STATE OF THE JUDICIARY

Chief Justice Alexander: "Thank you President Owen. Governor Gregoire, Speaker Chopp, state elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen. Good morning.

Let me first extend my thanks to the members of the legislature for the warm welcome you have accorded me and my fellow justices of the Washington Supreme Court on this and other occasions. We are very honored to be here for the purpose

of allowing me to present, on behalf of our court and Washington's judiciary, the biennial State of the Judiciary address. This is the fifth time I have been accorded the privilege of presenting such an address since I was first elected chief justice in January 2001.

My judicial colleagues and I are aware that time is precious to the Legislature during sessions, and we are most grateful for this opportunity to speak to you as well as to our State's elected officials and the people of the state of Washington. While the halls of this Legislature are in close proximity to the offices of our State elected officials and the home of the Supreme Court, our respective branches of government have very different functions and we do not have many opportunities like this to gather together. While some may feel that this is as it should be under the doctrine of separation of powers, it is my view that occasions like this, the various oath taking sessions and the Governor's inaugural address, can lead us all to better appreciate the important role that each branch performs in our democracy.

Before I speak to you about the state of the Judiciary as a whole, allow me to say a word about the court on which I now sit, the State Supreme Court. I can tell you that I am very proud of all of my colleagues and very honored to have been elected by them as chief justice for the third time. All of us on our court are unified in our desire to work with our judicial colleagues around the state to deliver equal and quality justice to all in a system that is administered, in the words of our State constitution, 'openly'. Our court is currently very experienced. Each of us practiced public or private law in this state earlier in our careers and collectively we have over 135 years of judicial service. I am pleased to say also that the relationship between all of the justices is collegial. At the same time, though, we are all free thinking individuals who come from a variety of backgrounds. Thus, it is not surprising that we are not unanimous on every issue that comes before us.

Although most of you are somewhat familiar with the veteran members of the Supreme Court, I would like to say a word about our newest member, Justice Debra Stephens. Justice Stephens was appointed to our court by Governor Gregoire in December 2007 and she was sworn in at a ceremony at our court on the 7th of January 2008. Justice Stephens, of course, had to stand for election to that position in the fall of 2008, and, happily, she was unopposed. Justice Stephens is a Spokane native, who obtained her B.A. degree from Gonzaga University, magna cum laude, and then went on to law school at the same university as a Thomas More Scholar, graduating summa cum laude. Following graduation, she practiced law in Spokane with primary emphasis on appellate practice. She appeared before our court over 125 times, which is remarkable, and she did all of this while also serving as an adjunct member of the law school faculty at Gonzaga. Justice Stephens' judicial career actually began earlier in 2007 when Governor Gregoire appointed her to the Court of Appeals, Division Three, in Spokane. When Justice Stephens came to our court early in 2008, she obtained the double distinction of being the first judge of Division Three and the first woman from Eastern Washington to serve on the Washington Supreme Court. We are delighted to have Justice Stephens as a colleague and look forward to working with her in the years to come.

Let me now, in my capacity as chief justice, speak to you more directly about our State's justice system. As you all know, Washington's justice system is present in every county in our State as well as in most of our cities and towns. The system is presided over by nine justices of the Supreme Court, 22 judges of the state court of appeals, 188 superior court judges, and 204 full and part-time judges of our district and municipal courts. These justices and judges can't, of course, manage the system alone and, fortunately, they have the assistance of dedicated

court commissioners, county clerks, and court staff that work hard managing caseloads that collectively total more than two million filings each year--more than one filing for every three citizens of our State. I can tell you that from my perspective, as one who has served as a judge in this state for over 35 years, that our judiciary and its staff has never been more skilled and hardworking than it is right now.

I wish I could have invited every judicial officer in the state to be here today, but, as you can tell from my remarks, they have plenty work to do at home. I did, though, ask a few judges to be present in the gallery--allow me to introduce them to you. Representing the district and municipal court judges of our State is Judge Marilyn Paja of the Kitsap County District Court. Judge Paja is a veteran judge and is currently president of the District and Municipal Court Judges' Association. Representing the superior courts, we have the very able Richard McDermott, president of the Superior Court Judges' Association. Judge McDermott sits on our State's largest court, the King County Superior Court. Representing the 22 judges of our Court of Appeals, we have Judge C. C. Bridgewater. Judge Bridgewater, who hails from Castle Rock in Cowlitz County, is the chief presiding judge of the Court of Appeals. We also have other judges in the audience who are here to attend this afternoon's monthly meeting of the Board for Judicial Administration. These judges represent Washington's judiciary and I am immensely proud of them all.

Each level of court that these judges represent has a direct affect on the lives of individuals. This is particularly true of our trial courts--the superior courts, district courts, and municipal courts). At the superior court, judges determine child custody issues, protect victims of domestic violence from harm, preside over felony criminal cases and all manner of significant civil disputes. At the limited jurisdiction level, judges handle misdemeanor and gross misdemeanor cases, traffic infractions, and a myriad of other matters, including, at the district court, small claims cases and other civil actions where \$75,000 or less is sought. Our limited jurisdiction trial court judges see huge numbers of persons in their courts each year and these courts can truly be called our 'people's courts.'

When reflecting upon the important work of each level of court in our State, and the challenges they face, I am reminded of the old saying that, 'If we do not maintain justice, justice will not maintain us.' These words go to the very essence of our great republic and contribute to the pride we feel about our nation, our State, and our system of government. Americans have always revered justice, and we demonstrate that when we face our nation's flag and recite those well known words: 'justice for all.' Maintaining a strong and fair justice system is, I believe, of great concern to all of our citizens.

Unfortunately, we have not done the best job as a state government in maintaining our justice system at the trial level. Many of you have heard me say before that since we first became a state in 1889, our trial courts have been funded almost entirely by local governments--our counties and cities. This means of funding our trial courts was not problematic in earlier times because our State's court system was relatively small and local governments did not have huge demands placed on their resources. But as the years have gone by the number of cases flowing into our courts has risen dramatically as our population has increased and a variety of new laws and regulations have been enacted at the state and local level. At the same time local governments have assumed financial obligations that were unknown to their predecessors. As a consequence, our trial courts have been severely challenged as they have endeavored to keep up with their increasing and more complex caseloads. In some jurisdictions, particularly in our metropolitan areas, we have seen delays in getting cases to trial due to crowded court

calendars, difficulties in obtaining qualified interpreters for non-English speakers, criminal defense attorneys and prosecutors with caseloads that are too large, and large numbers of persons going without representation in civil cases, particularly in family court matters. I must add that these problems always become more pronounced as the budgets of local government are affected adversely by an economic downturn, such as the one we are currently experiencing.

A few years ago, the state's Board for Judicial Administration addressed the funding crisis facing our trial courts in what we called the Justice in Jeopardy Initiative. We first presented the initiative to you in 2005. The initiative flowed out of the hard work of the Court Funding Task Force, a body that was formed in 2002 by the Board for Judicial Administration. This effort engaged more than 100 persons from across the state and from all backgrounds--significantly, it included five members of the Legislature.

Some of you will recall that when we first spoke to you about the Justice in Jeopardy initiative, we relayed a startling statistic from the task force's report--that Washington State ranked last among the state's of the union, in terms of state government participation in the funding of trial courts, indigent defense and prosecution.

Today, despite the advent of additional and much needed state funding in the last four years, Washington is still in last place in the nation in terms of state funding, with budget-strapped local governments still bearing more than 80 percent of the costs of maintaining our trial courts. Although state government funds the rest, less than one percent of the state budget goes to maintain our justice system and our courts, which compose the key component of that system, courts that are provided for in our State constitution--a constitution that says that justice is to be administered 'without unnecessary delay.'

The report of the Court Funding Task Force and the other studies that have been done over the years have recommended that optimally, the State should pay 50 percent of the cost of trial court operations and indigent criminal defense, and it should assume a substantially greater role in funding civil legal aid services for Washington's low-income residents. We think that this 'partnership approach' between state and local government makes more sense than a complete state takeover of the cost of our trial courts, the path that states like California and Oregon have followed. We say this because we believe that local jurisdictions should have a stake in how the courts operate within their jurisdictions. We recognized, however, that obtaining an increase in state funding of the magnitude we envisioned would be a major change, and, thus, we opted for recommending an incremental approach.

I must tell you that the Judiciary has been immensely gratified by the support that the Legislature has provided since we first approached you with the Justice in Jeopardy initiative. In the legislative sessions of 2005, 2006, and 2007, you recognized by your action that state government does have a responsibility to pay a higher proportion of the costs of the state's justice system than it has in the past. In those sessions, you appropriated significant funds, much of which were derived from higher user fees, and you applied it to the support of our trial courts, public defense and civil legal aid. We are most grateful for that show of support.

Let me be more specific about what you have done: In 2005, you provided, for the first time, state funding for a portion of the salaries of district court judges and elected municipal court judges, and for trial court improvement accounts. You also appropriated funds to provide legal representation for indigent parents in termination and dependency cases as well as funding for indigent criminal defense at the trial level. You also created

the Office of Civil Legal Aid as an independent agency of the judicial branch and increased the amount of dollars going to civil legal aid. This was truly historic action by the Legislature. In the 2006 session, you maintained the momentum established in the previous session by funding a pilot jury pay research project and expanding the parents' representation program. Again you provided additional funds for civil legal aid programs. In 2007, you appropriated supplemental funds to complete the jury pay research project in addition to providing funds for court interpreters at the trial level. At the same time you provided additional funds for CASA representatives, civil legal aid, criminal indigent defense, and parental representation. Although we did not ask for any new funding in 2008, a supplemental budget year, it was our intention to ask you to continue the march toward implementation of the goals of the Justice in Jeopardy Initiative in this session. Specifically, we anticipated requesting additional state funding to assist local governments in covering the ever burgeoning costs of providing court interpreters at the trial level. We also planned to seek additional funding for civil legal aid, public defense, parental representation, the Commission on Children in Foster Care, and the Washington Family and Juvenile Plan--an ambitious agenda.

We have since decided to shelve these requests for time being. We took this action because we recognized the problems you face in the Legislature this year as a consequence of the current economic crisis that faces our State and the nation. Bottom line, we concluded that this is not a propitious time to seek enlargement of the budget of the judicial branch. That does not mean that we have lost our zeal for the goals we set forth in the Justice in Jeopardy Initiative. It simply means that we have taken a time out. We want you to know, though, that we strongly urge you to not dismantle the progress we have made since 2005. I can also promise you that we will be back seeking your support for the goals of the initiative when the economic situation in our State and nation is rosier. Relevant to the current fiscal situation, I wish to point out that we have endeavored in the last several months to cut back our spending in the remaining months of the current biennium and it appears that we have done so to the tune of about \$672,000. Because of this effort we will be able to leave a much greater amount of money in the treasury at the end of the biennium than we otherwise would have.

Since we are not asking for any funding of new programs, I suppose I could stand down now and head back across the street. But I don't want to do that without addressing a familiar issue that we believe deserves attention by this Legislature. It is an issue that I have highlighted in each of the previous State of the Judiciary addresses I have presented to you. It concerns Washington's low rate of pay for our jurors. Let me quickly add that we have not set forth any amount in our proposed budget to fund an increase in the attendance fee for the reasons I have already given. We will, though, seek introduction of a bill that would provide for an increase in the fee.

To refresh your memory, the daily attendance fee for jury service is set by statute at no less than \$10 per day and no more than \$25. Significantly, almost every jurisdiction in the state pays the minimum of \$10. That fee was established in 1958, a time when \$10 was roughly equivalent to the minimum wage for a day's work. It is clear that today the fee is woefully inadequate and its meagerness is evidenced by the fact that for a five-day trial, Washington ranks 45th out of 50 states in terms of jury compensation.

To the Legislature's great credit, you did fund the pilot project that allowed us to raise the fee in three jurisdictions to an amount akin to the current minimum wage. You also underwrote the cost of a study of the effect of the fee increase on the response to the jury summons by persons called for jury duty,

juror satisfaction, and the diversity of our jury panels. While the study, a copy of which you should have received this week, does reveal greater juror satisfaction on the part of those who received the higher fee, it was not entirely clear what effect the increase had on responses to the jury summons--that may have been due, in part, to the fact that many, if not most, prospective jurors were not entirely aware of the fact that the attendance fee had been increased.

But regardless of whether an increase in the fee will get more citizens to fulfill this important responsibility of American citizenship, the fee should be increased as a matter of equity. Even though we are getting jurors to serve, we believe that it is simply not fair to pay them such a low fee, particularly those who devote more than one day to jury service.

In light of the current economic situation, the proposed legislation, which will be before you, is much more modest than what we were initially inclined to propose. Basically, we are suggesting that the fee stay at \$10 for the first day of jury service, on the theory that everyone should be willing to give one day of service at little or no cost to the government, but that it should increase on the second and subsequent days of jury service and that the State, as opposed to local government, should bear the cost of the increase. Again, with a view toward the current economic situation, we are asking that the proposed increase be phased in over a period of about four years. We recognize that obtaining an increase in the jury fee is a tough sell in this session. We believe, though, that this issue needs to be kept at the forefront and, thus, we will strongly advocate support for the proposal in this session.

I am about to close, but before I do I want you to know that we in the Judiciary fully appreciate the immense challenges the 61st Legislature faces. As Governor Gregoire pointed out in her address on Wednesday, we are facing an economic upheaval of proportions unseen for many years. As a consequence, this Legislature is going to have to make some tough and painful decisions about how the State's smaller revenue pie will be divided. I know that you will receive much advice on how to do that, and I am hesitant as the spokesperson for the Judiciary to kibitz, other than to say just a couple of things.

First, I implore you to resist the temptation to reduce the appropriation for civil legal services for the poor and criminal public defense below current levels. I make this plea because it is our view that the demand for the services that our legal aid attorneys and public defenders provide is almost certainly going to increase in the hard economic times we are likely to experience in the coming biennium. The persons who benefit from these services, including the increasing numbers of our citizens who face foreclosure, eviction, or debt collection, are among the most vulnerable in our population and they are often without a voice in the halls of government--so we wish to speak for them.

The other thing I would say is that when you are looking for possible ways to reduce the cost of government spending in order to accommodate decreased revenues, you should take a look at Washington's current sentencing regime. I say that because even the most ardent fan of our current determinate sentencing scheme would have to concede that under this system, which is very rigid and inflexible and vests very little discretion in the sentencing judge, the number of persons in our State prisons and county jails has increased substantially and it would appear that this increase will continue for the foreseeable future.

As you know, the costs attendant to housing this large number of persons in our jails and prisons is huge. Let me just briefly give you some numbers. Right now, we have 18,000 inmates in Washington's prisons, state-supervised work release, or rented space in county jails or prisons outside the state. This

FIFTH DAY, JANUARY 16, 2009

2009 REGULAR SESSION

compares to 16,000 in confinement just five years ago, and approximately 14,000 ten years ago. Those numbers are, of course, in addition to the thousands who are confined on any one day in our county and city jails. Significantly, the increase in our prison population, which exceeds the state's population growth during the same period, has occurred during a period in which Washington's overall crime rate and violent crime rate has declined substantially.

Although most of the persons who are confined within our prisons need and deserve to be there, most judges will tell you, if asked, that there are a significant number of persons in our prisons who could be treated outside of the prison walls at a cost much lower than the cost of imprisonment, and that this could be done without jeopardizing the public's safety and security.

Having said that, I hasten to add that we in the Judiciary are not proposing at this time a wholesale revision of our State's determinate sentencing scheme for those convicted of felonies. We do think, though, that it is time for the Legislature to take a close look at this system that came out of the so-called Sentencing Reform Act of 1981 to see if these massive costs of incarceration cannot be reduced. I want you to know that if you undertake such a long-term project, the Judiciary stands ready to assist you in any way that we can.

In the short run, we ask you to give favorable consideration to some proposed legislation that is being advocated by our superior court judges, the persons who impose the sentences in felony cases and who know a bit about the subject. They propose that you increase the number of community-based DOSA beds. DOSA stands for the Drug Offender Sentencing Alternative, for defendants who would otherwise be sent to prison. Experience shows this alternative to imprisonment, like drug courts, works and has the effect of reducing crime and saving dollars.

The superior court judges will also propose that you restore to sentencing judges something we could do when I was a young superior court judge, and that is the ability to suspend, in appropriate cases, part or all of a felony sentence of a defendant facing a determinate jail sentence and no imprisonment. This would not apply to persons charged with a sex or violent offense. Such a step, we believe, would be of great value to fiscally strapped counties and would not impinge on public safety.

Although these are relatively modest proposals, they are ones that make sense. We hope, also, that confronting them in this session will serve as a catalyst to open dialogue which could lead to broader sentencing reform in the future. We are aware that reform of our sentencing practices would not be popular with everyone, but these are challenging times and such times call for boldness and innovation.

Let me close where I began by thanking all of you for allowing me to speak to you today and for the graciousness with which you have received me and my colleagues. Please accept our very best wishes for a successful legislative session."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the rostrum.

The President asked the special committee to escort the Governor from the rostrum.

The President asked the special committee to escort the State elected officials from the chamber.

The President asked the special committee to escort the

Supreme Court Justices from the chamber.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved.

The President thanked the Speaker (Representative Morris presiding) and members of the House for their hospitality, and returned the gavel to him.

The Speaker (Representative Morris presiding) asked the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Owen, Majority Caucus Chair Ed Murray, Republican Deputy Leader Mike Carrell, and members of the Senate from the Chamber.

The Senate was called to order at 12:30 p.m. by President Owen.

MOTION

At 12:32 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 19, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 19, 2009

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 15, 2009

SB 5038 Prime Sponsor, Senator Kohl-Welles: Making technical corrections to gender-based terms. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 15, 2009

SGA 9004 MIKE AMOS, appointed on September 19, 2008, for the term ending June 30, 2014, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 15, 2009

SGA 9082 THOMAS W MCLANE, appointed on May 14, 2008, for the term ending September 8, 2009, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 16, 2009

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,

The Speaker appointed Representatives Walsh and Santos to the joint committee.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5238 by Senators Keiser, Roach, Swecker, Fraser, McCaslin, Kohl-Welles, Honeyford, Pridemore, McDermott, Fairley, Benton and Shin

AN ACT Relating to mailing information to certain members of the state retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

SB 5239 by Senator Hatfield

AN ACT Relating to modifying the definition of "public facilities"; and reenacting and amending RCW 43.160.020.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5240 by Senators Hargrove and McCaslin

AN ACT Relating to addressing the enforceability of court rules that create new nonconstitutionally mandated programs, or increase levels of service under existing programs, on any political subdivision of the state; and amending RCW 43.135.060 and 2.04.190.

Referred to Committee on Judiciary.

SB 5241 by Senators Oemig, Pridemore, Kline, Kohl-Welles and Shin

AN ACT Relating to public, education, and government access channels; and adding a new chapter to Title 19 RCW.

EIGHTH DAY, JANUARY 19, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SB 5242 by Senators Honeyford, Holmquist, King, Parlette and Schoesler

AN ACT Relating to qualifying for benefits when leaving work voluntarily; amending RCW 50.20.050; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5243 by Senators Honeyford, Holmquist, King and Stevens

AN ACT Relating to rules adopted by the department of labor and industries; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5244 by Senator Carrell

AN ACT Relating to special detention facilities; amending RCW 70.48.020; adding a new section to chapter 70.48 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5245 by Senator Carrell

AN ACT Relating to evidence in administrative hearings; and amending RCW 34.05.434 and 34.05.449.

Referred to Committee on Judiciary.

SB 5246 by Senators Carrell, Pflug, Stevens, Swecker, Hewitt and Delvin

AN ACT Relating to the effect of zoning ordinances on motor vehicle collection and restoration; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5247 by Senator Carrell

AN ACT Relating to enforcement of outstanding warrants from courts of limited jurisdiction; amending RCW 35.20.270, 3.62.020, and 3.62.040; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

SB 5248 by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach

AN ACT Relating to the interstate compact on educational opportunity for military children; amending RCW

28A.225.330, 28A.225.160, 28A.185.030, 28A.180.040, 28A.225.210, and 28A.225.225; adding a new section to chapter 28A.225 RCW; and adding a new chapter to Title 28A RCW.

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

SB 5249 by Senator Fairley

AN ACT Relating to public records request responses; and amending RCW 42.56.520.

Referred to Committee on Government Operations & Elections.

SB 5250 by Senator Fairley

AN ACT Relating to increasing the maximum per page copying charge under the public records act; and amending RCW 42.56.070 and 42.56.120.

Referred to Committee on Government Operations & Elections.

SB 5251 by Senators Fairley and Sheldon

AN ACT Relating to charges for copying under the public records act; and amending RCW 42.56.120.

Referred to Committee on Government Operations & Elections.

SB 5252 by Senators Brandland, Hargrove and Shin

AN ACT Relating to correctional facility policies regarding medication management; amending RCW 70.48.020; adding new sections to chapter 70.48 RCW; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Human Services & Corrections.

SB 5253 by Senators Carrell, Brandland and Swecker

AN ACT Relating to criminal defendants who are guilty and mentally ill; amending RCW 10.77.040 and 9.94A.501; adding a new section to chapter 10.77 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5254 by Senators Prentice, Jarrett, Oemig, Kline, Tom, Brandland and Delvin

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5255 by Senators Jacobsen, Swecker, Regala, Morton, Kilmer, Pridemore and Shin

AN ACT Relating to aquatic lands lease rates for marinas; amending RCW 79.105.060, 79.105.240, and 79.105.360; and adding a new section to chapter 79.105 RCW.

EIGHTH DAY, JANUARY 19, 2009

2009 REGULAR SESSION

Referred to Committee on Natural Resources, Ocean & Recreation.

RCW 28A.155.045, 28A.655.063, 28A.655.065, 28A.655.0611, 28B.50.534, and 28A.600.405.

SB 5256 by Senator Hargrove

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

AN ACT Relating to information technology; amending RCW 43.20A.060, 43.105.290, 43.105.340, 43.105.350, 43.105.360, and 43.105.800; creating a new section; repealing RCW 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, 43.105.047, 43.105.052, 43.105.055, 43.105.057, 43.105.060, 43.105.070, 43.105.080, 43.105.095, 43.105.105, 43.105.160, 43.105.170, 43.105.180, 43.105.190, 43.105.200, 43.105.210, 43.105.320, 43.105.330, 43.105.810, 43.105.815, 43.105.820, 43.105.825, 43.105.830, 43.105.835, 43.105.900, 43.105.901, 43.105.902, 43.105.903, 43.105.904, and 43.105.905; providing effective dates; and declaring an emergency.

SB 5261 by Senators Regala, Stevens, Hargrove and Shin

AN ACT Relating to creating an electronic statewide unified sex offender registry program; and amending RCW 36.28A.040.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Government Operations & Elections.

SB 5262 by Senators Kline, Brandland and Shin

AN ACT Relating to law enforcement access to driver's license photographs for the purposes of identity verification; and reenacting and amending RCW 46.20.118.

Referred to Committee on Judiciary.

SB 5257 by Senators Holmquist, Kohl-Welles, Hewitt, Franklin, Kline, King and Keiser

AN ACT Relating to correcting statutory references in the calculation of predecessor and successor employer contribution rates; amending RCW 50.29.062 and 50.29.063; and creating a new section.

SB 5263 by Senators Hargrove, Brandland and Tom

AN ACT Relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5258 by Senators Kohl-Welles, Holmquist, Hewitt, Franklin, Kline, King and Keiser

AN ACT Relating to expanding industries that qualify for good cause for late filing of reports, contributions, penalties, or interest; amending RCW 50.29.010; and creating a new section.

SB 5264 by Senators Kohl-Welles, McAuliffe, Shin, Jarrett and Kilmer

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5265 by Senators Jarrett, Oemig and Shin

AN ACT Relating to local tourism promotion areas; amending RCW 35.101.010, 35.101.050, 35.101.070, and 35.101.080; and adding a new section to chapter 35.101 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5259 by Senators Kohl-Welles, Delvin, Keiser, Pridemore, Kauffman, McDermott, Kline, Shin, Fairley, McAuliffe and Roach

AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5266 by Senators Hargrove, Stevens, Regala, Kauffman and Brandland

AN ACT Relating to housing services and assistance in dependency and termination matters; amending RCW 13.34.030 and 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138.

Referred to Committee on Human Services & Corrections.

SB 5260 by Senators McAuliffe, Fraser, Pridemore, Hargrove, Sheldon, Kauffman, Hobbs, Hatfield, Fairley and Roach

AN ACT Relating to motivating students through incentives to pursue postsecondary education by eliminating the use of statewide assessments as a high school graduation requirement; amending RCW 28A.655.070, 28A.655.061, 28A.655.066, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.090, 28A.305.130, 28A.600.310, 28B.15.520, 28B.15.067, and 28A.155.170; reenacting and amending RCW 28A.230.125; creating new sections; and repealing

SB 5267 by Senators Sheldon, Berkey, Morton, Kastama and Delvin

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

EIGHTH DAY, JANUARY 19, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SB 5268 by Senators Swecker, Jacobsen and Shin

AN ACT Relating to the fish and wildlife equipment revolving account; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5269 by Senators Jacobsen, Swecker and Hatfield

AN ACT Relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state; amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5270 by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin

AN ACT Relating to voter registration; amending RCW 29A.04.079, 29A.04.109, 29A.04.163, 29A.04.210, 29A.08.010, 29A.08.030, 29A.08.105, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.130, 29A.08.135, 29A.08.140, 29A.08.210, 29A.08.230, 29A.08.260, 29A.08.310, 29A.08.330, 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.430, 29A.08.440, 29A.08.510, 29A.08.520, 29A.08.610, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.640, 29A.08.720, 29A.08.760, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091, 29A.60.235, and 46.20.155; reenacting and amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.040, 29A.08.113, 29A.08.145, 29A.08.360, 29A.08.605, 29A.08.651, and 29A.08.780.

Referred to Committee on Government Operations & Elections.

SB 5271 by Senators Oemig, McDermott and Swecker

AN ACT Relating to candidate filing; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on Government Operations & Elections.

SB 5272 by Senators Hatfield, Schoesler, Morton and Shin

AN ACT Relating to wildlife interactions; amending RCW 77.36.010, 77.36.070, 77.36.080, 77.36.030, and 77.12.240; adding new sections to chapter 77.36 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5273 by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles

AN ACT Relating to the practice of landscape architecture; amending RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070, 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140, 18.96.150, 18.96.180, and 18.96.190; adding new sections to chapter 18.96 RCW; creating a new section; repealing RCW 18.96.050, 18.96.160, and 18.96.170; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5274 by Senators Hatfield, Schoesler, Morton, Honeyford, Shin and Holmquist

AN ACT Relating to damage caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5275 by Senators Hobbs, Kline, Carrell, Swecker, Shin, McAuliffe and Kilmer

AN ACT Relating to health insurance for enlisted members of the Washington national guard; and adding a new section to chapter 38.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5276 by Senators Schoesler, Jarrett, Oemig, Shin and Holmquist

AN ACT Relating to the authority to offer engineering programs at regional comprehensive universities; and amending RCW 28B.10.115 and 28B.20.060.

Referred to Committee on Higher Education & Workforce Development.

SB 5277 by Senators Hatfield, Kline and Delvin

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

Referred to Committee on Judiciary.

SB 5278 by Senators King, Kohl-Welles and Shin

AN ACT Relating to making technical changes to boiler and unfired pressure vessel statutes; amending RCW 70.79.060, 70.79.070, 70.79.080, 70.79.090, and 70.79.240; and repealing RCW 70.79.210.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5279 by Senators Kline, Ranker, Rockefeller, Pridemore, Oemig, Regala, Franklin, Murray, Kauffman, Fairley, Kohl-Welles, Haugen, McAuliffe, Pflug, Shin and McDermott

AN ACT Relating to providing safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program; reenacting and amending RCW 69.41.030; adding

EIGHTH DAY, JANUARY 19, 2009

a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5280 by Senators Holmquist, Hatfield, Honeyford, Hewitt, Schoesler and Parlette

AN ACT Relating to recognizing conservation achieved in excess of biennial conservation acquisition targets as an eligible renewable resource under the energy independence act; amending RCW 19.285.040; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5281 by Senator Benton

AN ACT Relating to utility liens against rental property; and amending RCW 35.21.290, 35.67.200, and 36.94.150.

Referred to Committee on Government Operations & Elections.

SB 5282 by Senators Keiser, Franklin, Kohl-Welles, Marr, Murray, McAuliffe, Regala, Oemig, Kilmer, Fairley, Pridemore, Ranker and McDermott

AN ACT Relating to the use of bisphenol A; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5283 by Senators Keiser, Holmquist, Eide, Pridemore, Kline, Kauffman and Kohl-Welles

AN ACT Relating to the replacement of nonfunctioning wireless communications devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5284 by Senators Keiser, Holmquist, Kohl-Welles, Pridemore, Marr and Kauffman

AN ACT Relating to truth in music advertising; adding a new section to chapter 19.25 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5285 by Senators Regala, Hargrove, Kauffman and Stevens

AN ACT Relating to guardians ad litem; and amending RCW 26.44.030, 13.34.100, 26.12.175, and 26.12.177.

Referred to Committee on Human Services & Corrections.

SB 5286 by Senators Regala, Hargrove and Kohl-Welles

AN ACT Relating to exemptions from the WorkFirst program; and amending RCW 74.08A.270.

Referred to Committee on Human Services & Corrections.

SB 5287 by Senators Kilmer, Carrell and Marr

AN ACT Relating to the deferral of sales and use taxes due on the state route number 16 corridor improvements project; and amending RCW 47.46.060.

Referred to Committee on Ways & Means.

SB 5288 by Senators Hargrove, Stevens, Regala and Shin

AN ACT Relating to offender risk assessments; amending RCW 9.94A.501 and 9.94A.501; amending 2008 c 231 s 6 (uncodified); Repealing 2008 c 231 s 60 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5289 by Senators Ranker, Haugen, Swecker, King, Marr, Jarrett, Hargrove and Shin

AN ACT Relating to an addition to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 5290 by Senators Franklin, Brown, Fraser, Kauffman, McAuliffe, Shin, Murray, Eide, Keiser, Berkey and Regala

AN ACT Relating to requests made by a party concerning gas or electrical company discounts for low-income senior customers and low-income customers; and amending RCW 80.28.068.

Referred to Committee on Environment, Water & Energy.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5287 which was referred to the Committee on Ways & Means.

MOTION

At 12:05 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 20, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 20, 2009

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 19, 2009

SB 5030 Prime Sponsor, Senator Kilmer: Concerning militia records, property, command, and administration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Oemig, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

January 19, 2009

SB 5031 Prime Sponsor, Senator Fairley: Concerning rental or lease of armories. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

January 19, 2009

SB 5034 Prime Sponsor, Senator Shin: Adjusting veterans' scoring criteria. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by

Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 19, 2009

SB 5036 Prime Sponsor, Senator Kilmer: Concerning veterans' relief. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 19, 2009

SB 5040 Prime Sponsor, Senator Delvin: Clarifying and prescribing penalties for gambling under the age of eighteen. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5040 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 19, 2009

SB 5053 Prime Sponsor, Senator Hobbs: Creating the Washington state flag account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5291 by Senator Hargrove

AN ACT Relating to the release and supervision of offenders based on risk assessments; amending RCW 9.94A.501, and 9.94A.728; amending 2008 c 231 s 6

NINTH DAY, JANUARY 20, 2009

2009 REGULAR SESSION

(uncodified); repealing 2008 c 231 s 60 (uncodified); and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5292 by Senators Kline, Hargrove, Pridemore, Kohl-Welles, Regala and McDermott

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5293 by Senators Kline, Rockefeller, King, Holmquist, Delvin, Oemig, Hatfield and Shin

AN ACT Relating to in camera reviews of denials of public records requests; and amending RCW 42.56.520.

Referred to Committee on Government Operations & Elections.

SB 5294 by Senators Kline, Oemig and Hatfield

AN ACT Relating to implementing the nonunanimous recommendations of the public records exemptions accountability committee; amending RCW 42.56.250 and 42.56.330; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Government Operations & Elections.

SB 5295 by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs

AN ACT Relating to the unanimous recommendations of the public records exemptions accountability committee; amending RCW 70.05.170, 42.56.380, 42.56.360, 41.04.362, 28C.18.020, 79A.25.150, 42.56.330, and 42.56.250; adding a new section to chapter 42.56 RCW; and repealing RCW 41.04.364.

Referred to Committee on Government Operations & Elections.

SB 5296 by Senators Delvin and Hewitt

AN ACT Relating to the authority of towns, cities, and counties to form public facilities districts for recreational facilities when one or more of the towns, cities, or counties have previously formed public facility districts; amending RCW 35.57.010 and 82.14.048; and reenacting and amending RCW 35.57.020.

Referred to Committee on Government Operations & Elections.

SB 5297 by Senators Kline and Delvin

AN ACT Relating to the procedure for filing a declaration of completion of probate; and amending RCW 11.68.110.

Referred to Committee on Judiciary.

SB 5298 by Senators Regala and Kline

AN ACT Relating to removing the penalty language from natural resource civil infractions; and amending RCW 7.84.030.

Referred to Committee on Judiciary.

SB 5299 by Senators Hatfield, Delvin, Holmquist, Marr, Morton, Schoesler, Ranker, Sheldon, Murray and Shin

AN ACT Relating to water resource management on the mainstem of the Columbia and lower Snake rivers; amending RCW 90.90.005, 90.03.380, and 90.90.030; reenacting and amending RCW 90.14.140; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5300 by Senators Kauffman, Fraser and Kohl-Welles

AN ACT Relating to allowing capital appropriations for the housing trust fund to be used for project application, review, selection, contracting, and project development; amending RCW 43.185.050; and reenacting and amending RCW 43.185A.030.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5301 by Senators Hargrove and Parlette

AN ACT Relating to permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts; amending RCW 82.14.460; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5302 by Senators Kilmer, Schoesler, Hobbs, Fraser, Holmquist and Roach

AN ACT Relating to granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

SB 5303 by Senators Hobbs, Schoesler, Holmquist, Kilmer, Fraser and Roach

AN ACT Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2; and amending RCW 41.40.750.

Referred to Committee on Ways & Means.

SB 5304 by Senators Schoesler and Fraser

AN ACT Relating to lowering the general salary increase assumption from 4.5 percent to 4.25 percent for the actuarial funding of the public employees' retirement system, the teachers' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, the school employees' retirement system, the public safety employees' retirement system, and the Washington state patrol

NINTH DAY, JANUARY 20, 2009

2009 REGULAR SESSION

retirement system; amending RCW 41.45.035; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5305 by Senators Schoesler, Fraser, Holmquist and Parlette

AN ACT Relating to repealing certain obsolete state retirement system statutes; and repealing RCW 41.32.360 and 41.32.366.

Referred to Committee on Ways & Means.

SB 5306 by Senators Schoesler and Fraser

AN ACT Relating to a study of disability benefit options for members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, and the school employees' retirement system plan 2 and plan 3; and creating a new section.

Referred to Committee on Ways & Means.

SB 5307 by Senators Hobbs, Fraser, Holmquist and Schoesler

AN ACT Relating to plan membership default provisions in the public employees' retirement system; and amending RCW 41.40.785.

Referred to Committee on Ways & Means.

SB 5308 by Senators Schoesler, Fraser, Holmquist, Becker, McAuliffe, Shin and Kilmer

AN ACT Relating to higher education employees' annuities and retirement income plans; and amending RCW 28B.10.400.

Referred to Committee on Ways & Means.

SB 5309 by Senators Hobbs, Schoesler, Murray and Holmquist

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 5310 by Senators Schoesler, Hobbs, Holmquist and Fraser

AN ACT Relating to the state actuary's recommendations for assumptions used in the actuarial funding of the state retirement systems; and amending RCW 41.45.030 and 41.45.090.

Referred to Committee on Ways & Means.

SB 5311 by Senators Fraser, Delvin, Shin, Parlette and Roach

AN ACT Relating to benefits for the survivors of certain firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new section to chapter 41.18 RCW.

Referred to Committee on Ways & Means.

SB 5312 by Senators Delvin, Schoesler, Fraser and Kohl-Welles

AN ACT Relating to increasing the duty-related death benefit for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; reenacting and amending RCW 43.43.285; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5313 by Senators Becker, Hobbs, Schoesler, Morton, Holmquist, Murray, Fraser, Shin and Kilmer

AN ACT Relating to interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system; and amending RCW 41.40.710, 41.40.805, 41.37.260, 41.35.470, 41.35.650, 41.32.810, 41.32.865, 41.26.520, and 43.43.260.

Referred to Committee on Ways & Means.

SB 5314 by Senators Carrell, Hobbs, Schoesler, Murray, Morton, Fraser, Holmquist, Shin, Kohl-Welles, Roach and Kilmer

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

SB 5315 by Senators Schoesler, Hobbs, Holmquist, Honeyford and Fraser

AN ACT Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service; and amending RCW 41.40.270.

Referred to Committee on Ways & Means.

SB 5316 by Senators Jarrett, Kilmer, Delvin, Kastama, Jacobsen, Shin and Pflug

AN ACT Relating to changing the timeline for the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education & Workforce Development.

SB 5317 by Senators Shin, Kilmer, Jarrett, Delvin, Kastama and Jacobsen

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date.

NINTH DAY, JANUARY 20, 2009

2009 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development.

SB 5318 by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin

AN ACT Relating to adding additional appropriate locations for the transfer of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5319 by Senator Kohl-Welles

AN ACT Relating to providing economic stimulus through the unemployment insurance program; amending RCW 50.20.120, 50.29.021, 50.29.025, 50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070, 50.60.090, and 50.60.100; adding a new section to chapter 50.22 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5320 by Senators Murray, Kohl-Welles and Shin

AN ACT Relating to modifying the name of and titles within the acupuncture profession; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020, 18.120.020, 18.130.040, and 43.70.110; adding a new section to chapter 18.06 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5321 by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman

AN ACT Relating to extending a local sales and use tax that is credited against the state sales and use tax; amending RCW 82.14.415; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5322 by Senator Fairley

AN ACT Relating to civil service commissions for sheriffs' offices; and amending RCW 41.14.020 and 41.14.030.

Referred to Committee on Government Operations & Elections.

SB 5323 by Senators Fairley, McDermott and Haugen

AN ACT Relating to substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury; and amending RCW 36.70A.260 and 36.70A.270.

Referred to Committee on Government Operations & Elections.

SB 5324 by Senators Delvin, Prentice and Holmquist

AN ACT Relating to providing the gambling commission with authority to determine locations where amusement games may be conducted; and amending RCW 9.46.0331.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5325 by Senators Hargrove, Regala and Kohl-Welles

AN ACT Relating to creating an evidence-based community custody system for adult felons; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5326 by Senator Regala

AN ACT Relating to juvenile sex and kidnapping offender registration; and amending RCW 9A.44.140 and 9A.44.145.

Referred to Committee on Human Services & Corrections.

SB 5327 by Senators Oemig, Swecker, Regala, McDermott and McAuliffe

AN ACT Relating to technical corrections to election provisions; amending RCW 28A.343.300 and 35.02.086; adding a new section to chapter 29A.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5328 by Senators Fairley, Swecker, Pridemore, Fraser, Regala, Shin and Kohl-Welles

AN ACT Relating to naming public spaces in the Washington state heritage center; and amending RCW 43.34.090.

Referred to Committee on Government Operations & Elections.

SB 5329 by Senators Pridemore, Delvin, Kohl-Welles, Shin, Murray, Hatfield, Kline, Fairley, McDermott and Haugen

AN ACT Relating to providing assistance to spay and neuter certain animals; amending RCW 15.53.9018, 15.53.9044, and 18.92.260; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5330 by Senators Haugen, Pridemore, Kauffman and Kohl-Welles

AN ACT Relating to the construction of a state boundary bridge; and amending RCW 47.56.042.

Referred to Committee on Transportation.

SB 5331 by Senators Kauffman and Swecker

AN ACT Relating to speed limits on nonlimited access state highways within tribal reservation boundaries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 5332 by Senators Haugen, Swecker and Delvin

NINTH DAY, JANUARY 20, 2009

2009 REGULAR SESSION

AN ACT Relating to the administration of the Washington state patrol retirement system; amending RCW 41.04.278 and 43.43.120; reenacting and amending RCW 44.44.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Transportation.

SB 5333 by Senators Haugen, Swecker, Delvin and Parlette

AN ACT Relating to a Washington state patrol retirement system deferred option plan; adding a new section to chapter 43.43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5334 by Senator Jacobsen

AN ACT Relating to state and municipal borrowing; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5335 by Senator Jacobsen

AN ACT Relating to vehicles overtaking and passing pedestrians or bicycles; and amending RCW 46.61.100 and 46.61.110.

Referred to Committee on Transportation.

SB 5336 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to allowing dogs in designated outdoor areas of bars and coffee shops; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5337 by Senators Jacobsen and Shin

AN ACT Relating to animal emergency operations; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5338 by Senators Jacobsen and Shin

AN ACT Relating to food from cloned animals; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5339 by Senators Kilmer, Swecker, Oemig, Morton and Haugen

AN ACT Relating to studying the feasibility of creating a board with public records act and open public meetings act responsibilities; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5340 by Senators Prentice, Regala, Pflug, Shin and Parlette

AN ACT Relating to internet and mail order sales of certain tobacco products; adding a new chapter to Title 70 RCW; repealing RCW 70.155.105; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5341 by Senators Kastama and Shin

AN ACT Relating to requiring an annual survey by claimants of the tax credit for eligible business projects in rural counties; amending RCW 82.62.080; and adding a new section to chapter 82.62 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5342 by Senators Kastama, Shin and Berkey

AN ACT Relating to the designation of residential time in parenting plans; and amending RCW 26.09.187.

Referred to Committee on Human Services & Corrections.

SB 5343 by Senators Regala, Carrell and Kline

AN ACT Relating to exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes; and amending RCW 19.295.005, 19.295.010, and 19.295.020.

Referred to Committee on Judiciary.

SB 5344 by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer

AN ACT Relating to providing an emergency response system for the Strait of Juan de Fuca; amending RCW 88.46.130, 88.46.068, and 88.46.010; and adding a new section to chapter 88.46 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5345 by Senators Holmquist, Honeyford, Parlette, King, Becker, McCaslin, Hewitt, Morton, Stevens and Schoesler

AN ACT Relating to renewable energy; and amending RCW 19.285.030 and 19.285.040.

Referred to Committee on Environment, Water & Energy.

SB 5346 by Senators Keiser, Franklin, Marr, Parlette, Murray and Kohl-Welles

AN ACT Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services; amending RCW 70.47.130; adding a new section to chapter 70.14 RCW; adding a new section to chapter 18.122 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

NINTH DAY, JANUARY 20, 2009

2009 REGULAR SESSION

SB 5347 by Senators Keiser, Franklin, Pridemore, Murray and Kohl-Welles

AN ACT Relating to hospital charity care; amending RCW 70.41.400, 70.170.020, 70.170.060, 19.16.500, 84.36.040, and 70.170.070; and adding a new section to chapter 70.170 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5348 by Senators Swecker, Haugen, Jacobsen, Parlette, Rockefeller and Shin

AN ACT Relating to removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account; and amending RCW 79A.15.060 and 79A.15.120.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5349 by Senators Haugen and Brandland

AN ACT Relating to admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems; and amending RCW 46.61.687 and 46.61.688.

Referred to Committee on Judiciary.

SB 5350 by Senators Haugen, Ranker and Hatfield

AN ACT Relating to special permits for poultry slaughter, preparation, and sale; and amending RCW 69.07.103.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5351 by Senators Haugen and Marr

AN ACT Relating to transportation funding and appropriations; amending 2008 c 121 ss 103, 201, 202, 203, 205, 206, 208, 209, 210, 211, 212, 213, 215, 218, 219, 221, 222, 223, 224, 225, 302, 303, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, and 605 (uncodified); adding new sections to 2007 c 518 (uncodified); repealing 2007 c 518 s 603 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5352 by Senators Haugen and Marr

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.12.244, 46.16.685, and 70.95.521; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5353 by Senator Haugen

AN ACT Relating to the annexation procedures of public transportation benefit area authorities; and amending RCW 36.57A.140.

Referred to Committee on Transportation.

SB 5354 by Senators Haugen and Ranker

AN ACT Relating to public hospital capital facility areas; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5355 by Senator Haugen

AN ACT Relating to initial levy rates for rural county library districts; and amending RCW 27.12.040 and 27.12.050.

Referred to Committee on Government Operations & Elections.

SB 5356 by Senators Haugen and Jacobsen

AN ACT Relating to direct retail endorsements issued by the department of fish and wildlife; and amending RCW 77.65.510.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5357 by Senator Haugen

AN ACT Relating to certain sales tax sourcing provisions within the streamlined sales and use tax agreement; amending RCW 82.32.730, 82.14.490, and 82.14.390; adding new sections to chapter 82.32 RCW; repealing RCW 82.14.495 and 82.14.500; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5358 by Senators Hobbs, Hewitt, Marr, King, Fairley, Zarelli and Benton

AN ACT Relating to sales and use tax exemptions in respect to aircraft used in intrastate commuter operations; and amending RCW 82.08.0262 and 82.12.0254.

Referred to Committee on Ways & Means.

SB 5359 by Senators Oemig, Pridemore, Kline and McDermott

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111 and 29A.60.040.

Referred to Committee on Government Operations & Elections.

SB 5360 by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles

AN ACT Relating to community health care collaborative grants; amending RCW 41.05.220; adding new sections to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5361 by Senators McDermott, Swecker, Pridemore, Oemig, Marr, Jarrett, Kohl-Welles, Fraser, Kline, Murray, Kastama, McCaslin, Shin, Haugen and Kilmer

NINTH DAY, JANUARY 20, 2009

AN ACT Relating to feeding hungry children through school breakfast and lunch programs and summer food service programs; amending RCW 28A.235.150 and 28A.235.155; and creating new sections.

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

SB 5362 by Senators Parlette, Hewitt, Schoesler, Swecker, Hargrove, Stevens, King, Delvin and Morton

AN ACT Relating to the minimum hourly wage; and amending RCW 49.46.020.

Referred to Committee on Labor, Commerce & Consumer Protection.

SJM 8003 by Senators Pflug, Keiser and Parlette

Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability.

Referred to Committee on Health & Long-Term Care.

SCR 8404 by Senators Kilmer, Jarrett, Hewitt, Delvin, Jacobsen, Shin and Pflug

Providing for the 2008-2018 state comprehensive plan for workforce training.

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5341 which was referred to the Committee on Economic Development, Trade & Innovation.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 21, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 21, 2009

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Fraser, Hargrove, Kauffman, Keiser, Kohl-Welles, Regala and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth J. Thomas and Gavin Kovacs of, presented the Colors. Pastor Gary Shavey of Mars Hill Church of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 2009
SB 5060 Prime Sponsor, Senator Jacobsen: Modifying provisions relating to the use of manufactured wine or beer. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 20, 2009
SB 5111 Prime Sponsor, Senator Honeyford: Including off-premises sales for holders of a beer and wine boutique and gift delivery license. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 20, 2009
SB 5124 Prime Sponsor, Senator Pridemore: Increasing raffle ticket prices. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

October 7, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN COMSTOCK, reappointed October 6, 2008, for the term ending August 2, 2014, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

SIGNED BY THE PRESIDENT PRO TEMPORE

January 21, 2009

The President Pro Tempore signed:
SENATE CONCURRENT RESOLUTION NO. 8401,

The President Pro Tempore announced the appointments of Senators Haugen and Morton to serve on the joint committee to arrange the memorial service.

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5363 by Senators Ranker, Berkey, Swecker, Delvin, Marr, Shin, Haugen and McAuliffe

AN ACT Relating to the designation of certain state routes as highways of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SB 5364 by Senators Marr, Delvin and Haugen

AN ACT Relating to modifying the existing commute trip reduction tax credit; amending RCW 82.70.040 and

TENTH DAY, JANUARY 21, 2009

2009 REGULAR SESSION

82.70.025; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5365 by Senators Marr, Swecker and Haugen

AN ACT Relating to liability for damages to state property resulting from the illegal operation of a vehicle; and amending RCW 46.44.110.

Referred to Committee on Transportation.

SB 5366 by Senators Holmquist, Kohl-Welles and Shin

AN ACT Relating to licensing administration for cigarettes and tobacco products; and amending RCW 82.24.510, 82.24.550, 82.26.150, 82.26.180, 82.26.190, 82.26.210, and 82.26.220.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5367 by Senator Kohl-Welles

AN ACT Relating to a spirits, beer, and wine nightclub license; amending RCW 66.04.010, 66.08.180, 66.08.220, 66.24.010, 66.24.440, 66.40.030, and 66.40.130; reenacting and amending RCW 66.20.310, 66.24.420, and 68.50.107; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5368 by Senators Prentice, Parlette, Fraser, Regala, Shin and Keiser

AN ACT Relating to making provisions for all counties to value property annually for property tax purposes; amending RCW 84.41.030, 84.41.041, and 82.45.180; adding new sections to chapter 84.41 RCW; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5369 by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles and Parlette

AN ACT Relating to adding and deleting counseling professions subject to the authority of the secretary of health under the uniform disciplinary act; amending RCW 18.130.040 and 18.130.040; providing effective dates; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5370 by Senators Franklin, Becker, Fairley, Keiser, Marr and Murray

AN ACT Relating to allowing electronic approval of vital records; and amending RCW 70.58.005, 70.58.170, 70.58.180, 70.58.230, 70.58.240, 70.58.250, and 70.58.260.

Referred to Committee on Health & Long-Term Care.

SB 5371 by Senators Swecker, Benton, Delvin, Sheldon, Pflug, Kastama, Honeyford, Zarelli, Shin and Becker

AN ACT Relating to parent taught driver training education courses; amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300; and adding a new section to chapter 46.82 RCW.

Referred to Committee on Transportation.

SB 5372 by Senator Jacobsen

AN ACT Relating to creating a school-based influenza vaccination pilot program; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5373 by Senators Kauffman, Tom, Kline, Oemig, Kohl-Welles, Shin, Hargrove, Kastama, Regala, Marr, McDermott, Fairley, Jarrett, Pridemore, Kilmer, McAuliffe, Keiser, Jacobsen, Franklin, Fraser and Haugen

AN ACT Relating to early intervention services for children with disabilities; amending RCW 43.88C.010; adding new sections to chapter 70.195 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5374 by Senator Fairley

AN ACT Relating to the board of directors of an air pollution control authority; and amending RCW 70.94.100 and 70.94.120.

Referred to Committee on Government Operations & Elections.

SB 5375 by Senator Fairley

AN ACT Relating to adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers; amending RCW 64.06.020; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5376 by Senators Kauffman, Delvin, Shin, Haugen, Kohl-Welles, McAuliffe and Kline

AN ACT Relating to encouraging training for medical students, nurses, and medical technicians and assistants to work with adult patients with developmental disabilities; and adding a new section to chapter 28B.115 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5377 by Senators Kilmer, McCaslin, Kastama, Fairley, Swecker and Marr

AN ACT Relating to funding for residential infrastructure development; amending RCW 43.330.010, 82.45.060, and 82.45.180; reenacting and amending RCW 43.84.092; adding new sections to chapter 43.330 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

TENTH DAY, JANUARY 21, 2009

SB 5378 by Senator Eide

AN ACT Relating to digital learning program accreditation; and amending RCW 28A.150.262.

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

SB 5379 by Senators Eide, McAuliffe and Hobbs

AN ACT Relating to equalizing school district salary allocations; amending RCW 84.52.0531 and 84.52.0531; adding a new section to chapter 28A.150 RCW; providing an effective date; and providing an expiration date.

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

SB 5380 by Senators McCaslin and Marr

AN ACT Relating to the statute of limitations for certain crimes; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 5381 by Senators Jarrett, Haugen, King, Marr, Shin, Tom and Carrell

AN ACT Relating to issuing cease and desist orders and civil penalties for violations committed by unlicensed persons engaging in scrap processing or hulk hauling activities; adding a new section to chapter 46.79 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5382 by Senators Morton, Jacobsen, Stevens, Swecker, Hewitt, Zarelli, King, Pflug, Parlette, Honeyford and Holmquist

AN ACT Relating to traps as they apply to mice and rats; and amending RCW 77.15.192.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5383 by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug and King

AN ACT Relating to wolf-hybrids; and amending RCW 16.30.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5384 by Senators Hargrove, Morton and Hatfield

AN ACT Relating to high-performance public buildings; and amending RCW 39.35D.020, 39.35D.030, 39.35D.040, 39.35D.060, 39.35D.070, and 39.35D.090.

Referred to Committee on Environment, Water & Energy.

SB 5385 by Senators Hargrove, Morton, Rockefeller, Hatfield and Shin

AN ACT Relating to design of public facilities; amending RCW 39.35.030, 39.35.040, and 39.35.050; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5386 by Senators Carrell, Roach, Kastama, McCaslin and Regala

AN ACT Relating to electronic recording of court proceedings; amending RCW 3.02.030 and 3.02.040; and adding new sections to chapter 2.08 RCW.

Referred to Committee on Judiciary.

SB 5387 by Senators Sheldon, Delvin, Jacobsen, Swecker, Pridemore, Jarrett, Kilmer, Regala, Kline, Hatfield, Shin, McAuliffe, Becker and Holmquist

AN ACT Relating to vehicle-activated traffic control signals; adding a new section to chapter 47.36 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5388 by Senators Parlette, Murray, Swecker, Carrell, King, Tom, Kohl-Welles and Franklin

AN ACT Relating to motor vehicle dealer disclosure of damage and repairs in the sale of new motor vehicles; and amending RCW 46.70.180.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5389 by Senators Hatfield, Schoesler, Jacobsen, Delvin, Hargrove, Swecker, Sheldon, Honeyford, Morton and Stevens

AN ACT Relating to trapping; amending RCW 77.08.010 and 77.65.450; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.15.190, 77.15.191, 77.15.192, 77.15.194, 77.15.196, 77.15.198, 77.32.545, and 77.65.460; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5390 by Senators Delvin, Hewitt, Holmquist, King, Honeyford, Marr, Hatfield, Zarelli, Kastama, McDermott, Pridemore and Shin

AN ACT Relating to the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.263; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5391 by Senators Kastama, Haugen, Fairley, Roach and Pflug

AN ACT Relating to regulating tattooing and body piercing businesses; amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5392 by Senators Kastama, Haugen and Shin

TENTH DAY, JANUARY 21, 2009

2009 REGULAR SESSION

AN ACT Relating to proof of financial responsibility or motor vehicle liability insurance; amending RCW 46.16.212, 46.16.210, and 46.30.040; adding new sections to chapter 46.29 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5393 by Senators Kastama, Haugen and Fairley

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; amending RCW 48.18.170 and 48.18.180; adding new sections to chapter 38.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5394 by Senators Berkey, Hobbs, Haugen, Stevens, Shin and McAuliffe

AN ACT Relating to a state route number 2 route development plan; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SB 5395 by Senators Kauffman, Schoesler, Hobbs, Zarelli and Roach

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

Referred to Committee on Ways & Means.

SB 5396 by Senators Rockefeller and Shin

AN ACT Relating to retainage of funds on public works projects; amending RCW 39.04.901, 39.12.040, 39.12.050, 39.12.065, 39.76.020, 60.28.040, and 60.28.080; reenacting and amending RCW 60.28.011; and repealing RCW 39.04.140, 39.76.010, 60.28.010, 60.28.020, and 60.28.050.

Referred to Committee on Government Operations & Elections.

SB 5397 by Senators Rockefeller and Shin

AN ACT Relating to alternative public works; amending RCW 39.10.230, 39.10.250, 39.10.270, 39.10.300, 39.10.330, 39.10.360, and 39.10.420; and repealing RCW 39.10.310.

Referred to Committee on Government Operations & Elections.

SB 5398 by Senators Rockefeller and Kline

AN ACT Relating to expanding the ability to negotiate an adjustment to a bid price on public works to municipalities; and amending RCW 39.04.015.

Referred to Committee on Government Operations & Elections.

SB 5399 by Senators Rockefeller and Shin

AN ACT Relating to payment of undisputed claims; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 5400 by Senators Tom, Berkey, Benton, McCaslin, Shin, Roach and Kline

AN ACT Relating to reverse mortgage lending; amending RCW 31.04.015 and 31.04.115; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5401 by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline

AN ACT Relating to habitat open space; and amending RCW 76.09.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5402 by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr

AN ACT Relating to prevention of animal cruelty; and amending RCW 16.52.011, 16.52.085, and 16.52.200.

Referred to Committee on Judiciary.

SB 5403 by Senators Keiser, Hewitt, Honeyford, Franklin and Kohl-Welles

AN ACT Relating to the contractual relationships between distributors and producers of malt beverages; and amending RCW 19.126.010, 19.126.020, 19.126.030, 19.126.040, 19.126.060, and 19.126.080.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5404 by Senator Jacobsen

AN ACT Relating to modernizing certain provisions in Title 77 RCW regarding fish and wildlife; amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, and 77.15.552; and repealing RCW 77.12.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5405 by Senators Oemig, Zarelli, Kilmer, Shin, Murray, Hewitt and Kohl-Welles

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5406 by Senators Keiser, Pflug, Kohl-Welles and Parlette

TENTH DAY, JANUARY 21, 2009

2009 REGULAR SESSION

AN ACT Relating to the standard health questionnaire; and reenacting and amending RCW 48.43.018.

AN ACT Relating to requests for driving record abstracts; and amending RCW 46.52.130.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Judiciary.

SB 5407 by Senators Tom and Zarelli

SB 5412 by Senators Eide, McDermott, Honeyford, Keiser, Jacobsen and Shin

AN ACT Relating to fiscal matters; amending RCW 28A.500.040, 41.45.230, 43.72.900, 43.79.460, 43.79.465, 43.79.485, 49.86.170, 49.86.190, 50.16.010, 70.146.030, 74.31.060, 82.14.495, and 90.56.500; amending 2008 c 329 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 701, 702, 703, 704, 705, 706, 707, 708, 714, 801, 802, and 803 (uncodified); amending 2008 c 3 s 4 (uncodified); amending 2007 c 522 ss 145, 709, 712, 715, 802, 803, and 804 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 357 s 25 (uncodified); making appropriations; and declaring an emergency.

AN ACT Relating to controlling saltwater algae; amending RCW 88.02.050; adding a new section to chapter 43.21A RCW; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Ways & Means.

SB 5413 by Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5408 by Senators Tom, Zarelli and Parlette

SB 5414 by Senators McAuliffe, King, Oemig and McDermott

AN ACT Relating to the elimination of the health services account, violence reduction and drug enforcement account, and water quality account; amending RCW 41.05.068, 43.41.260, 43.79.480, 70.05.125, 70.47.015, 74.09.053, 82.24.028, 9.41.110, 69.50.505, 70.96A.350, 70.190.010, 70.190.100, 82.64.020, 36.70A.130, 70.146.010, 70.146.020, 70.146.040, 70.146.075, 82.24.027, 90.71.370, 43.135.025, 66.24.210, 66.24.290, 82.08.150, 82.24.026, and 82.26.020; reenacting and amending RCW 43.84.092, 48.14.0201, 82.04.260, 70.146.060, and 82.24.020; creating a new section; repealing RCW 43.72.900, 69.50.520, 70.146.030, 70.146.080, and 82.32.390; providing an effective date; and declaring an emergency.

AN ACT Relating to high school assessment recommendations of the WASL legislative work group; amending RCW 28A.655.061, 28A.655.066, and 28A.655.0611; adding new sections to chapter 28A.300 RCW; and creating a new section.

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

Referred to Committee on Ways & Means.

SB 5415 by Senators Benton, Berkey, Franklin and Shin

SB 5409 by Senators Zarelli and Parlette

AN ACT Relating to establishing the Washington competition council; and adding a new chapter to Title 43 RCW.

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.03.020, 48.14.010, 48.15.070, 48.15.073, 48.15.100, 48.15.140, 48.17.010, 48.17.060, 48.17.090, 48.17.110, 48.17.150, 48.17.160, 48.17.170, 48.17.173, 48.17.250, 48.17.270, 48.17.380, 48.17.565, 48.30.260, 48.30.270, 48.31.111, 48.31.141, 48.62.121, 48.62.151, 48.99.030, 48.135.010, and 51.12.020; reenacting and amending RCW 82.04.260; adding new sections to chapter 48.15 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5410 by Senators Oemig, Morton, McAuliffe, Tom and Eide

SB 5416 by Senators Berkey, Franklin and Shin

AN ACT Relating to online learning; and adding a new chapter to Title 28A RCW.

AN ACT Relating to business continuity plans for domestic insurers; amending RCW 48.07.160, 48.07.170, 48.07.180, 48.07.190, and 48.07.200; and adding a new section to chapter 48.07 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

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

SB 5417 by Senators Berkey, Franklin, Shin and Roach

AN ACT Relating to flood insurance coverage; and adding a new section to chapter 48.27 RCW.

SB 5411 by Senators Kline, Franklin and Carrell

Referred to Committee on Financial Institutions, Housing & Insurance.

TENTH DAY, JANUARY 21, 2009

2009 REGULAR SESSION

Referred to Committee on Health & Long-Term Care.

SB 5418 by Senators Jarrett, Rockefeller, Parlette, Swecker, Brandland, Marr, Jacobsen, Kastama, Kilmer, Murray, Berkey, Haugen, Pridemore, Oemig, Kohl-Welles, McAuliffe, McDermott and Kline

SB 5424 by Senators Parlette and Sheldon

AN ACT Relating to interest rate and penalty provisions in the current use program; amending RCW 84.34.108 and 84.34.070; and creating a new section.

AN ACT Relating to electric vehicles; amending RCW 43.19.648 and 43.330.310; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 79.13 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 43.21C RCW; adding new sections to chapter 19.27 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.63A RCW; adding a new chapter to Title 43 RCW; and providing expiration dates.

Referred to Committee on Ways & Means.

Referred to Committee on Environment, Water & Energy.

SB 5425 by Senators Parlette, Sheldon, Becker, Marr, Holmquist and Benton

AN ACT Relating to requiring certain property tax revaluations when property values have decreased; amending RCW 84.41.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 5419 by Senator Haugen

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

AN ACT Relating to voluntary donations of vehicle owners at the time of initial or renewal registration; amending RCW 46.16.076; and adding a new section to chapter 43.79 RCW.

MOTION

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

Referred to Committee on Transportation.

MOTION

Senator Eide moved adoption of the following resolution:

SB 5420 by Senators Haugen, Jarrett and McDermott

SENATE RESOLUTION
8603

AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the total area of the proposed annexation; and amending RCW 36.93.150.

By Senators Brown and Hewitt
WHEREAS, The Senate adopted permanent rules for the 2009-2011 biennium under Senate Floor Resolution 8601; and

Referred to Committee on Government Operations & Elections.

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and
WHEREAS, The Senate desires to add one (1) additional member to the Committee on Rules, bringing its total membership up to eighteen (18) members (plus the Lieutenant Governor);

SB 5421 by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr

AN ACT Relating to creating the upper Columbia river recreational salmon and steelhead pilot stamp program; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.32 RCW; providing an effective date; and providing an expiration date.

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

Referred to Committee on Natural Resources, Ocean & Recreation.

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

SB 5422 by Senators Parlette, Jacobsen, Morton, Hewitt, Schoesler, Carrell, Swecker, Stevens, Delvin and Sheldon

AN ACT Relating to the liability of owners of recreational land and water areas; and amending RCW 4.24.210.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

Referred to Committee on Natural Resources, Ocean & Recreation.

The following standing committees shall constitute the standing committees of the senate:

SB 5423 by Senators Pflug and Oemig

AN ACT Relating to critical access hospitals not subject to certificate of need reviews; and amending RCW 70.38.105.

- Standing Committee Total Membership**
1. Agriculture & Rural Economic Development . .8
 2. Early Learning & K-12 Education . .11
 3. Economic Development, Trade & Innovation . .7
 4. Environment, Water & Energy . .11
 5. Financial Institutions, Housing & Insurance . .7
 6. Government Operations & Elections . .7
 7. Health & Long-Term Care . .9
 8. Higher Education & Workforce Development . .10
 9. Human Services & Corrections . .7

TENTH DAY, JANUARY 21, 2009

2009 REGULAR SESSION

- 10. Judiciary . .8
- 11. Labor, Commerce & Consumer Protection . .7
- 12. Natural Resources, Ocean & Recreation . .8
- 13. Rules . .((17)) 18 (plus the Lieutenant Governor)
- 14. Transportation . .16
- 15. Ways & Means . .22"

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8603.

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

The President Pro Tempore announced the appointment of Senator Kohl-Welles to the Committee on Rules.

MOTION

On motion Senator Eide, moved to confirm the appointment.

MOTION

Senator Zarelli moved adoption of the following resolution:

SENATE RESOLUTION
8602

By Senators Zarelli, Delvin, Kline, Parlette, Roach, and Carrell
WHEREAS, The United States of America and the State of Israel are nations founded by people seeking religious freedom, which triumphed in wars of independence to establish enduring democratic governments; and

WHEREAS, The first national elections in Israel took place on January 25, 1949, eight months after Israel proclaimed its independence; and

WHEREAS, These elections resulted in the creation of the Israeli parliament, called the Knesset, which then began its first session; and

WHEREAS, In the ensuing 60 years the United States and Israel have remained strong allies because of their shared interest in democracy and basic human rights, and more recently, from standing together at the forefront of a new kind of war, the war against terror; and

WHEREAS, Israel represents the strongest democracy in the Middle East, and as such is deserving of continued and unwavering support from the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 60th anniversary of the elections which created Israel's national legislative body and the 60 years of strong ties that have existed between the United States and Israel; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Prime Minister and President of Israel, the Speaker of the Knesset, Secretary of State Hillary Clinton, and President Barack Obama.

Senators Zarelli, Kline and Delvin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8602.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Tani Zarelli, wife of Senator Zarelli; Rabbi Shmulik Greenberg, of Vancouver; Robert Jacobs, Regional of StandWithUs Northwest and StandWithUs Northwest Members who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Hatfield: "Thank you Madam President. I would be remiss in my duties as the new Chair of the Agriculture & Rural Economic Development Committee if I didn't remind the members that today is Potato Day. You can probably smell them out there in the Rotunda getting ready. When you consider that the process potato products in our state equal about 2.5 billion dollars a year, that's no small potatoes and its a very important industry in our state, so I encourage all of you around noon, go out and enjoy a baked potato, I believe with all the trimmings if you like and help celebrate this industry. Thanks."

PERSONAL PRIVILEGE

Senator Oemig: "Thank you Madam President. It's ironic I was just leaving the education committee on my way over and we're working on a bill for children of our military and after I had some issues with the bills, we were working it out so I missed what happened in the last five minutes here. I do want to comment that I think that I, I guess I'd hoped that our body will spend more time on issues that are relative to the state and maybe less time on resolutions. Thank you."

MOTION

At 10:26 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 22, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 22, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 20, 2009

SB 5014 Prime Sponsor, Senator McAuliffe: Concerning the exemption of the special commitment center under the public records act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Rules for second reading.

January 20, 2009

SB 5035 Prime Sponsor, Senator Hobbs: Improving veterans' access to services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 20, 2009

SB 5047 Prime Sponsor, Senator McDermott: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 20, 2009

SB 5079 Prime Sponsor, Senator Jacobsen: Designating the official Nordic Museum. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 20, 2009

SB 5116 Prime Sponsor, Senator Honeyford: Designating "The Evergreen State" as the official nickname of the state of Washington. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5116 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

January 21, 2009

SB 5180 Prime Sponsor, Senator Haugen: Permitting public transit vehicle stops at unmarked stop zones under certain circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 21, 2009

SGA 9127 MARIO M VILLANUEVA, appointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 15, 2009

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

Please note that Governor Gregoire’s report dated December 29, 2008, regarding reprieves, commutations or pardons that she has granted since the adjournment of the 2008 Regular Session of the Legislature incorrectly referenced that the session as the 61st Legislature. That report should have read “2008 Regular Session of the 60th Legislature.”

Sincerely,
Martin C. Loesch
Senior Advisor and General Counsel

MESSAGES FROM STATE OFFICES

January 12, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Corrections report “Security Threat Groups in Washington State Prisons” This report is mandated under E2SHB 2712.

Sincerely,
Eldon Vail, Secretary
The Department of Corrections report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 13, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Parks and Recreation Commission report “Report to the Legislature on the Northwest Weather and Avalanche Center”. This report is mandated under SSB 5912, (C141 L2007) Section 2.

If you have any questions about the report, please call 360-902-8504.

Sincerely,
Judy Johnson, Deputy Director
The Washington State Parks and Recreation Commission report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

December 15, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Health Care Authority, The Department of Health and the Department of Social & Health Services, "Payment Options and Learning Collaborative Work In Support of Primary Care medical Homes". This report is mandated under E2SHB 2549.

Sincerely,
Steve Hill, Administrator
The Washington State Health Care Authority, The Department of Health and the Department of Social & Health Services, "Payment Options and Learning Collaborative Work In Support of Primary Care medical Homes" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

December 30, 2008

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Office of Financial Management, "2008 Audit Resolution Report". This report is mandated under RCW 43.88.160.

If you have any questions about the report, please call 360-664-7700.

Sincerely,
Victor Moore, Director
The Office of Financial Management, "2008 Audit Resolution Report" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 21, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Health Care Authority report “Disease Management Strategies in Washington State Final Status Report.”. This report is mandated under SSB 5841, Chapter 462, Laws of 2005.

Sincerely,

ELEVENTH DAY, JANUARY 22, 2009

2009 REGULAR SESSION

Steve Hill, Administrator
The Washington State Health Care Authority report is on file in
the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5426 by Senators Kastama, Berkey and Fairley

AN ACT Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Government Operations & Elections.

SB 5427 by Senators Ranker, Kline, Delvin, Haugen, King, Jacobsen, Shin and Tom

AN ACT Relating to the release of certified abstracts of full driving records; and amending RCW 46.52.130 and 46.01.260.

Referred to Committee on Judiciary.

SB 5428 by Senator Zarelli

AN ACT Relating to the use of certain transportation benefit district funds; and amending RCW 36.73.120.

Referred to Committee on Transportation.

SB 5429 by Senators Keiser, Kauffman, Rockefeller, Shin, Kline and Kohl-Welles

AN ACT Relating to providing incentives for solar electric power; amending RCW 82.16.110, 82.16.120, and 82.16.130; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; creating a new section; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5430 by Senators Fraser, Pridemore, Swecker, Rockefeller, McDermott and Shin

AN ACT Relating to water discharge fees; amending RCW 90.48.465; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SB 5431 by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King

AN ACT Relating to subsequent foster family home placements; and amending RCW 74.13.290.

Referred to Committee on Human Services & Corrections.

SB 5432 by Senators Regala, Pridemore, Fraser and Fairley

AN ACT Relating to adjusting the property tax levy lid limits for certain local services; amending RCW 84.55.050, 84.55.0101, 71.20.110, 73.08.080, 84.52.069, 84.52.043, and 84.52.010; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5433 by Senators Regala, Swecker, Rockefeller, Morton, Fraser, Ranker, Fairley and Shin

AN ACT Relating to modifying provisions of local option taxes; amending RCW 82.14.460, 82.14.450, and 84.55.050; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5434 by Senators Marr, Holmquist, Kohl-Welles and Shin

AN ACT Relating to prohibited practices in accountancy; and amending RCW 18.04.345.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5435 by Senators Marr, Swecker, Holmquist, McDermott, Shin and Tom

AN ACT Relating to protecting financial and medical information presented to the board of accountancy; and amending RCW 18.04.405.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5436 by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach

AN ACT Relating to payment arrangements involving direct practices; and amending RCW 48.150.010, 48.150.040, and 48.150.050.

Referred to Committee on Health & Long-Term Care.

SB 5437 by Senators Schoesler, Hatfield and Haugen

AN ACT Relating to the state conservation commission; and amending RCW 89.08.040, 89.08.050, and 89.08.070.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5438 by Senators Rockefeller and Marr

AN ACT Relating to allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release; adding a new section to chapter 72.09 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5439 by Senators Haugen, Sheldon, Kauffman, Shin, Kline, McDermott and Kohl-Welles

ELEVENTH DAY, JANUARY 22, 2009

2009 REGULAR SESSION

AN ACT Relating to domestic partners under the Washington state patrol retirement system; amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, and 43.43.295; and reenacting and amending RCW 43.43.285.

Referred to Committee on Transportation.

SB 5440 by Senators Sheldon, Kauffman, Kline, Roach and McDermott

AN ACT Relating to naming state ferries; and amending RCW 47.01.420.

Referred to Committee on Transportation.

SB 5441 by Senators Eide, Zarelli, Marr, Honeyford, Hargrove, Morton, Hatfield, Holmquist, Schoesler, Sheldon, Delvin, Shin, Hewitt, Kline and Benton

AN ACT Relating to creating incentives for the use of biomass in renewable energy production; amending RCW 19.285.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Environment, Water & Energy.

SB 5442 by Senators Hargrove, Zarelli, Morton, Haugen, Hatfield, Benton and Roach

AN ACT Relating to excise tax relief for hog fuel used for production of electricity, steam, heat, or biofuel; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Environment, Water & Energy.

SB 5443 by Senators Kastama and Hobbs

AN ACT Relating to reporting requirements of state and local tax programs; amending RCW 82.04.240, 82.04.2404, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; creating new sections; repealing RCW 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, and 82.16.140; repealing 2005 c 301 s 5 (uncodified); and providing expiration dates.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5444 by Senators Jarrett, Pflug, Tom, Ranker, Oemig, McAuliffe, Eide, Fairley, Shin, Hobbs, Rockefeller, Kline, McDermott, Haugen and Kohl-Welles

AN ACT Relating to creating a comprehensive system of public education programs, finance, and accountability;

amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.315, 28A.230.090, 28A.190.030, 28A.150.410, 28A.405.415, 28A.400.200, 41.59.935, 28A.405.100, 28A.405.220, 28A.305.130, 28A.505.120, 84.52.0531, 28A.185.020, 28B.102.040, 84.52.067, 83.100.230, 28A.150.350, 28A.150.290, 28A.150.400, 28A.150.275, 28A.150.310, 28A.150.230, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, 28A.180.090, 28A.600.310, 28A.600.405, 28A.320.190, 28A.195.010, 28A.225.200, 28A.415.020, 28A.415.024, 28A.415.025, 28A.400.205, 28A.410.210, 28A.410.220, and 28A.410.240; reenacting and amending RCW 28A.150.370 and 28A.415.023; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; adding new sections to chapter 28A.400 RCW; adding a new section to chapter 41.59 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.500 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.150.200, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.315, 28A.150.370, 28A.150.230, 28A.150.240, 28A.150.410, 28A.150.350, 28A.150.290, 28A.150.400, 28A.150.275, 28A.150.270, 28A.150.360, and 28A.150.420; repealing RCW 28A.655.200, 28A.655.130, 28A.655.010, 28A.500.010, 28A.500.020, 28A.500.030, 28A.500.040, 28A.500.900, 28A.505.210, 28A.505.220, 28A.150.380, 84.52.068, 28A.150.030, 28A.150.205, 28A.150.060, 28A.150.100, 28A.150.040, 28A.305.140, 28A.305.145, 28A.655.180, 28A.155.180, 28A.415.250, 28A.415.260, and 28A.410.250; providing effective dates; and providing expiration dates.

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

SB 5445 by Senators McDermott and Pridemore

AN ACT Relating to facilities for local governments; and amending RCW 84.55.050 and 35.42.070.

Referred to Committee on Government Operations & Elections.

SB 5446 by Senators Prentice, Kohl-Welles, Keiser, McDermott, Fairley, Franklin, Kline, Murray, Ranker, Tom, Shin, Regala, Hobbs, Kauffman, Pridemore, McAuliffe, Kastama, Hatfield, Oemig, Fraser and Jacobsen

AN ACT Relating to prohibiting certain employer communications about political or religious matters; and adding new sections to chapter 49.44 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5447 by Senators Fairley, Hobbs and Berkey

AN ACT Relating to county authority to lease with an option to purchase; and amending RCW 36.34.205.

Referred to Committee on Government Operations & Elections.

SB 5448 by Senators Shin, Haugen, Kastama, Hobbs, Keiser, Rockefeller, Hatfield, Franklin, Delvin, Regala, Fraser and Marr

ELEVENTH DAY, JANUARY 22, 2009

2009 REGULAR SESSION

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5449 by Senators McAuliffe, Hobbs, McDermott, Oemig, Jarrett and Kohl-Welles

AN ACT Relating to a statewide effort to establish and meet graduation and reengagement goals; amending RCW 28A.305.130, 28A.175.075, 28C.18.060, 28B.50.090, 43.330.050, and 70.190.100; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.20A RCW.

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

SB 5450 by Senators Haugen and Swecker

AN ACT Relating to permits for and advertising by household goods carriers; amending RCW 81.80.010, 81.80.040, 81.80.070, 81.80.357, and 81.80.280; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5451 by Senators Oemig, Ranker, Rockefeller, Honeyford and Fraser

AN ACT Relating to changing the date for setting the amount of pipeline safety fees; and amending RCW 80.24.060 and 81.24.090.

Referred to Committee on Environment, Water & Energy.

SB 5452 by Senators Kauffman, Kohl-Welles, Tom, Delvin, Kline, Honeyford, Kilmer, Jarrett, McCaslin, Fraser, Prentice, Shin and McDermott

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5453 by Senators Kastama and Franklin

AN ACT Relating to the relocation of a child in a domestic relations matter; and amending RCW 26.09.410.

Referred to Committee on Human Services & Corrections.

SB 5454 by Senators Kastama, Berkey, Franklin, Hargrove and Roach

AN ACT Relating to creating the new crime of abandonment of a dependent person in the fourth degree; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5455 by Senators Keiser, Brandland, Rockefeller and Kohl-Welles

AN ACT Relating to dental hygiene; and amending RCW 18.29.056 and 18.29.220.

Referred to Committee on Health & Long-Term Care.

SB 5456 by Senator Oemig

AN ACT Relating to the office of the citizen advocate; amending RCW 42.40.020; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 44 RCW; creating new sections; repealing RCW 51.14.300, 51.14.310, 51.14.320, 51.14.330, 51.14.340, 51.14.350, 51.14.360, 51.14.370, 51.14.380, 51.14.390, 51.14.400, 43.06B.010, 43.06B.020, 43.06B.030, 43.06B.040, 43.06B.050, 43.06A.010, 43.06A.020, 43.06A.030, 43.06A.050, 43.06A.060, 43.06A.070, 43.06A.080, 43.06A.085, 43.06A.090, 43.06A.100, 43.06A.110, and 43.06A.900; and providing effective dates.

Referred to Committee on Government Operations & Elections.

SB 5457 by Senator Oemig

AN ACT Relating to vaccines; and amending RCW 70.95M.115 and 70.95M.100.

Referred to Committee on Health & Long-Term Care.

SB 5458 by Senators Marr, Swecker, Haugen, King and Shin

AN ACT Relating to economic stimulus transportation funding and appropriations; creating new sections; making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5459 by Senators Hobbs, Pridemore and McAuliffe

AN ACT Relating to using multiple measures to meet high school graduation requirements; amending RCW 28A.655.061, 28A.655.0611, 28A.155.045, and 28A.230.090; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

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

SB 5460 by Senators Tom, Zarelli, Prentice, Hewitt and Kline

AN ACT Relating to reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia; amending RCW 41.06.070, 41.06.133, 41.06.500, 43.03.030, and 43.03.040; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5461 by Senator Haugen

AN ACT Relating to reserve account and study requirements for condominium associations; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5462 by Senators Holmquist, Hewitt, King, Schoesler, Delvin, Stevens, Parlette and Honeyford

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.32.050, 51.32.060, and 51.32.240; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5463 by Senators Holmquist, Hewitt, King, Honeyford, Pflug, Roach, Delvin, Stevens, Schoesler and Swecker

AN ACT Relating to minimum wage and overtime compensation complaints; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5464 by Senators Holmquist, Schoesler, Pflug, King, Swecker, Delvin, Stevens, Parlette and Honeyford

AN ACT Relating to the use of industrial insurance funds; amending RCW 51.44.010 and 51.44.020; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5465 by Senators Holmquist, Hewitt, King, Morton, Pflug, Schoesler, Swecker, Stevens, Parlette and Honeyford

AN ACT Relating to industrial insurance final settlement agreements; and adding new sections to chapter 51.32 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5466 by Senators Holmquist, Hewitt, Schoesler, King, Pflug, Carrell, Swecker and Honeyford

AN ACT Relating to defining the term employ for minimum wage purposes; amending RCW 49.46.010; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5467 by Senators Holmquist, Hobbs, Hatfield, Shin, Hewitt, McCaslin and Roach

AN ACT Relating to tax incentives for the production, distribution, sale, and use of alcohol fuel, wood biomass fuel, biodiesel fuel, and biodiesel feedstock; amending RCW 82.04.4335, 82.08.960, 82.12.960, 82.29A.135, 84.36.635, and 84.36.640; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5468 by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin

AN ACT Relating to permitting an exemption for nonprofit housing organizations from the consumer loan act; and amending RCW 31.04.025.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5469 by Senators Parlette, Eide, Jarrett and McCaslin

AN ACT Relating to limitations on the use of intermediate licenses; and amending RCW 46.20.075.

Referred to Committee on Transportation.

SB 5470 by Senators Stevens, Carrell, Parlette, Swecker, McCaslin, Hewitt, Schoesler, King, Holmquist, Pflug, Roach, Delvin and Benton

AN ACT Relating to providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities; amending RCW 82.08.0293, 82.08.195, 82.12.0293, and 82.12.195; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5471 by Senators Carrell and Holmquist

AN ACT Relating to defining unemployed as it relates to corporate officers; and amending RCW 50.04.310.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5472 by Senators Sheldon, Parlette and Benton

AN ACT Relating to determining the true and fair value of real property for tax purposes; and amending RCW 84.40.030.

Referred to Committee on Government Operations & Elections.

SJR 8209 by Senators Zarelli, Brown, Pflug, Carrell, Parlette, Swecker, Hewitt, Morton, Delvin, Stevens, King, Schoesler, Brandland and Becker

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

Referred to Committee on Ways & Means.

SJR 8210 by Senators Pflug, Hewitt, Holmquist, Swecker, Schoesler, Morton, Zarelli, Becker, Honeyford, McCaslin, Delvin, Carrell, King, Brandland, Roach, Stevens, Parlette and Benton

Prohibiting the adoption of budgets that result in projected deficits.

Referred to Committee on Ways & Means.

ELEVENTH DAY, JANUARY 22, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5467 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senator Jacobsen

WHEREAS, Milburn Hart was born December 17, 1908, in Cottage Grove, Oregon and was raised on his family farm in Canada which he ran beginning at the early age of thirteen when his father was seriously injured; and

WHEREAS, During World War II, Milburn worked on the riveting of aircraft for the Boeing Company and, after having moved on, spent thirty years of labor at Washington Natural Gas (a precursor to WPUDA); and

WHEREAS, At the ripe age of ninety-six, Milburn became the oldest man to perform a solo skydive on February 18, 2005, which is now acknowledged to be a Guinness world record; and

WHEREAS, Milburn had previously performed two successful tandem jumps and has stated that he would like to jump again despite suffering a dislocated shoulder on his record-breaking plunge; Milburn's daughter Diane Hamilton however would not allow it;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Milburn Hart for his abundance of courage and determination as well as his dedication to maintaining an active lifestyle despite the unavoidable adversity brought on by the aging process; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Milburn Hart.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

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

MOTION

At 12:06 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, January 23, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 23, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Becker, Berkey, Brown, Delvin, Fairley, Hargrove, Hatfield, Haugen, Hewitt, Jarrett, Kastama, McAuliffe, McCaslin, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Stevens, Swecker and Tom.

The Sergeant at Arms Color Guard consisting of Pages Leah Phipps and Austin M. Travers, presented the Colors. Reverend Jimmie James of the Greater Things Ministries of Kent offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 21, 2009

SB 5102 Prime Sponsor, Senator Hewitt: Adding two district court judges in Benton county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

January 21, 2009

SB 5135 Prime Sponsor, Senator Kline: Adding five district court judges in King county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

January 21, 2009

SB 5151 Prime Sponsor, Senator Kline: Authorizing the appointment of court commissioners to assist with criminal cases. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

January 21, 2009

SB 5227 Prime Sponsor, Senator Kline: Revising the definition of "materially false statements." Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Roach and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5473 by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon

AN ACT Relating to streamlining development through the designation of projects of statewide significance; amending RCW 43.157.005, 43.157.010, 43.157.020, and 43.157.030; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5474 by Senators Kastama, Kilmer and Shin

AN ACT Relating to providing tax incentives for contributions for research and technology development grants; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5475 by Senators Kastama and Pridemore

AN ACT Relating to economic development planning; amending RCW 43.330.080; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5476 by Senators Murray, McDermott, Kline, Regala and Kohl-Welles

AN ACT Relating to abolition of the death penalty; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900.

Referred to Committee on Judiciary.

TWELFTH DAY, JANUARY 23, 2009

2009 REGULAR SESSION

SB 5477 by Senators Shin, Carrell, Marr, Delvin, Sheldon, Fairley, Pridemore, Kastama, Jarrett, Tom and Jacobsen

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Human Services & Corrections.

SB 5478 by Senator Hargrove

AN ACT Relating to the definition of a juvenile; and amending RCW 13.40.020.

Referred to Committee on Human Services & Corrections.

SB 5479 by Senator Hargrove

AN ACT Relating to the transfer of juveniles to adult court; amending RCW 13.40.110; and reenacting and amending RCW 13.04.030.

Referred to Committee on Human Services & Corrections.

SB 5480 by Senators Delvin, Franklin, Fairley, Keiser and Shin

AN ACT Relating to creating the Washington health care discount plan organization act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5481 by Senators Marr, Becker, Hobbs, Haugen, Franklin, Parlette, Eide, Rockefeller, Hatfield, Jarrett, Jacobsen, Kilmer, Berkey, Tom, Swecker, King, Kastama, Shin, McDermott, Prentice, Fairley, Holmquist, Brandland, McCaslin, Ranker, McAuliffe, Roach, Honeyford and Kauffman

AN ACT Relating to veterans' burials; and amending RCW 68.50.230.

Referred to Committee on Government Operations & Elections.

SB 5482 by Senators Haugen and Swecker

AN ACT Relating to two-wheeled and three-wheeled vehicles; and amending RCW 46.04.304, 46.04.330, 46.04.336, 46.37.530, 46.44.050, 46.61.610, 46.61.688, and 46.61.710.

Referred to Committee on Transportation.

SB 5483 by Senators Murray, Holmquist, Hewitt, Marr and Honeyford

AN ACT Relating to the reporting requirements of small domestic wineries; and amending RCW 66.24.230.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5484 by Senators Marr, Roach, Keiser, Tom, Hobbs, Kline, Oemig, Franklin, Shin, Kilmer and Kauffman

AN ACT Relating to developmental screening for children; amending RCW 74.09.520; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5485 by Senators Rockefeller, Honeyford, Pridemore and Kilmer

AN ACT Relating to authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation; and amending RCW 57.08.005, 57.08.007, 57.08.044, 57.08.047, and 57.16.010.

Referred to Committee on Environment, Water & Energy.

SB 5486 by Senators Fraser, Carrell, Jacobsen, Swecker, Kilmer and Shin

AN ACT Relating to freshwater lakes management; amending RCW 43.21A.662; adding a new section to chapter 43.21A RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5487 by Senator Brandland

AN ACT Relating to notification of nonrenewal of contracts for certificated employees; amending RCW 28A.405.210, 28A.405.220, 28A.405.230, and 28A.310.250; and declaring an emergency.

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

SB 5488 by Senators Kline, Carrell, Eide and Roach

AN ACT Relating to judicial elections; and amending RCW 29A.36.171, 29A.52.220, and 35.20.150.

Referred to Committee on Judiciary.

SB 5489 by Senators Keiser, Fraser, Marr, Regala, Tom, Hatfield, Carrell and Franklin

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5490 by Senators Fraser, McAuliffe, Regala, Keiser, Hatfield, Carrell and Shin

AN ACT Relating to postretirement employment; and amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820.

Referred to Committee on Ways & Means.

SB 5491 by Senators Brandland, Zarelli and Becker

AN ACT Relating to requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority; and amending RCW 28A.400.350, 41.05.011, 41.05.022, and 41.05.050.

TWELFTH DAY, JANUARY 23, 2009

2009 REGULAR SESSION

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

SB 5492 by Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5493 by Senators Murray, Jarrett and Kohl-Welles

AN ACT Relating to creating a regional transportation corridor authority; adding a new section to chapter 82.80 RCW; adding a new chapter to Title 47 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 5494 by Senators Haugen, Swecker, Marr and Delvin

AN ACT Relating to determining the amount of motor vehicle fuel tax moneys derived from tax on marine fuel; and amending RCW 79A.25.030, 79A.25.040, and 79A.25.070.

Referred to Committee on Transportation.

SB 5495 by Senators Hobbs, Schoesler, McCaslin and Marr

AN ACT Relating to limitations on rental housing inspections; and amending RCW 59.18.150.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5496 by Senators Becker and Swecker

AN ACT Relating to extending the time period for a franchise agreement for a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5497 by Senators Marr, Keiser and Murray

AN ACT Relating to the delivery of home health care services through telemedicine; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5498 by Senators Jarrett, King and McAuliffe

AN ACT Relating to graduation without a certificate of academic achievement or a certificate of individual achievement; amending RCW 28A.655.0611; and declaring an emergency.

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

SB 5499 by Senators Jarrett, Swecker, Haugen, Marr and Shin

AN ACT Relating to bond amounts for department of transportation highway contracts; amending RCW 39.08.030; and providing an expiration date.

Referred to Committee on Transportation.

SB 5500 by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

AN ACT Relating to the screening for and reporting of methicillin-resistant staphylococcus aureus in Washington hospitals; amending RCW 43.70.056; adding a new section to chapter 70.58 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5501 by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

AN ACT Relating to the secure exchange of health information; adding new sections to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5502 by Senators Keiser, Pflug, Franklin, Murray, Roach, Marr, Kohl-Welles and Shin

AN ACT Relating to primary care physician training; amending RCW 28B.15.020; adding new sections to chapter 70.112 RCW; adding a new section to chapter 28B.20 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5503 by Senators Pridemore, Kline, Jacobsen, Kohl-Welles and Murray

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

Referred to Committee on Environment, Water & Energy.

SB 5504 by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton

AN ACT Relating to reclaimed water permitting; amending RCW 90.46.010, 90.46.015, 90.46.040, 90.46.080, 90.46.120, 90.48.465, 43.21B.110, 43.21B.300, and 43.21B.310; adding new sections to chapter 90.46 RCW; creating new sections; repealing RCW 90.46.060; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5505 by Senators Hatfield, Holmquist, Sheldon, Delvin, Schoesler, Parlette, Hobbs, Murray, Hewitt, Honeyford and Shin

AN ACT Relating to renewable energy; amending RCW

TWELFTH DAY, JANUARY 23, 2009

2009 REGULAR SESSION

19.29A.010 and 19.285.030; reenacting and amending RCW 19.29A.090; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5506 by Senators Hatfield, Delvin, McAuliffe, Fairley, King, Kastama, Shin, Murray, Hobbs and Jacobsen

AN ACT Relating to child care providers; amending RCW 42.56.250 and 70.47.060; adding new sections to chapter 74.08A RCW; creating a new section; providing an effective date; and declaring an emergency.

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

SJM 8004 by Senators Shin, Kastama, Hobbs, Swecker, Schoesler, Morton, Berkey, McDermott, Jarrett, Oemig, Honeyford, Marr, McAuliffe, Tom and Pridemore

Requesting congress take action to maintain and develop a highly-skilled workforce in Washington.

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION
8609

By Senator Kline

WHEREAS, The cost of tuition makes it difficult for many young people to achieve the dream of a higher education; and

WHEREAS, High school students who have overcome adversity and have exemplified the values of Dr. Martin Luther King, Jr. deserve recognition for their accomplishments and assistance

in their effort to attend college; and

WHEREAS, Twenty-five years ago, the Mount Baker neighborhood in Seattle, Washington organized as a community to honor Dr. Martin Luther King, Jr., by creating a scholarship program for the South Seattle students of color who wish to obtain a higher education; and

WHEREAS, Scholarships are awarded to high school students who, although they may not be at the top of their class, have shown the perseverance and potential to allow them to succeed and contribute to their communities; and

WHEREAS, Many of the scholarship recipients are the first in their families to attend college, and receipt of the scholarship may be pivotal in a student's decision to continue their education; and

WHEREAS, The Mount Baker Martin Luther King, Jr. Scholarship Program is the only grassroots, community-based, all-volunteer scholarship program of its kind today in the United States; and

WHEREAS, Since its inception, the Mount Baker Martin

Luther King, Jr. Scholarship Program has grown in size and scope and remains supported by hundreds of generous Mount Baker neighbors and local businesses; and

WHEREAS, On Friday, January 23, 2009, the Mount Baker Martin Luther King, Jr. Scholarship Program is celebrating its 25th year of awarding college scholarships;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Mount Baker community for its support of deserving youth, and recognize the Mount Baker Martin Luther King, Jr. Scholarship Program for 25 years of leadership in helping students of color achieve the dream of higher education.

Senator Kline spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Doug, Judy and Maureen McBroom, representing the Mt. Baker Community Club and guests of Senator Kline who were seated in the gallery.

MOTION

At 10:14 p.m., on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Monday, January 26, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 26, 2009

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Jacobsen, Prentice and Sheldon.

The Sergeant at Arms escorted Major Timothy J. Lowenberg and the Honorable Mike Gregoire to seats on the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Major General Timothy J. Lowenberg, Adjutant General of the State of Washington and the Honorable Mike Gregoire.

Washington Air National Guards composed of Captain Erik Stohl; Master Sergeant Mark Soulier; Staff Sergeant Victor Jugo and Technical Sergeant James McCracken presented the Colors.

The National Anthem was performed by the 560th Air Force Band, composed of Major James Phillips; Sergeant Major David Stultz; Master Sergeant Michael Baker; Master Sergeant Paul Sety and Technical Sergeant Steven Churchwell.

Chaplain Lt. Colonel Christopher Lensch of the Washington Air National Guard offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 22, 2009

SB 5063 Prime Sponsor, Senator Jacobsen: Concerning the burial of pet remains. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

January 21, 2009

SB 5277 Prime Sponsor, Senator Hatfield: Regarding fees allowed as court costs in district courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove and Tom.

Passed to Committee on Rules for second reading.

January 23, 2009

SB 5288 Prime Sponsor, Senator Hargrove: Reducing the categories of offenders supervised by the department of corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5507 by Senators Marr and Brown

AN ACT Relating to protecting sole source aquifers by providing sewer utility service to mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Government Operations & Elections.

SB 5508 by Senator Honeyford

AN ACT Relating to errors in voters' pamphlets; and adding a new section to chapter 29A.32 RCW.

Referred to Committee on Government Operations & Elections.

SB 5509 by Senators Marr, Kauffman and Shin

AN ACT Relating to clarifying rental car company charges, surcharges, and fees to be included in rental car agreements; adding a new section to chapter 48.115 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5510 by Senators Stevens, Hargrove, Swecker and Shin

AN ACT Relating to notification in dependency matters; amending RCW 13.34.132; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5511 by Senators Prentice, Hobbs, Oemig and Shin

FIFTEENTH DAY, JANUARY 26, 2009

2009 REGULAR SESSION

AN ACT Relating to making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee; amending RCW 43.08.290; and creating a new section.

Referred to Committee on Ways & Means.

SB 5512 by Senators Marr, Parlette, Pflug and Murray

AN ACT Relating to chemotherapy treatment costs; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.42 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5513 by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom

AN ACT Relating to law enforcement authority concerning civil infractions and unlawful transit conduct; amending RCW 7.80.090, 9.91.025, 81.112.020, 81.112.210, 81.112.220, and 81.112.230; adding a new section to chapter 81.112 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5514 by Senators Franklin, Keiser, Kohl-Welles and Jacobsen

AN ACT Relating to the practice of interior design; and adding a new chapter to Title 18 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5515 by Senators Parlette, Becker, Schoesler, Kastama, Marr, Brandland and Hewitt

AN ACT Relating to definitions regarding school district employee benefits; and amending RCW 28A.400.270.

Referred to Committee on Health & Long-Term Care.

SB 5516 by Senators Franklin, Kline, Kohl-Welles, Regala, Fraser, Kauffman and Shin

AN ACT Relating to drug overdose prevention; adding a new section to chapter 69.50 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5517 by Senators Jacobsen, Schoesler, Hobbs, Honeyford, Shin, Marr, Hatfield, Morton, King, Parlette, Delvin and Haugen

AN ACT Relating to meat and poultry inspection programs; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5518 by Senators Pridemore, Rockefeller, Fairley, Marr, McDermott, Regala, Fraser, Murray, Jarrett, Shin and Kohl-Welles

AN ACT Relating to petroleum pollution in storm water; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5519 by Senators Hargrove, Stevens and Regala

AN ACT Relating to reform of competency evaluation and competency restoration procedures; amending RCW 10.77.060, 10.77.065, 10.77.084, 10.77.086, 10.77.088, 10.77.163, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; adding new sections to chapter 10.77 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5520 by Senator Jacobsen

AN ACT Relating to requiring agencies to provide truthful information to legislators; and adding a new section to chapter 44.16 RCW.

Referred to Committee on Government Operations & Elections.

SB 5521 by Senator Jacobsen

AN ACT Relating to the property taxation and valuation of standing trees within urban growth area boundaries; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5522 by Senators Hobbs, McDermott, Swecker, Fairley, Roach, Pridemore, Tom, Shin and Kohl-Welles

AN ACT Relating to internet voting for service voters and overseas voters; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on Government Operations & Elections.

SB 5523 by Senators Hobbs, Pridemore and Tom

AN ACT Relating to public retirement benefits for employees of the supreme court, court of appeals, or superior, district, or municipal courts; amending RCW 41.45.207; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5524 by Senators Rockefeller and Marr

AN ACT Relating to vehicle impoundment notice requirements; and amending RCW 46.55.100, 46.55.110, 46.55.120, and 46.55.130.

Referred to Committee on Transportation.

FIFTEENTH DAY, JANUARY 26, 2009

2009 REGULAR SESSION

SB 5525 by Senators Carrell, Hargrove, Stevens, Regala, Brandland, Kauffman and McAuliffe

AN ACT Relating to rental vouchers to allow release from state institutions; amending RCW 9.94A.728 and 9.94A.728; adding a new section to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5526 by Senators Fairley, Roach, Zarelli, Murray, Kilmer, Shin and Kohl-Welles

AN ACT Relating to private financial and commercial investment information received by the University of Washington for purposes of the consolidated endowment fund; amending RCW 42.56.270; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5527 by Senators Fraser, Brandland, Murray, Kilmer, Zarelli and Shin

AN ACT Relating to the University of Washington's public works contracting procedures; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5528 by Senator Hargrove

AN ACT Relating to making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007; and amending RCW 26.09.003, 26.12.260, 2.56.180, and 26.09.020.

Referred to Committee on Human Services & Corrections.

SB 5529 by Senators Jarrett and King

AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320, 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410, 18.08.420, and 18.08.430; and providing effective dates.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5530 by Senators Hobbs and Benton

AN ACT Relating to creating the guaranteed asset protection waiver model act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5531 by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom and Franklin

AN ACT Relating to modifying provisions relating to consumer protection act violations; amending RCW 19.86.090; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5532 by Senator Keiser

AN ACT Relating to the Washington state veterinary board of governors; amending RCW 18.92.021, 18.92.046, 18.130.050, and 18.130.060; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5533 by Senators Rockefeller, Honeyford, Morton, Fraser and Shin

AN ACT Relating to the adjudication of water rights; amending RCW 90.03.105, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.180, 90.03.200, 90.03.240, 90.03.243, 90.03.245, 90.44.220, and 43.21B.110; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.170 and 90.03.190.

Referred to Committee on Environment, Water & Energy.

SB 5534 by Senators Kohl-Welles, Kline, Fairley, McDermott, Regala, Hargrove, Fraser and Kauffman

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.08.520, 9.92.066, 9.94A.637, 10.64.140, and 9.94A.885; reenacting and amending RCW 9.96.050; and repealing RCW 10.64.021.

Referred to Committee on Government Operations & Elections.

SB 5535 by Senators Shin and Fairley

AN ACT Relating to creating the Washington state acupuncture quality assurance commission; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.060, 18.06.070, 18.06.080, 18.06.110, 18.06.130, 18.06.140, 18.06.160, 18.06.190, and 18.130.040; and adding a new section to chapter 18.06 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5536 by Senator Oemig

AN ACT Relating to the use of ranked choice voting in primary elections; amending RCW 29A.52.112, 29A.52.141, 29A.52.161, 29A.52.210, 29A.52.220, 29A.53.010, 29A.53.020, 29A.53.030, 29A.53.040, 29A.53.050, 29A.53.070, 29A.53.080, and 29A.53.090; and repealing RCW 29A.53.900.

Referred to Committee on Government Operations & Elections.

SB 5537 by Senator Fraser

AN ACT Relating to having one debt limit by eliminating the statutory debt limit; amending RCW 28A.525.210, 28B.142.010, 28B.142.030, 39.94.010, 39.94.030, 43.99H.060, 43.99N.110, 43.99Q.120, and 43.99Q.130; repealing RCW 39.42.060; providing an effective date; and declaring an emergency.

FIFTEENTH DAY, JANUARY 26, 2009

2009 REGULAR SESSION

Referred to Committee on Ways & Means.

SB 5538 by Senators McAuliffe, Kauffman, Hobbs, Shin, Keiser, Murray, Fraser, Kilmer and Kohl-Welles

AN ACT Relating to employment opportunities at institutions of higher education; adding new sections to chapter 28B.52 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5539 by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom

AN ACT Relating to the investment expenses of counties; and amending RCW 36.29.024.

Referred to Committee on Government Operations & Elections.

SB 5540 by Senators Pridemore, Hargrove, Marr, Shin and Haugen

AN ACT Relating to high capacity transportation service; amending RCW 81.104.015, 81.104.150, 81.104.160, 81.104.170, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

SB 5541 by Senators Keiser, Delvin, Parlette and Kohl-Welles

AN ACT Relating to access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system; and amending RCW 41.05.080 and 41.05.195.

Referred to Committee on Ways & Means.

SB 5542 by Senators Franklin, Delvin and Kohl-Welles

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

SB 5543 by Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker and Kohl-Welles

AN ACT Relating to establishing product stewardship recycling programs for mercury-containing lights; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5544 by Senators McDermott, Fairley, Kline, Kastama, Hobbs, Kilmer, Pridemore and Kohl-Welles

AN ACT Relating to affordable housing incentive programs; and amending RCW 36.70A.540.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5545 by Senators Regala, Kastama, Jacobsen and Shin

AN ACT Relating to local retail sales and use tax for parks and recreation, trails, and open space allocation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5546 by Senators Haugen, Kauffman and Keiser

AN ACT Relating to access to a minor's mental health treatment information by a parent, guardian, or custodian; and amending RCW 13.50.100, 71.34.010, and 71.34.510.

Referred to Committee on Human Services & Corrections.

SB 5547 by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Health & Long-Term Care.

SB 5548 by Senators Haugen, Jarrett, Fraser and Shin

AN ACT Relating to requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees; and amending RCW 82.02.060.

Referred to Committee on Transportation.

SB 5549 by Senators Kohl-Welles, Kline, Keiser, Franklin, Kauffman and Fraser

AN ACT Relating to the termination of month to month or other periodic tenancies governed by the residential landlord-tenant act; and amending RCW 59.18.200.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5550 by Senators McAuliffe, Rockefeller, Kastama, Franklin, Kauffman and Fraser

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, and 59.20.073; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5551 by Senators Franklin, Keiser, Kastama, Marr, Murray, McDermott, Shin, McAuliffe, Fairley, Kline, Pridemore, Oemig, Regala, Kauffman and Kohl-Welles

AN ACT Relating to recess periods for elementary school students; and creating new sections.

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

SB 5552 by Senators Franklin, Murray, Keiser, Marr, Kline and Kohl-Welles

AN ACT Relating to children on motorcycles; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 5553 by Senators Kilmer, Delvin, Kastama, Shin, Hobbs, Marr, Tom, McAuliffe, Kohl-Welles and Pridemore

AN ACT Relating to promoting economic development through promoting innovation and the commercialization of technologies; and amending RCW 28B.20.297, 28B.20.289, and 28B.20.293.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5554 by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

AN ACT Relating to the job skills program; and amending RCW 28C.04.410 and 28C.04.420.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5555 by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles

AN ACT Relating to lifelong learning accounts; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 28B.76 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5556 by Senators Kilmer, Carrell and Kauffman

AN ACT Relating to prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system; and reenacting and amending RCW 46.63.160.

Referred to Committee on Transportation.

SB 5557 by Senator Pridemore

AN ACT Relating to adopting the recommendations of the citizen commission for performance measurement of tax preferences to clarify the legislative intent of certain deductions and exemptions; amending RCW 82.04.280, 82.04.280, 84.36.030, 84.36.040, and 84.36.840; amending 2006 c 300 s 12 (uncodified); adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; repealing RCW 84.36.130; providing an effective date; providing a contingent effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5558 by Senators Holmquist, Hewitt, Pflug, Carrell, King, Schoesler and Swecker

AN ACT Relating to repealing the 2007 family and medical leave insurance act; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; creating a new section; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900, 49.86.901, and 49.86.902; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5559 by Senators Kohl-Welles, Jacobsen, Regala and Fraser

AN ACT Relating to increasing hunting safety; amending RCW 77.32.155; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.12 RCW; and adding a new section to chapter 79.10 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5560 by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen and Murray

AN ACT Relating to state agency climate leadership; amending RCW 43.19.565, 43.41.130, 43.19.675, 43.19.680, 43.41.170, and 39.35D.010; adding new sections to chapter 70.235 RCW; adding a new section to chapter 39.35C RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5515; which was referred to the Committee on Health & Long-Term Care; Senate Bill No. 5516 which was referred to the Committee on Judiciary; and Senate Bill No. 5521 which was referred to the Committee on Natural Resources, Ocean and Recreation.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION 8604

By Senators Hobbs, Pridemore, Berkey, Haugen, Shin, Sheldon, Stevens, Delvin, Hatfield, Keiser, Rockefeller, Kastama, Kilmer, Carrell, McCaslin, Franklin, Parlette, Fairley, Regala, Kline, Fraser, Roach, Eide, Hewitt, Marr, Brandland, Kohl-Welles, Jarrett, Schoesler, Honeyford, Zarelli, Ranker, Brown, Murray, Tom, McDermott, Hargrove, McAuliffe, King, Morton, Jacobsen, Becker, Benton and Holmquist

WHEREAS, More than eight thousand men and woman of

FIFTEENTH DAY, JANUARY 26, 2009

2009 REGULAR SESSION

the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to firefighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters – including the most recent winter storm recovery efforts throughout the state; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Washington Military Department and the Washington National Guard have just inaugurated the Washington Youth Academy, a state federal supported program in which Washington joins more than thirty other states in providing high school completion opportunities to at-risk youth, preparing them for a successful and productive life; and

WHEREAS, The Guard continues to actively participate in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senator Hobbs spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President. Well, General, I want to say this to you and I want to say it to all of you troops. You know I’ve said this to you many times but I’ve had a button since the day I’ve walked through the door down here. It’s been on my over coat, and it says, ‘If you enjoy freedom, thank a veteran.’ It’s because of the sacrifices people all over the world have given and will give us in the future that we have our freedom. I also have another plaque that I keep in my office, it’s in marble, it says ‘freedom is not free’ and we all know the sacrifices that everybody has to do to make sure that we still have the freedoms that we enjoy in this great country. So, thank

all of you, past, present and future for keeping us safe. Thank you Mr. President.”

Senators Shin, Swecker and Roach spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator Franklin: “Thank you Mr. President. I rise too to really honor and these brave young men and women who serve. Also, for on a continual basis since coming to the legislature in 1991 has participated in the support but not only that ladies and gentlemen being wife of a military man I have also know the struggles and that they go through, the families that behind and what you really are doing out there in order to protect all of us. And to the General, Lowenberg, for your continuous service and to First Mike for all that you are doing in regards to keeping us informed, working with us and to have this on an ongoing basis to know that we have not forgotten you, that we are with you, continue to support you and God’s speed.”

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the National Guard who were seated in the Gallery.

Sergeant at Arms escorted Major General Timothy J. Lowenberg and the Honorable Mike Gregoire from the senate chambers.

MOTION

At 11:29 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 27, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 27, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 26, 2009

SB 5125 Prime Sponsor, Senator Hewitt: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford and King.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5201 Prime Sponsor, Senator Franklin: Concerning billing for medical services provided through special education programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5248 Prime Sponsor, Senator Hobbs: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Ways & Means.

January 26, 2009

SB 5257 Prime Sponsor, Senator Holmquist: Correcting statutory references. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford and King.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5258 Prime Sponsor, Senator Kohl-Welles: Qualifying for good cause for late filing of reports, contributions, penalties, or interest. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford and King.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5334 Prime Sponsor, Senator Jacobsen: Ordering a report on interjurisdictional financing methods. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield and Swecker.

Passed to Committee on Ways & Means.

January 26, 2009

SB 5369 Prime Sponsor, Senator Franklin: Regarding counseling professions subject to the authority of the secretary of health. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5460 Prime Sponsor, Senator Tom: Reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Hewitt; Hobbs; Honeyford;

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

Keiser; Kline; Kohl-Welles; McDermott; Murray; Pflug; Pridemore and Schoesler.

Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 26, 2009

SB 5491 Prime Sponsor, Senator Brandland: Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority. Reported by Committee on Early Learning & K-12 Education

SGA 9098 CINDY ROAF, appointed on October 17, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

MOTION

January 26, 2009
SGA 9028 JIM DEPAEPE, appointed on October 22, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

January 16, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

CONNIE NIVA, reappointed January 16, 2009, for the term ending September 30, 2014, as Member, Board of Regents, Washington State University.

Passed to Committee on Rules for second reading.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 26, 2009
SGA 9051 THEODORE HOWARD II, appointed on May 5, 2008, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MOTION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

Passed to Committee on Rules for second reading.

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 26, 2009
SGA 9060 ROSHNI A JOKHI, appointed on October 17, 2008, for the term ending June 30, 2012, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

January 26, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1034,

HOUSE BILL NO. 1050,

and the same are herewith transmitted.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kauffman, Vice Chair,

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 26, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED HOUSE BILL NO. 1049,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 27, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 SENATE CONCURRENT RESOLUTION NO. 8401,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5561 by Senators Kline, Fairley and Kohl-Welles

AN ACT Relating to the installation of carbon monoxide alarms in dwelling units; amending RCW 59.18.060 and 59.18.130; adding a new section to chapter 43.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5562 by Senators Morton, Hargrove, Jacobsen, Sheldon, Holmquist, Schoesler, Shin and Stevens

AN ACT Relating to protecting the ability of forest landowners to continue active forestry operations; amending RCW 7.48.305 and 7.48.310; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5563 by Senators Franklin, Prentice, Keiser, Pflug, Zarelli, Benton, Kohl-Welles, Pridemore, Kline and Fairley

AN ACT Relating to hours of labor for health care employees; amending RCW 49.28.130 and 49.28.140; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5564 by Senators Kohl-Welles, Holmquist and Sheldon

AN ACT Relating to protecting consumers from breaches of security; amending RCW 19.255.010; adding new sections to chapter 19.255 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5565 by Senator Rockefeller

AN ACT Relating to limiting the use of certain solid fuel burning devices; and amending RCW 70.94.477.

Referred to Committee on Environment, Water & Energy.

SB 5566 by Senators Regala and Prentice

AN ACT Relating to harmonizing excise tax statutes with the streamlined sales and use tax agreement; and amending RCW 82.32.730, 82.08.050, 82.02.230, and 82.32.291.

Referred to Committee on Ways & Means.

SB 5567 by Senators Fraser and Rockefeller

AN ACT Relating to prospectively clarifying the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW; amending RCW 54.28.011; and creating a new section.

Referred to Committee on Ways & Means.

SB 5568 by Senators Tom, Rockefeller and Shin

AN ACT Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency; amending RCW 82.32.330; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 5569 by Senators Hobbs and Kastama

AN ACT Relating to improving the administration of state and local tax programs without impacting tax collections by providing greater consistency in numerous tax incentive programs, revising provisions relating to the confidentiality and disclosure of tax information, and amending statutes to improve clarity and consistency, eliminate obsolete provisions, and simplify administration; amending RCW 82.04.240, 82.04.240A, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, 84.36.655, 42.56.230, 82.16.120, 82.32.330, 82.32.480, 82.60.100, 82.62.080, 82.63.070, 82.74.070, 82.75.060, 83.100.210, 39.100.050, 82.36.440, 82.38.280, 82.04.3651, 82.08.02573, 82.08.0273, 82.08.0293, 82.08.865, 82.12.035, 82.12.040, 82.12.865, 82.80.120, 83.100.040, 83.100.046, 82.04.280, 82.04.280, 29A.36.210, 36.68.525, 36.69.145, 82.03.140, 84.34.020, 84.36.040, 84.36.381, 84.37.030, 84.37.902, 84.40.042, 84.48.050, 84.52.030, 84.52.070, 84.52.080, 84.56.070, 84.60.050, 86.09.490, 87.03.265, and 87.03.270; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.32.590, 82.32.600, 82.04.050, and 84.36.383; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; adding a new section to chapter 35.102 RCW; creating new sections; repealing RCW

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, 82.16.140, and 84.55.080; repealing 2005 c 301 s 5 (uncodified); providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5570 by Senators Prentice, Schoesler, Shin and Holmquist

AN ACT Relating to providing a property tax exemption for real and personal property leased to public hospitals established under chapter 36.62 RCW; amending RCW 84.36.040; and creating new sections.

Referred to Committee on Ways & Means.

SB 5571 by Senators Oemig and Kohl-Welles

AN ACT Relating to requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information; and amending RCW 82.32.135, 82.32.080, 82.32.085, 82.32.060, and 82.32.087.

Referred to Committee on Ways & Means.

SB 5572 by Senators Marr, Kohl-Welles, Zarelli, Roach, Jarrett, Swecker, Kilmer, Kline, Franklin, Rockefeller, Keiser, Benton, McAuliffe, Carrell, Pridemore, Haugen, Kauffman, Fairley and Eide

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.56.465, 41.04.810, 43.01.047, 43.215.350, and 74.15.020; reenacting and amending RCW 43.215.010; adding a new section to chapter 43.215 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.12 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5573 by Senator Franklin

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

SB 5574 by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles

AN ACT Relating to protecting consumer data in motor vehicles; amending RCW 46.63.020; adding a new section to chapter 48.30 RCW; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5575 by Senators Jarrett, Pflug, Tom, Oemig and Shin

AN ACT Relating to creating Bellevue College; amending RCW 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485, 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.10.590, 28B.10.600, 28B.10.605, 28B.10.640, 28B.10.650, 28B.10.685, 28B.10.700, 28B.10.703, 28B.15.005, 28B.15.014, 28B.15.025, 28B.15.041, 28B.15.051, 28B.15.067, 28B.15.100, 28B.15.520, 28B.15.522, 28B.15.526, 28B.15.527, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.555, 28B.15.556, 28B.15.558, 28B.15.605, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.794, 28B.15.820, 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.710, 28B.35.751, 28B.35.790, 28B.50.030, 28B.50.252, 28B.50.465, 28B.76.020, and 28B.76.230; reenacting and amending RCW 28B.15.515 and 28B.15.621; adding a new chapter to Title 28B RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 5576 by Senators Jarrett, Tom, Kilmer, Shin, Oemig and Kastama

AN ACT Relating to tuition waivers for state employees; and amending RCW 28B.15.558.

Referred to Committee on Higher Education & Workforce Development.

SB 5577 by Senators Jarrett, Rockefeller, Hargrove and Regala

AN ACT Relating to mandatory forms for use in dependency matters; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5578 by Senators Schoesler, Honeyford, Morton and Delvin

AN ACT Relating to water resource management; amending RCW 90.44.035 and 90.44.050; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5579 by Senators McDermott and Oemig

AN ACT Relating to the deposit of public funds; and amending RCW 39.58.010, 35.38.060, 35.58.510, 36.48.060, and 43.08.280.

Referred to Committee on Ways & Means.

SB 5580 by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

AN ACT Relating to the time limits of school impact fee expenditures; amending RCW 82.02.070; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Ways & Means.

SIXTEENTH DAY, JANUARY 27, 2009

SB 5581 by Senators Delvin, Marr and Shin
AN ACT Relating to suncreening devices; and amending RCW 46.37.430.

Referred to Committee on Transportation.

SB 5582 by Senators Parlette and Becker
AN ACT Relating to the Washington state patrol chief for a day program; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5583 by Senators Marr, Honeyford, Rockefeller, Morton, Fraser, Sheldon and Shin

AN ACT Relating to improving the effectiveness of water bank authorization and exchange provisions; amending RCW 90.42.100, 39.34.200, 90.42.080, 90.03.255, and 90.44.055; adding new sections to chapter 90.42 RCW; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5584 by Senators Pridemore and Fraser
AN ACT Relating to land surveyors; amending RCW 18.43.020; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5585 by Senators Jacobsen, Kohl-Welles and Keiser
AN ACT Relating to tax relief to promote employer-assisted housing; adding new sections to chapter 82.04 RCW; adding a new section to chapter 43.180 RCW; and providing expiration dates.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5586 by Senator Jacobsen
AN ACT Relating to protecting public lands through off-road vehicle safety education and training; and adding new sections to chapter 46.09 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5587 by Senator Pridemore
AN ACT Relating to authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines; reenacting and amending RCW 82.46.035; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5588 by Senators Pridemore, Tom and Murray
AN ACT Relating to administering, suspending, and eliminating boards and commissions; amending RCW 15.24.050, 15.26.100, 15.28.090, 15.44.038, 15.65.047,

15.65.270, 15.66.055, 15.66.130, 15.74.030, 15.76.170, 15.88.050, 15.89.070, and 16.67.070; adding a new section to chapter 34.05 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 43.185B RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 43.03 RCW; adding new sections to chapter 70.94 RCW; adding a new section to chapter 28B.108 RCW; adding a new section to chapter 43.46 RCW; adding a new section to chapter 18.250 RCW; adding a new section to chapter 46.66 RCW; adding a new section to chapter 70.195 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 36.93 RCW; adding a new section to chapter 39.10 RCW; adding new sections to chapter 43.34 RCW; adding a new section to chapter 27.48 RCW; adding new sections to chapter 43.31 RCW; adding new sections to chapter 26.19 RCW; adding new sections to chapter 74.13 RCW; adding new sections to chapter 43.121 RCW; adding a new section to chapter 43.136 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 35.78 RCW; adding a new section to chapter 43.32 RCW; adding new sections to chapter 2.53 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 43.160 RCW; adding a new section to chapter 72.78 RCW; adding a new section to chapter 76.15 RCW; adding a new section to chapter 89.08 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 36.78 RCW; adding new sections to chapter 43.105 RCW; adding a new section to chapter 82.58 RCW; adding a new section to chapter 50.40 RCW; adding a new section to chapter 28B.04 RCW; adding a new section to chapter 46.82 RCW; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 70.198 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 43.15 RCW; adding a new section to chapter 43.162 RCW; adding a new section to chapter 43.163 RCW; adding new sections to chapter 90.71 RCW; adding a new section to chapter 43.06B RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 70.168 RCW; adding a new section to chapter 44.39 RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 70.112 RCW; adding a new section to chapter 89.10 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 77.75 RCW; adding a new section to chapter 43.103 RCW; adding a new section to chapter 43.126 RCW; adding a new section to chapter 70.105E RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 28B.115 RCW; adding new sections to chapter 48.62 RCW; adding new sections to chapter 27.34 RCW; adding new sections to chapter 28B.76 RCW; adding a new section to chapter 28B.12 RCW; adding a new section to chapter 79A.30 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 10.98 RCW; adding a new section to chapter 79A.25 RCW; adding a new section to chapter 18.225 RCW; adding new sections to chapter 77.85 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 48.87 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 70.105D RCW; adding a new

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

section to chapter 46.20 RCW; adding a new section to chapter 46.09 RCW; adding a new section to chapter 70.149 RCW; adding new sections to chapter 43.30 RCW; adding a new section to chapter 18.21 RCW; adding a new section to chapter 13.60 RCW; adding a new section to chapter 43.147 RCW; adding new sections to chapter 79A.75 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 15.92 RCW; adding a new section to chapter 70.14 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 2.70 RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 36.102 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 77.95 RCW; adding a new section to chapter 74.18 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 43.210 RCW; adding a new section to chapter 76.13 RCW; adding a new section to chapter 1.08 RCW; adding a new section to chapter 58.24 RCW; adding a new section to chapter 43.336 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 44.55 RCW; adding a new section to chapter 43.59 RCW; adding a new section to chapter 43.56 RCW; adding a new section to chapter 74.32 RCW; adding a new section to chapter 90.86 RCW; adding a new section to chapter 28C.04 RCW; creating new sections; and repealing RCW 77.85.110.

Referred to Committee on Government Operations & Elections.

SB 5589 by Senators Pridemore, Tom and Murray

AN ACT Relating to the consolidation of certain councils, boards, committees, and commissions; amending RCW 43.121.050, 70.190.010, 70.190.040, 70.190.100, 43.60A.010, 43.60A.080, 43.20.025, 43.101.280, 18.210.070, 70.118.110, 9.46.070, 67.16.010, 67.16.020, 67.16.101, 67.16.102, 67.16.105, 67.16.130, 67.16.140, 67.16.150, 67.16.160, 67.16.260, 67.16.270, 67.16.275, 67.16.280, 67.16.285, and 43.15.020; reenacting and amending RCW 2.56.030 and 43.79A.040; adding a new section to chapter 43.121 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 70.190.020, 43.60A.170, 43.131.405, 43.131.406, 43.113.005, 43.113.010, 43.113.020, 43.113.030, 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.045, 43.115.060, 43.115.900, 43.117.010, 43.117.020, 43.117.030, 43.117.040, 43.117.050, 43.117.060, 43.117.070, 43.117.080, 43.117.090, 43.117.100, 43.117.110, 43.117.900, 70.118.100, 67.16.012, 67.16.014, 67.16.015, 67.16.017, and 67.16.040; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5590 by Senators Jacobsen, Brandland, Ranker, Fraser and Shin

AN ACT Relating to liability of countywide flood control zone districts; and amending RCW 86.12.037.

Referred to Committee on Judiciary.

SB 5591 by Senators Kline, Pridemore, Fairley and McDermott

AN ACT Relating to whistleblower protection; amending RCW 42.40.010, 42.40.020, 42.40.030, and 42.40.050; amending 2008 c 266 s 1 (uncodified); and adding a new section to chapter 42.40 RCW.

Referred to Committee on Government Operations & Elections.

SB 5592 by Senators Oemig, Kline and McDermott

AN ACT Relating to modification of distributions from the city- county assistance account; amending RCW 43.08.290; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5593 by Senators McAuliffe, King, Hobbs, Schoesler and Shin

AN ACT Relating to career and technical student organizations; and amending RCW 28A.300.380.

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

SB 5594 by Senator Jacobsen

AN ACT Relating to promoting the works of August Wilson; adding new sections to chapter 43.46 RCW; and making an appropriation.

Referred to Committee on Government Operations & Elections.

SB 5595 by Senators Keiser, King, Marr, Honeyford and Kohl-Welles

AN ACT Relating to the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers; amending RCW 46.96.080; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5596 by Senator Jacobsen

AN ACT Relating to promoting safe winter recreation by supporting the continued operation of the northwest weather and avalanche center; adding a new section to chapter 46.10 RCW; adding new sections to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5597 by Senators Jacobsen, Shin and Kline

AN ACT Relating to investigating Washington's ocean renewable energy resources; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5598 by Senator Jacobsen

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

AN ACT Relating to Washington's timber recovery fund board; reenacting and amending RCW 43.79A.040; adding a new section to chapter 76.44 RCW; adding a new chapter to Title 76 RCW; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5599 by Senators McDermott, Oemig, Kohl-Welles, Pridemore, Marr, Brown, Tom, Kline, McAuliffe, Regala and Shin

AN ACT Relating to approving the entry of Washington into the agreement among the states to elect the president by national popular vote on the same terms and conditions as entered into by the states of Hawaii, Illinois, Maryland, and New Jersey; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5600 by Senator Prentice

AN ACT Relating to fiscal matters; amending RCW 28A.300.380, 28A.400.205, 28A.405.415, 28A.415.250, 28A.415.315, 28A.500.030, 28A.500.040, 28A.505.220, 28B.50.465, 28B.50.468, 28B.105.110, 41.48.060, 43.08.190, 43.10.180, 43.79.460, 43.215.125, 70.93.180, 74.08A.340, 74.31.060, 79.64.040, 79.105.150, and 84.52.0531; reenacting and amending RCW 43.135.045 and 70.105D.070; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5601 by Senator Franklin

AN ACT Relating to speech-language pathology assistants; amending RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and 18.35.260, and 18.130.040; adding new sections to chapter 18.35 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5602 by Senators Regala, Carrell and Kilmer

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5603 by Senators Fraser, Brandland and Shin

AN ACT Relating to economic stimulus bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5604 by Senators Fraser and Brandland

AN ACT Relating to the economic stimulus capital budget; amending 2007 c 520 ss 2062, 2076, 2057, 3177, 5042, 5050, 5071, 5092, 5115, 5201, 5243, 5268, 5267, 5266, and

5270 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5605 by Senator Hargrove

AN ACT Relating to the time period during which sales and use tax for public facilities in rural counties may be collected; reenacting and amending RCW 82.14.370; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5606 by Senators Kastama, Shin and Murray

AN ACT Relating to creating the Washington investment in student excellence scholarship program; amending RCW 67.70.240; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5607 by Senators McAuliffe, Pridemore, Kauffman, Marr, Hargrove, Regala, Franklin, Shin, Kline, Keiser and Kohl-Welles

AN ACT Relating to education; amending RCW 28A.150.210, 28A.150.220, 28A.150.315, 28A.150.250, 28A.150.260, 28A.150.380, 28A.150.410, 28A.160.150, 28A.165.055, 28A.180.080, 84.52.043, 84.55.005, 84.52.0531, and 84.52.0531; reenacting and amending RCW 28A.150.370; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 43.79 RCW; creating new sections; providing an effective date; and providing expiration dates.

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

SB 5608 by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles

AN ACT Relating to genetic counselors; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5609 by Senators McDermott, Kline, Regala, Kohl-Welles and Jarrett

AN ACT Relating to legal representation of children in dependency proceedings; amending RCW 13.34.100; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5610 by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin

AN ACT Relating to the release of driving record abstracts for employment and risk management purposes; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5611 by Senators Hargrove and Stevens

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

AN ACT Relating to maintenance and construction activities in support of facilities used to house sexually violent predators; amending RCW 71.09.2501, 43.21C.270, 90.58.390, and 77.55.071; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5612 by Senators Hargrove and Stevens

AN ACT Relating to medical support obligations; amending RCW 26.09.004, 26.09.105, 26.18.170, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5613 by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser

AN ACT Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5614 by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott and Fraser

AN ACT Relating to the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 18.27.030, 18.27.020, 18.27.060, 60.28.010, 60.28.040, and 50.12.070; adding new sections to chapter 18.27 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5615 by Senators Kohl-Welles, Kline, McDermott and Murray

AN ACT Relating to reclassifying possession of forty grams or less of marijuana from a misdemeanor to a class 2 civil infraction; amending RCW 69.50.4014, 69.50.408, 69.50.412, and 10.31.100; adding a new section to chapter 69.50 RCW; repealing RCW 69.50.425; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5616 by Senators Shin, Kastama and Kilmer

AN ACT Relating to connecting business expansion and recruitment to customized training; amending RCW 28B.67.020, 28B.67.030, and 82.04.449; adding a new section to chapter 28B.67 RCW; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5617 by Senators Kauffman and McAuliffe

AN ACT Relating to the early learning advisory council; and amending RCW 43.215.090.

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

SB 5618 by Senators Kauffman, McAuliffe, Berkey, Shin, Murray and Kohl-Welles

AN ACT Relating to establishing a statewide dropout reengagement system; amending RCW 28A.310.180, 28A.305.190, 28B.50.030, 28B.50.535, and 28B.15.067; adding new sections to chapter 28A.175 RCW; and creating a new section.

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

SB 5619 by Senator Kauffman

AN ACT Relating to kindergarten entry assessment; and creating a new section.

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

SB 5620 by Senators Kauffman, Keiser and Ranker

AN ACT Relating to a quality rating and improvement system; and amending RCW 43.215.100.

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

SB 5621 by Senators Kline and Marr

AN ACT Relating to hearing examiner fees; and amending RCW 58.17.330.

Referred to Committee on Judiciary.

SB 5622 by Senator Kline

AN ACT Relating to aggravated retail theft; amending RCW 9A.56.360; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5623 by Senator Kline

AN ACT Relating to documentation necessary to challenge acknowledgment of paternity; and amending RCW 26.26.375.

Referred to Committee on Human Services & Corrections.

SB 5624 by Senators Kauffman, Keiser, Berkey, Kline and Kohl-Welles

AN ACT Relating to student discipline policies; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

SIXTEENTH DAY, JANUARY 27, 2009

2009 REGULAR SESSION

SB 5625 by Senators Haugen, Berkey, Hobbs, Shin and Ranker

AN ACT Relating to creating a state college; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5626 by Senators Tom, Keiser, Kohl-Welles, McDermott and Kline

AN ACT Relating to imposing an additional cigarette tax and providing for the distribution of the tax revenue; amending RCW 43.79.480 and 70.146.030; reenacting and amending RCW 69.50.520; adding a new section to chapter 82.24 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5627 by Senators McDermott, Kohl-Welles, Keiser, Kline and Pridemore

AN ACT Relating to contact with medical providers after appeals have been filed under industrial insurance; adding a new section to chapter 51.52 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5628 by Senators Haugen, Kastama, Delvin, Hobbs, Shin, Jacobsen, Kohl-Welles, Marr, McAuliffe, Berkey and Stevens

AN ACT Relating to internet protocol services; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5629 by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

AN ACT Relating to programs for the prevention of unintended pregnancies and sexually transmitted diseases; amending RCW 74.12.410; adding a new section to chapter 70.54 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1034 by Representatives Morrell, Moeller, Kelley, Hurst, Miloschia, Hunt, Appleton and Chase

AN ACT Relating to rental or lease of armories; and amending RCW 38.20.010.

Referred to Committee on Government Operations & Elections.

EHB 1049 by Representatives Rolfes, Angel, Kelley, Smith, Conway, Hope, Hunt, Dammeier, Dunshee, Herrera, Seaquist, Armstrong, Moeller, Parker, Van De Wege, Johnson, Simpson, Rodne, Orwall, Haler, Lias, Short, Kirby, Green, Kenney, Goodman, Williams, Dickerson, McCoy, Appleton, Chase, Morrell, Sullivan, Sells, Newhouse, Upthegrove,

Kessler, Roach, Wallace, Bailey, Maxwell, McCune, Kretz, Condotta and Campbell

AN ACT Relating to veterans' relief; and amending RCW 73.08.005.,

Referred to Committee on Government Operations & Elections.

HB 1050 by Representatives Kelley, Hope, Rolfes, Johnson, Angel, Dammeier, Conway, Ross, Hunt, Herrera, Smith, Armstrong, Moeller, Parker, Rodne, Haler, Short, Shea, Chase, Morrell, Green, Sullivan, Newhouse, Upthegrove, Campbell, Kristiansen, Van De Wege, Wallace, Simpson, Bailey, Maxwell, McCune and Condotta

AN ACT Relating to veterans' scoring criteria; and amending RCW 41.04.010.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5597 which was referred to the Committee on Environment, Water & Energy.

MOTION

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

MOTION

Senator Marr moved adoption of the following resolution:

SENATE RESOLUTION 8608

By Senators Marr, Tom, Brown, Oemig, and Hobbs

WHEREAS, The high level of competition and enduring tradition of boys' high school cross country is well-established in the state of Washington; and

WHEREAS, The Nike Cross National Championships, completed December 6, 2008, in Portland, Oregon, demonstrated the spirited effort and exemplary sportsmanship common to the sport among runners, students, parents, and fans of Spokane, the state of Washington, and throughout the United States; and

WHEREAS, The most difficult accomplishment in the world of sports is to live up to high expectations and to reach the ultimate goal of a national championship; and

WHEREAS, In 2008 the North Central High School Boys' Cross Country team won their third consecutive state championship title followed by the Northwest regional championships, then entered the national championships ranked first in the nation on December 6, 2008; and

WHEREAS, In the 5K national championship cross country race the North Central High School Boys' Cross Country team triumphed over a total of 22 worthy teams from throughout the United States with a winning score of 134 points to become the Nike Cross National Champions; and

WHEREAS, The members of the North Central High School Boys' Cross Country team are Leon Dean, Adam Reed, Jeff Howard, Alexander Avila, Andrew Kimpel, Ben Johnston,

SIXTEENTH DAY, JANUARY 27, 2009

Casey Adams, Brandon Ray, John Balch, Spencer Wordell, and Andrew Wordell; and

WHEREAS, The North Central High School team members distinguished themselves with their sportsmanship and determination; and

WHEREAS, The North Central High School Boys' Cross Country team under the leadership of coaches Jon Knight, Len Long, J.C. Hodgson, Dick Baker, Peter Lowe, Tracey Walters, and Brent Christiansen has brought distinction and pride to North Central High School, its students, supporters, and the entire Spokane community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of the team members and the coaching staff, the Senate honors and congratulates the North Central High School Boys' Cross Country team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the School District 81 School Board, the administration of North Central High School, and each of the players and coaches.

Senator Marr spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

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

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 28, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 28, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Nicholas Alagna and Emma Wendt, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2009

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

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Marr; Morton and Sheldon.

Passed to Committee on Rules for second reading.

January 27, 2009

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

MAJORITY recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Marr; Morton and Sheldon.

Passed to Committee on Rules for second reading.

January 27, 2009

SB 5290 Prime Sponsor, Senator Franklin: Concerning requests made by a party relating to gas or electrical company discounts for low-income senior customers and low-income customers. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Marr; Morton and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5630 by Senators Regala, Fairley, Jacobsen and Haugen

AN ACT Relating to real estate excise tax expenditures for parks and capital projects; and reenacting and amending RCW 82.46.035.

Referred to Committee on Ways & Means.

SB 5631 by Senators Becker and Swecker

AN ACT Relating to absentee ballots; amending RCW 29A.40.091, 29A.48.050, 29A.60.190, and 29A.60.190; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.40 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5632 by Senators Swecker, Haugen, Morton, Stevens, Honeyford, Parlette, McCaslin, Pflug, Roach and Shin

AN ACT Relating to permitting retired participants to resume volunteer firefighter, emergency worker, or reserve officer service; amending RCW 41.24.010; and adding a new section to chapter 41.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5633 by Senators Swecker, Haugen and Stevens

AN ACT Relating to amusement rides; amending RCW 67.42.010, 67.42.020, 67.42.025, 67.42.030, 67.42.040, 67.42.050, 67.42.060, 67.42.070, 67.42.080, 67.42.090, and 19.28.351; adding new sections to chapter 67.42 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5634 by Senators Swecker, Haugen, Schoesler, King, Stevens, Honeyford and Shin

AN ACT Relating to property tax exemptions on public assembly halls; amending RCW 84.36.037; and creating a new section.

Referred to Committee on Ways & Means.

SB 5635 by Senators Swecker, Haugen, Honeyford, Parlette and Stevens

AN ACT Relating to improving traffic flagger safety; adding a new section to chapter 47.36 RCW; creating a new

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SB 5636 by Senators Swecker, Hobbs, Haugen, Morton, Benton, Carrell, Honeyford, Stevens, McCaslin and Roach

AN ACT Relating to authorizing the civil air patrol to conduct homeland security, disaster relief, and search and rescue operations under the governance of the Washington state patrol; adding a new section to chapter 43.43 RCW; creating a new section; and making appropriations.

Referred to Committee on Government Operations & Elections.

SB 5637 by Senators Swecker, Hobbs, Hewitt, Morton, Zarelli, Carrell, Schoesler, King, Roach, Stevens, McCaslin, Honeyford, Benton and Holmquist

AN ACT Relating to allowing members of the armed forces to submit an application for renewal of a concealed pistol license by mail; and amending RCW 9.41.070.

Referred to Committee on Government Operations & Elections.

SB 5638 by Senators Swecker, Haugen, Hewitt, Schoesler and Shin

AN ACT Relating to fire protection district contracts; and amending RCW 52.12.031.

Referred to Committee on Government Operations & Elections.

SB 5639 by Senators Hargrove, Brandland, Marr, Sheldon, Regala, Stevens, Shin, Kilmer, Parlette, Kohl-Welles and Tom

AN ACT Relating to vulnerable adults; amending RCW 30.22.210, 74.34.020, 74.34.035, 74.34.050, 74.34.063, 74.34.067, 74.34.080, and 74.34.095; reenacting and amending RCW 9.94A.533; adding new sections to chapter 74.34 RCW; creating a new section; repealing RCW 74.34.021 and 74.34.068; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5640 by Senators Murray, Schoesler, Delvin and Kohl-Welles

AN ACT Relating to intermediate care facilities for persons with developmental disabilities; and amending RCW 70.129.005, 70.129.010, 70.129.105, 70.129.110, 70.129.160, and 70.129.170.

Referred to Committee on Health & Long-Term Care.

SB 5641 by Senators Regala, Swecker and McDermott

AN ACT Relating to removing essential government services as a condition to exempt from taxation property belonging to any federally recognized Indian tribe located in the state; and amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230.

Referred to Committee on Government Operations & Elections.

SB 5642 by Senators Kauffman, Berkey and Sheldon

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SB 5643 by Senators Franklin, Carrell and Marr

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.240 and 26.10.160; and adding new sections to chapter 26.10 RCW.

Referred to Committee on Human Services & Corrections.

SB 5644 by Senators Parlette and Kohl-Welles

AN ACT Relating to home inspectors; and amending RCW 18.280.030, 18.280.060, and 18.280.070.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5645 by Senators Parlette and Kohl-Welles

AN ACT Relating to designating counties, cities, and towns as bona fide nonprofit organizations under certain terms and conditions; and amending RCW 9.46.0209.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5646 by Senators McDermott, Carrell and Kline

AN ACT Relating to process servers; and amending RCW 18.180.010 and 46.12.370.

Referred to Committee on Judiciary.

SB 5647 by Senators Hatfield, Hewitt, Delvin and Fraser

AN ACT Relating to establishing a pilot local water management program in one qualified jurisdiction; amending RCW 90.03.380, 90.44.100, and 43.21B.110; reenacting and amending RCW 90.14.140; adding a new chapter to Title 90 RCW; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5648 by Senators Berkey, McAuliffe, Kauffman, Carrell and Shin

AN ACT Relating to sex offender residence approval; amending RCW 72.09.340; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5649 by Senators Rockefeller, Hobbs, Pridemore, Kohl-Welles, Keiser, Fraser, Sheldon, Shin, McAuliffe, Kline and Oemig

AN ACT Relating to achieving greater energy efficiency in buildings; amending RCW 70.164.020, 70.164.040, 70.164.050, 70.164.060, 19.285.040, 35.92.360, 54.16.280, 36.94.460, 43.19.675, 43.19.680, and 43.41.170; adding a

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

new section to chapter 70.164 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 43.185 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5650 by Senators Pridemore and Shin

AN ACT Relating to transfers of accumulated leave of employees of the state school for the blind and the school for the deaf; and amending RCW 28A.310.240 and 28A.400.300.

Referred to Committee on Ways & Means.

SB 5651 by Senators Kohl-Welles, Delvin, Kline and Tom

AN ACT Relating to providing humanitarian requirements for certain dog breeding practices; adding a new section to chapter 16.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5652 by Senators Roach, Swecker, Stevens, Carrell, Zarelli, McCaslin, Delvin, Becker, Parlette and Benton

AN ACT Relating to motorcycle toll rates; and amending RCW 47.56.850.

Referred to Committee on Transportation.

SB 5653 by Senators Roach, McCaslin and Carrell

AN ACT Relating to public access to information about foster parents; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5654 by Senators Roach, Swecker, Carrell and Pflug

AN ACT Relating to the creation of a child welfare transparency committee; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services & Corrections.

SB 5655 by Senators Roach, Swecker, Stevens, Hobbs, Delvin, Carrell, Parlette and Benton

AN ACT Relating to height restrictions on amateur radio antennas; and amending RCW 35.21.315, 35A.21.260, and 36.32.600.

Referred to Committee on Government Operations & Elections.

SB 5656 by Senators Roach, Delvin and Swecker

AN ACT Relating to state government reorganization; amending RCW 43.17.010, 43.17.020, and 43.70.555; reenacting and amending RCW 42.17.2401 and 69.50.520; adding new sections to chapter 41.06 RCW; adding a new section to chapter 74.04 RCW; adding new chapters to Title 43 RCW; creating new sections; repealing RCW 70.190.005, 70.190.010, 70.190.020, 70.190.030,

70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, and 70.190.920; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5657 by Senators Roach, Holmquist, Hatfield, Swecker, Pflug, Stevens and Carrell

AN ACT Relating to guardians ad litem; and amending RCW 13.34.100 and 13.34.102.

Referred to Committee on Human Services & Corrections.

SB 5658 by Senators Roach, Carrell, Swecker, Hatfield, Holmquist, Oemig, Delvin, Hobbs, Shin and Kline

AN ACT Relating to instruction in Spanish and Chinese languages; creating new sections; providing an expiration date; and declaring an emergency.

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

SB 5659 by Senators Berkey, Benton and Marr

AN ACT Relating to the consideration of mitigating factors for enforcement actions under the mortgage broker practices act; amending RCW 19.146.220; and adding a new section to chapter 19.146 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5660 by Senators Roach, McAuliffe, Swecker, Stevens and Parlette

AN ACT Relating to programs to help students develop saleable skills; adding a new section to chapter 28A.320 RCW; and creating a new section.

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

SB 5661 by Senators Pridemore, Roach, King, Zarelli, Swecker, Hargrove, Fairley, Stevens, Kastama, Oemig, Shin, McAuliffe and Benton

AN ACT Relating to exempting the annual parental declaration of intent to home school from the public disclosure act; and amending RCW 42.56.320.

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

SB 5662 by Senators Benton, Carrell, Pflug, McCaslin, Roach, Swecker, Zarelli, Delvin, Honeyford, Schoesler, King, Parlette, Hewitt, Kilmer and Holmquist

AN ACT Relating to allowing certain health care coverage deductions from the calculation of disposable income for the purpose of qualifying for senior property tax programs; and reenacting and amending RCW 84.36.383.

Referred to Committee on Ways & Means.

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

SB 5663 by Senators Benton, Carrell, Roach, Swecker, Morton, Delvin, McCaslin, Honeyford, Schoesler, Hewitt, Shin and Kilmer

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 5664 by Senators Benton, Carrell, Roach, McCaslin, Swecker, Stevens, Schoesler, Delvin, Honeyford and Hewitt

AN ACT Relating to eminent domain; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

SB 5665 by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin

AN ACT Relating to a joint self-insurance program for affordable housing and nonprofit entities; amending RCW 48.01.050; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5666 by Senators Hobbs, Zarelli, Benton and Marr

AN ACT Relating to competitive solicitation requirements for public facilities districts; and amending RCW 36.100.180.

Referred to Committee on Government Operations & Elections.

SB 5667 by Senators Jacobsen, Benton, Schoesler and McCaslin

AN ACT Relating to utility liens against rental property; and amending RCW 35.21.290, 35.67.200, and 36.94.150.

Referred to Committee on Government Operations & Elections.

SB 5668 by Senators Berkey, Schoesler, McCaslin, Benton and Marr

AN ACT Relating to the sale of used manufactured/mobile homes; adding a new section to chapter 46.70 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5669 by Senator Berkey

AN ACT Relating to granting the insurance commissioner certain authority when the governor declares a state of emergency; amending RCW 48.02.060; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5670 by Senator Berkey

AN ACT Relating to insurance; and amending RCW 48.02.190, 48.13.450, 48.14.020, 48.14.090, and 48.66.045.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5671 by Senators Berkey, Franklin, Shin and Haugen

AN ACT Relating to the suitability of annuities sold in Washington; adding a new section to chapter 48.23 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5672 by Senators Kline and Kohl-Welles

AN ACT Relating to protecting consumers from discrimination based on lawful source of income; amending RCW 49.60.030, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.040.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5673 by Senators Pridemore, Zarelli, Keiser, Murray, Rockefeller, Hobbs, Regala and Shin

AN ACT Relating to requiring certificates of need for certain hospitals; and amending RCW 70.38.105 and 70.38.111.

Referred to Committee on Health & Long-Term Care.

SB 5674 by Senators Murray, McDermott, Kohl-Welles, Regala, Pridemore, Keiser, Kline and Jacobsen

AN ACT Relating to civil marriage equality, recognizing the right of all citizens of Washington state, including couples of the same gender, to obtain civil marriage licenses; amending RCW 26.04.010 and 26.04.020; and creating a new section.

Referred to Committee on Judiciary.

SB 5675 by Senators Murray, Tom, Fairley, Keiser, Regala, Shin, Kline and Kohl-Welles

AN ACT Relating to protecting consumers in the purchase of motor vehicles; amending RCW 46.70.011, 46.70.070, and 46.70.180; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5676 by Senators McAuliffe, Rockefeller, Jarrett, Fairley, Hobbs, Schoesler and Shin

AN ACT Relating to middle school career and technical education; amending RCW 28A.230.130; adding a new section to chapter 28A.660 RCW; creating a new section; and providing an effective date.

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

SB 5677 by Senator Hatfield

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

AN ACT Relating to compliance with the dairy nutrient management program; amending RCW 90.64.010; adding a new section to chapter 90.64 RCW; and prescribing penalties.

29A.20.201, 29A.24.030, 29A.24.210, 29A.24.211, 29A.28.011, 29A.28.021, 29A.32.036, 29A.36.010, 29A.36.104, 29A.36.106, 29A.36.171, 29A.36.191, 29A.52.106, 29A.52.111, 29A.52.116, 29A.52.141, 29A.52.151, and 29A.80.011.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Government Operations & Elections.

SB 5678 by Senator Hatfield

AN ACT Relating to the use of milk products for animal food consumption; amending RCW 15.37.040, 15.37.120, and 15.53.901; adding new sections to chapter 15.37 RCW; prescribing penalties; and providing an effective date.

SB 5682 by Senators Haugen and Marr

AN ACT Relating to the realignment of transportation regions; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Transportation.

SB 5683 by Senator Haugen

SB 5679 by Senators Keiser, Kohl-Welles, McDermott, Murray, Pridemore, Kauffman, Hatfield, Franklin, McAuliffe, Kline and Oemig

AN ACT Relating to the family security act; amending RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.210, and 50.29.021; reenacting and amending RCW 43.79A.040; adding new sections to chapter 49.86 RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 49.86.040; providing an effective date; and providing an expiration date.

AN ACT Relating to toll penalties for violations of high occupancy toll lane restrictions; and amending RCW 47.56.403 and 47.66.090.

Referred to Committee on Transportation.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5684 by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline

AN ACT Relating to environmental mitigation in highway construction; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 5680 by Senators Jarrett, Zarelli, Shin, Kohl-Welles and Oemig

AN ACT Relating to the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations; and amending RCW 84.36.060.

SB 5685 by Senator Haugen

AN ACT Relating to the use of automated traffic safety cameras in ferry zones; and amending RCW 46.63.170.

Referred to Committee on Transportation.

Referred to Committee on Ways & Means.

SB 5686 by Senators Murray, Kohl-Welles, McDermott, Jacobsen and Jarrett

AN ACT Relating to the regulation of certain limousine carriers; amending RCW 46.72.010, 46.72A.010, 46.72A.030, and 46.72A.040; and adding a new section to chapter 46.72A RCW.

Referred to Committee on Transportation.

SB 5681 by Senators Hargrove, Fairley, Roach, Hatfield, Pridemore, McCaslin, Sheldon, Holmquist and Shin

AN ACT Relating to updating election laws with a top two primary election system; amending RCW 29A.04.008, 29A.04.086, 29A.04.097, 29A.04.128, 29A.04.133, 29A.04.216, 29A.04.311, 29A.08.161, 29A.12.080, 29A.20.021, 29A.20.121, 29A.20.131, 29A.20.141, 29A.24.031, 29A.24.081, 29A.24.101, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.28.071, 29A.32.031, 29A.32.032, 29A.32.121, 29A.32.241, 29A.36.011, 29A.36.071, 29A.36.101, 29A.36.121, 29A.36.131, 29A.36.151, 29A.36.161, 29A.36.201, 29A.40.091, 29A.44.201, 29A.44.221, 29A.48.020, 29A.52.011, 29A.52.210, 29A.52.231, 29A.52.321, 29A.52.351, 29A.56.040, 29A.60.021, 29A.60.221, 29A.64.011, 29A.64.021, 29A.64.041, 29A.64.061, 29A.64.081, 29A.68.011, 29A.80.020, 29A.80.041, 29A.80.051, 29A.84.261, 29A.84.311, 29A.84.711, 42.17.020, 42.17.040, 42.17.093, and 42.17.510; reenacting and amending RCW 29A.36.170, 29A.52.112, and 42.12.040; adding a new section to chapter 29A.24 RCW; and repealing RCW 29A.04.310,

SB 5687 by Senators Marr, Pridemore, McDermott, Regala, Franklin, Kohl-Welles, Murray, Fairley, Jacobsen, Kauffman, McAuliffe and Kline

AN ACT Relating to reducing greenhouse gas emissions through land use and transportation requirements; amending RCW 36.70A.020, 36.70A.070, 36.70A.100, 36.70A.108, 36.70A.190, 36.70A.210, 36.70A.490, 36.70A.500, 47.80.030, 43.21C.240, 81.104.015, and 82.14.0455; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 81.112 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5688 by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser,

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom

AN ACT Relating to further expanding the rights and responsibilities of state registered domestic partners; amending RCW 2.10.030, 6.27.140, 9A.44.010, 10.77.205, 11.88.030, 26.60.040, 26.60.090, 41.05.066, 41.16.010, 41.18.010, 49.78.020, 65.12.035, 71.05.425, 72.09.015, 72.09.712, 72.36.115, 77.36.010, 83.100.046, 83.100.047, and 84.04.050; adding a new section to chapter 26.60 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding a new section to chapter 2.14 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 5.44 RCW; adding a new section to chapter 6.15 RCW; adding a new section to chapter 6.27 RCW; adding a new section to chapter 7.08 RCW; adding a new section to chapter 7.68 RCW; adding a new section to chapter 9.58 RCW; adding a new section to chapter 9.68 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.16 RCW; adding a new section to chapter 9A.40 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 10.77 RCW; adding a new section to chapter 10.95 RCW; adding a new section to chapter 10.99 RCW; adding a new section to chapter 10.101 RCW; adding a new section to chapter 11.40 RCW; adding a new section to chapter 11.42 RCW; adding a new section to chapter 11.68 RCW; adding a new section to chapter 11.88 RCW; adding a new section to chapter 11.94 RCW; adding a new section to chapter 11.95 RCW; adding a new section to chapter 11.98 RCW; adding a new section to chapter 11.104A RCW; adding a new section to chapter 11.108 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 13.64 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.118 RCW; adding a new section to chapter 18.120 RCW; adding a new section to chapter 19.09 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 19.36 RCW; adding a new section to chapter 19.40 RCW; adding a new section to chapter 19.120 RCW; adding a new section to chapter 19.205 RCW; adding a new section to chapter 19.220 RCW; adding a new section to chapter 19.225 RCW; adding a new section to chapter 21.20 RCW; adding a new section to chapter 21.35 RCW; adding a new section to chapter 23B.08 RCW; adding a new section to chapter 23B.19 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 26.21A RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.27 RCW; adding a new section to chapter 26.33 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 30.22 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.54 RCW; adding a new section to chapter 35A.01 RCW; adding a new section to chapter 36.17 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 38.42 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 41.20 RCW;

adding a new section to chapter 41.24 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.28 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.34 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.44 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 41.68 RCW; adding a new section to chapter 42.23 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 43.20B RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.56 RCW; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 43.235 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.23 RCW; adding a new section to chapter 48.24 RCW; adding a new section to chapter 48.25 RCW; adding a new section to chapter 48.29 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.66 RCW; adding a new section to chapter 48.76 RCW; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.74 RCW; adding a new section to chapter 49.77 RCW; adding a new section to chapter 49.78 RCW; adding a new section to chapter 49.86 RCW; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.08 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; adding a new section to chapter 59.21 RCW; adding a new section to chapter 59.22 RCW; adding a new section to chapter 62A.1 RCW; adding a new section to chapter 65.12 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 68.04 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 70.122 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 70.190 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 71.09 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 71.32 RCW; adding a new section to chapter 71A.20 RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 72.23 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 73.16 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.09A RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.20 RCW; adding a new section to chapter 74.20A RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 74.41 RCW; adding a new section to chapter 77.08 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 81.28 RCW;

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

adding a new section to chapter 81.80 RCW; adding a new section to chapter 82.08 R

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8611

By Senators Eide, Kohl-Welles, Shin, Keiser, McDermott, Fraser, Delvin, Tom, Kastama, Pridemore, King, McAuliffe, Marr, Franklin, Pflug, Brown, Murray, Carrell, Jarrett, Kilmer, Hobbs, and Regala

WHEREAS, January 11th has been designated a National Day of Human Trafficking Awareness by the United States Congress; and

WHEREAS, Washington state has been in the forefront, nationally, in the fight against human trafficking; and

WHEREAS, In 2002, the Washington state task force against the trafficking of persons was created, the first of its kind in the nation, and that same year Washington was the first state in the nation to pass the mail-order bride act, which requires international matchmaking agencies to provide, upon request, criminal and marital background information on Washington state residents using the agency to meet prospective brides in other countries; and

WHEREAS, In 2003, Washington became the first state to criminalize human trafficking and to extend protections to mail-order brides; and

WHEREAS, In 2005, Washington again led all other states in establishing protocols for providing services to victims of trafficking, and in providing funds for legal aid to noncitizens who are victims of sexual assault, domestic violence, or human trafficking; and

WHEREAS, in 2006, Washington became only the second state to place restrictions on sex tourism, and it provided funding for the Washington State Task Force Against the Trafficking of Persons to resume its work leading to the creation of a Comprehensive Response to Human Trafficking; and

WHEREAS, In 2008, the Washington State Legislature enacted Senate Bill 6339 that passed into law and added victims of trafficking to the list of victims eligible for the address confidentiality program; and

WHEREAS, Victims of human trafficking needs support in order to escape and recover from the physical, mental, emotional, and spiritual trauma associated with their victimization; and

WHEREAS, Human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents,

and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or leave;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize those people and organizations that fight daily against the scourge of human trafficking, and encourage others to observe the National Day of Trafficking Awareness with appropriate ceremonies and activities to combat human trafficking; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the department of community, trade, and economic development office of crime victims advocacy, to Dr. Sutapa Basu, Executive Director of the University of Washington Center for Research on Women, to the Washington state task force against the trafficking of persons, and to Trong and Rani Hong and the Tronie Foundation.

Senators Eide and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Sister Mary Buttimer, Sister Catherine Prendergast, Sister Kathleen Reilly and Sister Mary Pat Murphy, opponents of human trafficking from the Tacoma Dominican Community, who were seated in the gallery.

The President welcomed and introduced members of the Federal Way Soroptimists Club of Federal Way who were seated in the gallery.

MOTION

At 10:18 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:13 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5460, by Senators Tom, Zarelli, Prentice, Hewitt and Kline

Reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5460 was substituted for Senate Bill No. 5460 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 11, after line 2, insert the following:

"(n) In institutions of higher education, positions not funded from state funds or tuition;"

Re-letter the subsections consecutively.

On page 11, line 20, after "grants" and before the period,

SEVENTEENTH DAY, JANUARY 28, 2009

2009 REGULAR SESSION

insert "or, in institutions of higher education, where the costs are not funded from state funds or tuition"

On page 11, line 31, after "department" and before the period, insert "or, in institutions of higher education, where the cost is not funded from state funds or tuition"

On page 12, line 8, after "department" and before the period, insert "or, in institutions of higher education, where the cost is not funded from state funds or tuition"

Senator Murray spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 11, after line 2 to Substitute Senate Bill No. 5460.

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

MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Carrell be adopted.

On page 11, line 17, after "emergency" and before the period, insert "or other catastrophic event that requires government action to protect life or public safety"

On page 11, line 28, after "dollars" and before the period, insert "and is not related to an emergency or other catastrophic event that requires government action to protect life or public safety"

On page 12, line 2, strike "an emergency or direct service delivery" and insert "(a) an emergency or other catastrophic event that requires government action to protect life or public safety, or (b) direct service delivery,"

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Carrell on page 11, line 17 to Substitute Senate Bill No. 5460.

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

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5460.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5460 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5102, by Senators Hewitt, Delvin and Kline

Adding two district court judges in Benton county.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5102 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Delvin and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5102.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5102 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:31 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 29, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, January 29, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

January 27, 2009

SB 5012 Prime Sponsor, Senator Kilmer: Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 27, 2009

SB 5153 Prime Sponsor, Senator Kline: Creating the uniform foreign-country money judgments recognition act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5164 Prime Sponsor, Senator Berkey: Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 27, 2009

SB 5171 Prime Sponsor, Senator Kline: Modifying the Washington principal and income act of 2002. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5171 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 27, 2009

SB 5200 Prime Sponsor, Senator Brandland: Concerning marauding dogs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

January 27, 2009

SB 5298 Prime Sponsor, Senator Regala: Removing the penalty language from natural resource civil infractions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5452 Prime Sponsor, Senator Kauffman: Increasing the debt limit of the housing finance commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair, Franklin and Prentice.

MINORITY recommendation: Do not pass. Signed by Senators Benton; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

POINT OF INQUIRY

Senator Schoesler: "Would Senator McDermott yield to a question? What was the purpose moving Senate Bill No. 5452 directly to Rules rather than to the Committee of Ways & Means?"

Senator McDermott: "It's my understanding that it was the intention of the Committee to move it to Rules in the first place and that Ways & Means would have no jurisdiction on the legislation, Senator."

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as

EIGHTEENTH DAY, JANUARY 29, 2009

2009 REGULAR SESSION

designated with the exception of Senate Bill No. 5452 which was referred to the Committee on Rules.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

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

SB 5691 by Senators Brandland, Jacobsen, Shin and Parlette

AN ACT Relating to boating safety; and creating new sections.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Referred to Committee on Natural Resources, Ocean & Recreation.

January 28, 2009

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

SB 5692 by Senators Honeyford, Hatfield, Holmquist, Morton and Delvin

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

AN ACT Relating to sufficient cause for the nonuse of water; and reenacting and amending RCW 90.14.140.

JEFFREY L. THOMPSON, appointed January 22, 2009, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners.

Referred to Committee on Environment, Water & Energy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

SB 5693 by Senators Hobbs, Hewitt, Schoesler, Zarelli, Berkey, Hatfield, McCaslin, Shin, Carrell, Becker and Benton

Referred to Committee on Transportation.

AN ACT Relating to removing the requirement to purchase art for public buildings during the 2009-2011 biennium; amending RCW 28A.335.210, 28B.10.027, and 43.17.200; and providing an expiration date.

MOTION

On motion of Senator McDermott, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

Referred to Committee on Ways & Means.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

SB 5694 by Senators McAuliffe, Oemig, Brandland and Shin

AN ACT Relating to record checks using fingerprints; and amending RCW 43.43.838.

MESSAGE FROM THE HOUSE

January 28, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1066,

HOUSE BILL NO. 1113,

and the same are herewith transmitted.

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

BARBARA BAKER, Chief Clerk

SB 5695 by Senators Oemig, Swecker, Ranker, Tom, Shin and Haugen

AN ACT Relating to the authority of the Washington state patrol to accept donations; and adding a new section to chapter 43.43 RCW.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING

SB 5689 by Senators Ranker, Haugen and Marr

SB 5696 by Senators Kauffman and McDermott

AN ACT Relating to the appointment of trustees for rural county library districts located in counties with a population of one million five hundred thousand or more; amending RCW 27.12.190; and creating a new section.

AN ACT Relating to a transportation funding study by the joint transportation committee; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Transportation.

SB 5697 by Senator Honeyford

AN ACT Relating to the issuance of horseless carriage plates to trailers more than forty years old; and amending RCW 46.16.305.

SB 5690 by Senators Swecker and Jacobsen

Referred to Committee on Transportation.

AN ACT Relating to alternate harvest restrictions for forest practices; amending RCW 76.09.368; and creating a new section.

SB 5698 by Senators Murray, Kohl-Welles and Delvin

EIGHTEENTH DAY, JANUARY 29, 2009

2009 REGULAR SESSION

AN ACT Relating to soil and wetland scientists; amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5699 by Senators Franklin, Kline and Parlette

AN ACT Relating to the office of public guardianship; and amending RCW 2.72.030.

Referred to Committee on Judiciary.

SB 5700 by Senators Hargrove, Carrell, Regala, Brandland, Stevens, Tom and Shin

AN ACT Relating to establishing search and arrest authority provisions of offenders by department of corrections personnel; and amending RCW 9.94A.631.

Referred to Committee on Human Services & Corrections.

SB 5701 by Senators Regala, Carrell, Brandland, Stevens and Tom

AN ACT Relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5702 by Senators Hargrove, Brandland, Regala, Stevens and Tom

AN ACT Relating to clarifying certain community custody and drug offender sentencing alternative sentencing provisions; amending RCW 9.94A.505 and 9.94A.660; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5703 by Senators Hargrove, Carrell, Regala, Brandland, Stevens, Shin and Kohl-Welles

AN ACT Relating to including domestic violence court order violations to the list of offenses eligible for notification; amending RCW 72.09.712 and 72.09.714; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5704 by Senators Swecker, Becker, Stevens and Roach

AN ACT Relating to creation of a flood district by three or more counties; amending RCW 85.38.090; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Government Operations & Elections.

SB 5705 by Senator Swecker

AN ACT Relating to voting rights in special districts; amending RCW 85.38.105; and repealing RCW 85.08.025 and 86.09.377.

Referred to Committee on Government Operations & Elections.

SB 5706 by Senator Swecker

AN ACT Relating to actions presumed unreasonable for purposes of correcting or restraining a child; and amending RCW 9A.16.100.

Referred to Committee on Judiciary.

SB 5707 by Senators Keiser, Marr, Kohl-Welles and Parlette

AN ACT Relating to child immunization exemptions; and amending RCW 28A.210.090.

Referred to Committee on Health & Long-Term Care.

SB 5708 by Senators Eide, Franklin and Kline

AN ACT Relating to a pay-as-you-drive motor vehicle insurance product; amending RCW 46.29.490; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5709 by Senators Murray, Honeyford, King and Marr

AN ACT Relating to craft winery development; amending RCW 66.04.010; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5710 by Senator Jacobsen

AN ACT Relating to tuition setting authority of state universities; and amending RCW 28B.15.067.

Referred to Committee on Higher Education & Workforce Development.

SB 5711 by Senators Jacobsen and Benton

AN ACT Relating to the performance of Taps at veterans' funerals; adding a new section to chapter 73.24 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5712 by Senator Jacobsen

AN ACT Relating to using traffic safety cameras on certain arterial streets; amending RCW 46.63.170; and creating a new section.

Referred to Committee on Transportation.

SB 5713 by Senators Kastama, Shin, King and McCaslin

AN ACT Relating to providing a business and occupation tax credit for participants in the Washington manufacturing innovation and modernization extension service program;

EIGHTEENTH DAY, JANUARY 29, 2009

2009 REGULAR SESSION

adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5714 by Senators Tom, Jarrett and Shin

AN ACT Relating to conditional funding for teachers to pursue national board for professional teaching standards certification; amending RCW 28A.405.415; adding a new section to chapter 28A.410 RCW; and creating a new section.

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

SB 5715 by Senators Honeyford, King and Shin

AN ACT Relating to residential educational programs for juveniles found to be gang members; and amending RCW 28A.190.010.

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

SB 5716 by Senator McCaslin

AN ACT Relating to election requirements for the creation of municipal wards; and amending RCW 35A.12.180.

Referred to Committee on Government Operations & Elections.

SB 5717 by Senators Schoesler and Sheldon

AN ACT Relating to distributions of tax proceeds from thermal electric generating facilities; and amending RCW 54.28.010 and 54.28.055.

Referred to Committee on Environment, Water & Energy.

SB 5718 by Senators Regala, Stevens, Holmquist, Hobbs, Carrell and Hatfield

AN ACT Relating to the commitment of sexually violent predators; amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.098, 71.09.112, and 71.09.350; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 5719 by Senators Swecker and Brown

AN ACT Relating to title and registration requirements for kit vehicles; and amending RCW 46.12.440 and 46.16.680.

Referred to Committee on Transportation.

SB 5720 by Senators Hewitt, Hobbs, Brandland and Shin

AN ACT Relating to tuition waivers for stepchildren of veterans and national guard members; and reenacting and amending RCW 28B.15.621.

Referred to Committee on Higher Education & Workforce Development.

SB 5721 by Senators Tom, Hobbs, Oemig, Jarrett, McAuliffe, Pridemore, Shin and Kohl-Welles

AN ACT Relating to school district levies; amending RCW 84.52.0531 and 84.52.053; adding a new section to chapter 84.52 RCW; repealing 2004 c 21 s 3 (uncodified); and repealing 2006 c 119 s 3 (uncodified).

Referred to Committee on Ways & Means.

SB 5722 by Senators Sheldon, Honeyford, McAuliffe, Hargrove, Hobbs, Morton, Hatfield and Brandland

AN ACT Relating to state forest land revenues for school districts; and amending RCW 28A.150.250.

Referred to Committee on Ways & Means.

SB 5723 by Senators Kastama, Shin and Swecker

AN ACT Relating to providing support for small business assistance; amending RCW 28B.30.530 and 30.60.010; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5724 by Senator Pridemore

AN ACT Relating to electricity from biomass energy that is a renewable resource; and adding a new chapter to Title 36 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5725 by Senator Keiser

AN ACT Relating to organ transplant lifetime limits; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5726 by Senators Kline and Swecker

AN ACT Relating to clarifying the integration of shoreline management act policies with the growth management act; amending RCW 36.70A.480 and 90.58.090; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5727 by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach

AN ACT Relating to providing false information to voters; adding a new section to chapter 29A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5728 by Senators McDermott, Fairley, Oemig, Pridemore and Shin

AN ACT Relating to elections to fill the remainder of unexpired terms of office for certain statewide elected officials; and amending RCW 29A.04.321.

EIGHTEENTH DAY, JANUARY 29, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SB 5729 by Senators Sheldon, Hewitt and Schoesler

AN ACT Relating to alcohol sales; amending RCW 66.08.026, 66.08.150, 66.08.220, 66.24.440, and 66.20.160; adding a new chapter to Title 66 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5730 by Senators Keiser, Pflug and Kohl-Welles

AN ACT Relating to enhanced federal financing of health coverage; adding new sections to chapter 74.09 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5731 by Senators Keiser and Pflug

AN ACT Relating to distribution of health plan information; and amending RCW 48.43.510.

Referred to Committee on Health & Long-Term Care.

SB 5732 by Senators Kline, McCaslin, Regala and Hargrove

AN ACT Relating to traffic infractions for drivers whose licenses or privileges are suspended or revoked; amending RCW 46.20.342; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5733 by Senator Kastama

AN ACT Relating to modifying tax credits for research and development expenditures; and amending RCW 82.04.4452.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5734 by Senators Kilmer, Delvin and Shin

AN ACT Relating to tuition fees for students other than resident undergraduates; and amending RCW 28B.15.067.

Referred to Committee on Higher Education & Workforce Development.

SB 5735 by Senators Rockefeller, Hargrove, Jacobsen, Ranker, Fraser, Keiser, Jarrett, Swecker, Franklin, Shin, Kohl-Welles, Regala, McAuliffe and Kline

AN ACT Relating to reducing greenhouse gas emissions; amending RCW 70.235.005, 70.235.010, 70.235.030, 70.94.151, and 43.21B.110; adding new sections to chapter 70.235 RCW; creating a new section; prescribing penalties; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

SB 5736 by Senators Rockefeller, Kohl-Welles,

Pridemore, Berkey, Kastama, Shin, Jacobsen, Brandland, Hatfield, Keiser, McAuliffe and Kline

AN ACT Relating to sales and use tax preferences for electric vehicles and electric vehicle infrastructure; amending RCW 82.08.809, 82.12.809, and 82.08.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; repealing RCW 82.08.813 and 82.12.813; repealing 2005 c 296 s 6 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5737 by Senators Regala, Brandland, Sheldon, Carrell, Hobbs, Stevens, Pridemore, Schoesler and Tom

AN ACT Relating to compliance with sales, use, and business and occupation tax requirements; amending RCW 35.22.280, 35.23.440, 35.27.370, 35.102.050, 35A.21.335, and 82.14.055; and adding new sections to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SJM 8005 by Senators Holmquist, Roach, Hewitt, Morton, Carrell, McCaslin, King, Becker, Stevens, Delvin, Swecker and Benton

Requesting that the words "under God" remain in the Pledge of Allegiance.

Referred to Committee on Government Operations & Elections.

SJM 8006 by Senator Zarelli

Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway."

Referred to Committee on Transportation.

SJM 8007 by Senators Tom, Oemig and Jarrett

Naming the NE 116th Street overcrossing of Interstate 405 in Kirkland the Kollin Nielsen Memorial Bridge.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1066 by Representatives Rolfes, Appleton and Moeller

AN ACT Relating to special elections for changing the form of government of a noncharter code city; amending RCW 35A.06.050; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 1113 by Representatives Driscoll, Warnick, Dunshee, Probst, Carlyle, Wallace, White, Chase, Ormsby, Sequist, Simpson, Goodman, Wood, Sullivan, Maxwell, Orwall, Hinkle and Santos

AN ACT Relating to financing the school construction assistance grant program; amending 2008 c 328 s 5001

EIGHTEENTH DAY, JANUARY 29, 2009

2009 REGULAR SESSION

(uncodified); adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5717 which was referred to the Committee on Environment, Water & Energy.

MOTION

At 12:03 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, January 30, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 30, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Delaney Ferrell and Conner O'Brien, presented the Colors. Reverend John Ericksen, retired, of the Prince of Peace Lutheran Church of Everett offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 27, 2009

SB 5024 Prime Sponsor, Senator Kline: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5042 Prime Sponsor, Senator Kilmer: Providing a waiver of penalties for first-time paperwork violations by small businesses. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5058 Prime Sponsor, Senator Rockefeller: Creating a pilot vessel amnesty disposal program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5070 Prime Sponsor, Senator Jacobsen: Addressing threats posed by invasive species. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser and Hatfield.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

January 29, 2009

SB 5103 Prime Sponsor, Senator Zarelli: Concerning service animals in training. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5136 Prime Sponsor, Senator Hobbs: Regulating the use of solar energy panels by members of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5136 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5156 Prime Sponsor, Senator Brandland: Addressing certification actions of Washington peace officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5197 Prime Sponsor, Senator Marr: Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5268 Prime Sponsor, Senator Swecker: Creating the fish and wildlife equipment revolving account. Reported by Committee on Natural Resources, Ocean & Recreation

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5269 Prime Sponsor, Senator Jacobsen: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5356 Prime Sponsor, Senator Haugen: Regarding direct retail licenses issued by the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5370 Prime Sponsor, Senator Franklin: Allowing electronic approval of vital records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5501 Prime Sponsor, Senator Keiser: Concerning the secure exchange of health information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

January 29, 2009

SB 5554 Prime Sponsor, Senator Kilmer: Regarding the job skills program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5563 Prime Sponsor, Senator Franklin: Regarding hours of labor for health care employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Murray and Parlette.

Passed to Committee on Labor, Commerce & Consumer Protection.

January 29, 2009

SB 5616 Prime Sponsor, Senator Shin: Connecting business expansion and recruitment to customized training. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5651 Prime Sponsor, Senator Kohl-Welles: Providing humanitarian requirements for certain dog breeding practices. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Labor, Commerce & Consumer Protection.

January 29, 2009

SJM 8001 Prime Sponsor, Senator Hatfield: Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5501 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 29, 2009

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

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

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

PAMELA BRADBURN, reappointed January 9, 2009, for the term ending September 8, 2013, as Member of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5738 by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom

AN ACT Relating to annual compliance reports; and creating a new section.

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

SB 5739 by Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey and Honeyford

AN ACT Relating to renewing a concealed pistol license by members of the armed forces; and amending RCW 9.41.070.

Referred to Committee on Government Operations & Elections.

SB 5740 by Senators King, Kline, Swecker and Morton

AN ACT Relating to mandatory drug testing of peace officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5741 by Senators Schoesler, McCaslin, Sheldon, Carrell, Stevens, Morton and Honeyford

AN ACT Relating to dynamic fiscal notes; amending RCW 43.88A.010, 43.88A.030, and 43.88A.040; and adding new sections to chapter 43.88A RCW.

Referred to Committee on Ways & Means.

SB 5742 by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield

AN ACT Relating to local government crime-free rental housing programs; adding new sections to chapter 35.21 RCW; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5743 by Senators Jarrett, McDermott, Marr, Jacobsen and Kohl-Welles

AN ACT Relating to alternative student transportation; amending RCW 47.30.050; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5744 by Senators Hargrove, Hatfield, Sheldon, Morton, Stevens, Murray, Honeyford and Shin

AN ACT Relating to public utility tax for log transportation businesses; amending RCW 82.16.010 and 82.16.020; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5745 by Senators Hargrove and Jacobsen

AN ACT Relating to addressing the spread of invasive plant species in Washington; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5746 by Senator Hargrove

AN ACT Relating to sentencing provisions for juveniles adjudicated of certain crimes; amending RCW 13.40.308; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5747 by Senators Hargrove and Kline

AN ACT Relating to imposing an additional business and occupation tax on primary plastics and plastic product manufacturers; and adding a new chapter to Title 82 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5748 by Senators Eide, Morton, Berkey, Sheldon, Marr, Delvin, Kilmer and Shin

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630, 43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; and adding a new section to chapter 43.42 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5749 by Senators Berkey, Benton and Shin

AN ACT Relating to regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5750 by Senators Pridemore, Swecker, Hargrove, Kastama, Kauffman, Fairley, Kohl-Welles, Kline, Tom, Murray, Keiser, Jacobsen and Shin

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

AN ACT Relating to protection of consumers by providing flexibility in the repayment of certain debts; amending RCW 31.45.010, 31.45.073, and 31.45.084; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5751 by Senators Murray, Pflug and Keiser

AN ACT Relating to issuance of licenses to practice dentistry; and reenacting and amending RCW 18.32.195.

Referred to Committee on Health & Long-Term Care.

SB 5752 by Senators Marr, Pflug, Hobbs and Keiser

AN ACT Relating to cost recovery in disciplinary proceedings involving dentists; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5753 by Senators Berkey, Benton, Hobbs, Sheldon, Marr and Kline

AN ACT Relating to real estate excise tax exemptions to stabilize neighborhoods; adding new sections to chapter 82.45 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5754 by Senators Sheldon, Honeyford, Holmquist, Morton and Delvin

AN ACT Relating to setting instream flows; and amending RCW 90.54.020.

Referred to Committee on Environment, Water & Energy.

SB 5755 by Senators Oemig, Swecker, Regala, Fairley, Pflug, Zarelli, Delvin, McCaslin and Tom

AN ACT Relating to access to alternative health care practitioners; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5756 by Senators Oemig, Swecker, Fairley and Kohl-Welles

AN ACT Relating to hazardous substance information; amending RCW 70.102.010 and 70.102.020; and adding a new section to chapter 70.102 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5757 by Senators Marr, McDermott, Pridemore, Fairley, Oemig and Kline

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing boards; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SB 5758 by Senators Hargrove, Kauffman, Murray, Regala and Kohl-Welles

AN ACT Relating to notification of the duties and responsibilities of the department of social and health services to dependent children; amending RCW 74.13.031; adding a new section to chapter 74.13 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5759 by Senators Berkey, Benton and Hobbs

AN ACT Relating to regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 31.04.015, 31.04.025, 31.04.035, 31.04.045, 31.04.102, 31.04.105, 31.04.145, and 31.04.165; adding new sections to chapter 31.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5760 by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles

AN ACT Relating to the state universities' public works contracting procedures; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Ways & Means.

SB 5761 by Senator Jacobsen

AN ACT Relating to recreation on lands owned by the department of natural resources; amending RCW 79.105.240; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79.105 RCW; adding a new chapter to Title 79 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5762 by Senators Murray, Holmquist, Kohl-Welles and Delvin

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5763 by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

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

Referred to Committee on Economic Development, Trade & Innovation.

SB 5764 by Senator Schoesler

SB 5770 by Senators Kilmer, Benton and Carrell

AN ACT Relating to horticultural pest and disease boards; and amending RCW 15.09.030.

AN ACT Relating to public notification of industrial development levies by port districts; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Government Operations & Elections.

SB 5765 by Senator Schoesler

SB 5771 by Senators Jarrett, Brandland, Oemig, Regala and Kilmer

AN ACT Relating to the fruit and vegetable district fund; and amending RCW 15.17.243.

AN ACT Relating to exempting language service providers from the definition of employment and worker for the purposes of unemployment compensation and industrial insurance; adding a new section to chapter 50.04 RCW; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5766 by Senators Pridemore, Murray, Rockefeller, Regala, Kohl-Welles and Kline

AN ACT Relating to modifying pollution control tax incentives and providing additional funding for compensation and retraining of displaced workers; amending RCW 82.08.810 and 50.12.280; amending 1997 c 368 s 1 (uncodified); adding a new section to chapter 28C.18 RCW; adding a new section to chapter 43.31 RCW; repealing RCW 84.36.487, 82.12.810, 82.32.393, 82.08.811, and 82.12.811; making an appropriation; and providing an effective date.

SB 5772 by Senators Shin, King, Holmquist, Sheldon, Franklin, Honeyford and Keiser

AN ACT Relating to addressing the shortage of health care professionals in underserved areas; and creating new sections.

Referred to Committee on Ways & Means.

Referred to Committee on Health & Long-Term Care.

SB 5767 by Senators Rockefeller, Pridemore, Regala and Shin

AN ACT Relating to nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act; amending RCW 70.94.775, 70.94.743, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.670, 70.94.690, 70.94.700, and 70.94.651; adding new sections to chapter 70.94 RCW; creating new sections; and recodifying RCW 70.94.775, 70.94.743, 70.94.780, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, and 70.94.651.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION 8616

Referred to Committee on Environment, Water & Energy.

SB 5768 by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles

AN ACT Relating to identifying the final design for the state route number 99 Alaskan Way viaduct replacement project as a deep bore tunnel; adding a new section to chapter 47.01 RCW; creating a new section; and declaring an emergency.

By Senators Fraser, Honeyford, Swecker, Sheldon, Kauffman, Murray, Franklin, Parlette, Kohl-Welles, Schoesler, Brown, Stevens, King, Brandland, Eide, Berkey, Hewitt, Holmquist, Carrell, Roach, Prentice, Morton, Becker, Rockefeller, Pflug, Oemig, Hatfield, McDermott, Ranker, Keiser, Marr, Regala, Kastama, Pridemore, Shin, and Jarrett

WHEREAS, The City of Olympia celebrates its 150th birthday, its sesquicentennial, on January 28, 2009; and

WHEREAS, President Franklin Pierce designated Isaac I. Stevens Washington's first Territorial Governor; and

WHEREAS, Governor Stevens issued a proclamation naming Olympia as Washington's provisional territorial capital on November 28, 1853, confirmed by the Territorial Legislature in 1855; and

WHEREAS, The City of Olympia has served as Washington's capital continuously since 1853; and

WHEREAS, The first Territorial Legislature met in the Parker and Colter Store, near present day Olympia Avenue and Capitol Way, on February 28, 1854; and

Referred to Committee on Transportation.

SB 5769 by Senators Kilmer, Kastama, Carrell, Regala, Franklin, Shin and Becker

AN ACT Relating to the international services business and occupation tax credit; amending RCW 82.04.44525; and providing an effective date.

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

WHEREAS, The City of Olympia was first incorporated by the Territorial Legislature on January 28, 1859, thirty-six years prior to statehood; and

WHEREAS, Washington became the forty-second state on November 11, 1889; and

WHEREAS, Olympia takes pride in being the state capital, and its capitol building being one of the largest capitol buildings in the nation, having the fourth largest free-standing masonry dome in the world, surpassed only by St. Peter's Cathedral in Rome, St. Paul's Cathedral in London, and St. Isaac's Cathedral in St. Petersburg; and

WHEREAS, Olympia pioneer Edmund Sylvester donated the land for the capitol building at its current location; and

WHEREAS, Olympia is located at the south end of Puget Sound, with breathtaking views of Mt. Rainier, Puget Sound, and the Olympic Mountains; and

WHEREAS, The name "Olympia" was selected by resident Isaac N. Ebey to reflect the view of the majestic Olympic Mountains; and

WHEREAS, The peninsula on which Olympia was founded was known as "Cheetwoot" or "the black bear place" by the Puget Sound Native Americans who occupied the site; and

WHEREAS, Budd Inlet was a favorite shellfish gathering site for many tribes including the Nisqually and Squaxin; and

WHEREAS, The City of Olympia is a regional showcase and center for music, theater, and the other performing and visual arts; and

WHEREAS, Through its long history, Olympia has steadily prospered, flourished, and overcome disasters and challenges such as fires, earthquakes, and economic recessions; and

WHEREAS, The people of Olympia and surrounding areas celebrate Olympia's modern-day role as a thriving city with a high quality of life recognized in multiple national surveys, an international port, and regional center for commerce, education, and health care, and the state capital; and

WHEREAS, Citizens, elected officials, and community leaders celebrated Olympia's historic sesquicentennial with a 150th birthday gala on January 17, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the City of Olympia and its citizens on the occasion of its sesquicentennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Olympia Mayor Doug Mah, Mayor Pro-Tem Jeff Kingsbury, and to Olympia Councilmembers Joe Hyer, Joan Machlis, Karen Messmer, Craig Ottavelli, and Rhenda Iris Strub.

Senators Fraser, King and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the City of Olympia; Mayor Doug Mah; Mayor Pro Tem Jeff Kingsbury; former Mayor Rex Derr; former Mayor Mark Fouch and wife Janet; and former Mayor Holly Gadbaw who were seated in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5042, by Senators Kilmer, Holmquist, Berkey, Schoesler, Kauffman, Marr, Rockefeller, Haugen, Eide, Kastama, Hatfield, Swecker, Tom, McAuliffe, Benton, Parlette and Roach

Providing a waiver of penalties for first-time paperwork violations by small businesses.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5042 was substituted for Senate Bill No. 5042 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Holmquist and Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Roach and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Shin

Excused: Senators Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

Regarding the job skills program.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5554 was advanced to third reading, the second

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senators Kilmer and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5554.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Kline

Excused: Senators Roach, Shin and Zarelli

SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5107, by Senator Honeyford

Addressing renewable resource projects within energy overlay zones.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon,

Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5616, by Senators Shin, Kastama and Kilmer

Connecting business expansion and recruitment to customized training.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5616 was substituted for Senate Bill No. 5616 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5616.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SUBSTITUTE SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5040, by Senators Delvin, Prentice, King and Kohl-Welles

Clarifying and prescribing penalties for gambling under the age of eighteen.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5040 was substituted for Senate Bill No. 5040 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5040.

ROLL CALL

NINETEENTH DAY, JANUARY 30, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SUBSTITUTE SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President announces the removal of Senator Prentice on the Committee on Health & Long-Term Care and the Financial Institutions, Housing & Insurance Committee.

The President appoints Senator McDermott to the Health & Long-Term Care Committee and the Financial Institutions, Housing & Insurance Committee.

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 2, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-SECOND DAY

 NOON SESSION

Senate Chamber, Olympia, Monday, February 2, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 2009

SB 5015 Prime Sponsor, Senator Franklin: Concerning foster parent licensing. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and McAuliffe.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5016 Prime Sponsor, Senator McDermott: Modifying when a special election may be held. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Pridemore.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5017 Prime Sponsor, Senator McDermott: Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5018 Prime Sponsor, Senator Honeyford: Concerning historic preservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5019 Prime Sponsor, Senator Honeyford: Concerning resident curators of state properties. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5028 Prime Sponsor, Senator Haugen: Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5029 Prime Sponsor, Senator Oemig: Recodifying and making technical clarifications to campaign funding and disclosure laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5032 Prime Sponsor, Senator Hobbs: Concerning the Washington code of military justice. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5032 be substituted therefor, and the substitute bill do

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5096 Prime Sponsor, Senator Jacobsen: Requiring mailed political advertising to be filed with the secretary of state to be archived. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McDermott.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5166 Prime Sponsor, Senator Regala: Modifying the child support license suspension program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and McAuliffe.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5190 Prime Sponsor, Senator Hargrove: Making technical corrections to community custody provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and McAuliffe.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5207 Prime Sponsor, Senator Regala: Addressing the rights of victims, survivors, and witnesses of crimes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and McAuliffe.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5211 Prime Sponsor, Senator Sheldon: Prohibiting false and defamatory statements about candidates for public office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5218 Prime Sponsor, Senator Carrell: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland and McAuliffe.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5221 Prime Sponsor, Senator Tom: Regarding distressed property conveyances. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5233 Prime Sponsor, Senator Delvin: Addressing county elected officials keeping offices at the county seat. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5267 Prime Sponsor, Senator Sheldon: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

SB 5278 Prime Sponsor, Senator King: Making technical changes to boiler and unfired pressure vessel statutes. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5289 Prime Sponsor, Senator Ranker: Adding a certain ferry route and roads to the scenic and recreational highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5322 Prime Sponsor, Senator Fairley: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5324 Prime Sponsor, Senator Delvin: Providing the gambling commission with authority to determine locations where amusement games may be conducted. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5366 Prime Sponsor, Senator Holmquist: Modifying licensing provisions for cigarettes and tobacco products.

Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5485 Prime Sponsor, Senator Rockefeller: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5485 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5560 Prime Sponsor, Senator Ranker: Regarding state agency climate leadership. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pridemore.

Passed to Committee on Environment, Water & Energy.

January 29, 2009

SJM 8000 Prime Sponsor, Senator Hobbs: Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SJM 8006 Prime Sponsor, Senator Zarelli: Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MOTION

Passed to Committee on Rules for second reading.

January 29, 2009

SJR 8208 Prime Sponsor, Senator Carrell: Repealing a conflicting residency requirement for voting in a presidential election. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 29, 2009

SGA 9042 JUDY L HARTMAN, appointed on February 10, 2005, for the term ending at the governors pleasure, as Member of the K-20 Educational Network Board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 30, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MASON PETIT, reappointed January 13, 2009, for the term ending December 31, 2011, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

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

INTRODUCTION AND FIRST READING

SB 5773 by Senators Hobbs, McAuliffe, Kilmer, Kohl-Welles and McDermott

AN ACT Relating to establishing the opportunity internship program for high school students; amending RCW 28B.92.030, 28B.92.060, 28B.92.080, and 28B.92.110; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 28B.92 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SB 5774 by Senators Schoesler, Honeyford and Morton

AN ACT Relating to school levy equalization; amending RCW 28A.500.010, 28A.505.210, and 28A.505.220; creating a new section; repealing RCW 84.52.068; and providing an effective date.

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

SB 5775 by Senator Keiser

AN ACT Relating to the eligibility of foreign medical school graduates for licensing as physician assistants; and repealing RCW 18.71A.045.

Referred to Committee on Health & Long-Term Care.

SB 5776 by Senators McDermott, Schoesler, Fairley, Oemig, Jarrett and Kohl-Welles

AN ACT Relating to student fees, charges, and assessments; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5777 by Senators Murray and Parlette

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.060, 48.41.100, and 48.41.100; creating a new section; and providing contingent effective dates.

Referred to Committee on Health & Long-Term Care.

SB 5778 by Senators Oemig, Swecker and Kilmer

AN ACT Relating to disclosure of course material information for higher education courses; and amending RCW 28B.10.590.

Referred to Committee on Higher Education & Workforce Development.

SB 5779 by Senators McAuliffe, Hobbs, Jarrett and Tom

AN ACT Relating to the state board of health adopting rules that impact school districts; adding a new section to chapter

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

28A.210 RCW; creating a new section; and providing an expiration date.

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

SB 5780 by Senators Tom and Brandland

AN ACT Relating to establishing chapter 46.55 RCW as the exclusive remedy for any claims resulting from the impoundment of a motor vehicle; amending RCW 46.55.120; and creating a new section.

Referred to Committee on Transportation.

SB 5781 by Senators Morton and Stevens

AN ACT Relating to the applicability of open range laws on public lands; and amending RCW 16.24.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5782 by Senators Marr and Brown

AN ACT Relating to services provided by hosting jurisdictions; and amending RCW 3.50.003, 3.50.020, 3.50.125, and 3.50.815.

Referred to Committee on Government Operations & Elections.

SB 5783 by Senators Jarrett, Swecker, Marr and Parlette

AN ACT Relating to the fuel tax rate used to determine fuel tax distributions to the snowmobile account; and amending RCW 46.10.170.

Referred to Committee on Transportation.

SB 5784 by Senators Jacobsen, Hobbs, McCaslin, Delvin and Shin

AN ACT Relating to creating a task force to review the process of Western Washington University's decision to terminate its one hundred five year old football program and to make recommendations about how to potentially reinstate the program prior to the 2009 season; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5785 by Senators Kline, Rockefeller, Jacobsen, Murray, Franklin, Keiser and Shin

AN ACT Relating to for hire vehicles and for hire vehicle operators; amending RCW 82.16.010, 82.16.040, and 82.16.020; adding new sections to chapter 51.08 RCW; adding new sections to chapter 51.12 RCW; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5786 by Senators Fraser, Kohl-Welles, Honeyford and Shin

AN ACT Relating to authorizing the creation of cultural access authorities; amending RCW 36.96.010; adding a new chapter to Title 36 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5787 by Senators Keiser, Pflug and Kohl-Welles

AN ACT Relating to the collective bargaining of adult family home providers' health benefits; and amending RCW 41.05.011 and 41.56.029.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5788 by Senators Prentice, Benton, Pflug, Hobbs, Shin and Kline

AN ACT Relating to state funding for low-income housing; amending RCW 43.185.050 and 43.180.080; and adding a new section to chapter 36.22 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5789 by Senators King, Marr and Holmquist

AN ACT Relating to establishing additional health sciences and services authorities in certain areas; and amending RCW 35.104.040.

Referred to Committee on Higher Education & Workforce Development.

SB 5790 by Senators Carrell, Holmquist, Benton, Marr, Oemig, Stevens, Brandland, Honeyford, Hatfield, Roach, Kohl-Welles, Shin, Tom and McDermott

AN ACT Relating to animal cruelty; and amending RCW 16.52.200.

Referred to Committee on Judiciary.

SB 5791 by Senators Hobbs, Franklin, Keiser, Fraser, Jarrett, Kohl-Welles, Shin and McDermott

AN ACT Relating to creating the Washington voluntary retirement accounts program; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5792 by Senators Sheldon, Hatfield, Schoesler, Swecker and Holmquist

AN ACT Relating to current use valuation under the property tax open space program; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5793 by Senators Schoesler, Hewitt, Honeyford and Morton

AN ACT Relating to privately operated manlifts; and amending RCW 70.87.010 and 70.87.120.

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5794 by Senators Kilmer, Parlette, Zarelli, Prentice, Keiser and Shin

AN ACT Relating to the department of social and health services' audit program for pharmacy payments; amending RCW 74.09.200; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5795 by Senators Kilmer and Franklin

AN ACT Relating to the Tacoma Narrows toll bridge account; and amending RCW 47.56.165.

Referred to Committee on Transportation.

SB 5796 by Senators Kilmer and Franklin

AN ACT Relating to use of state bond proceeds for certain public- private transportation projects; and amending RCW 47.46.130.

Referred to Committee on Transportation.

SB 5797 by Senators Haugen, Ranker, Brandland and Hatfield

AN ACT Relating to exemptions from solid waste handling permit requirements; amending RCW 43.21B.300, 43.21B.310, 70.95.170, and 70.95.315; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5798 by Senators Kohl-Welles, McCaslin, Keiser, Pflug and Kline

AN ACT Relating to medical marijuana; and amending RCW 69.51A.005, 69.51A.010, 69.51A.030, and 69.51A.060.

Referred to Committee on Health & Long-Term Care.

SB 5799 by Senators Fraser, Swecker, Fairley, Murray and Shin

AN ACT Relating to the state capitol campus special height district; adding a new section to chapter 35A.63 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5800 by Senators Fraser, Swecker, Fairley, Murray, Shin and Kline

AN ACT Relating to shorelines of statewide significance; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5801 by Senators Kauffman, Jarrett, Sheldon, Shin and McDermott

AN ACT Relating to basic education allocations for tribal schools; and adding a new section to chapter 28A.150 RCW.

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

SB 5802 by Senators Oemig, McAuliffe, Hobbs, Kauffman, Jarrett, Tom and Shin

AN ACT Relating to the professional educator standards board membership and duties; amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date.

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

SB 5803 by Senators Shin, Kauffman and Berkey

AN ACT Relating to the adoption support program; and amending RCW 74.13.109, 74.13.112, and 74.13.250.

Referred to Committee on Human Services & Corrections.

SB 5804 by Senators Keiser, Franklin, Kohl-Welles and Kline

AN ACT Relating to voluntarily leaving part-time work; and amending RCW 50.20.050.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5805 by Senators Jarrett, Benton, Kilmer, Kauffman and Shin

AN ACT Relating to providing a financial incentive to school districts for high school students who complete postsecondary credits; and adding a new section to chapter 28A.150 RCW.

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

SB 5806 by Senators Jarrett, Holmquist, Benton, King, Marr and Kline

AN ACT Relating to solid waste; and amending RCW 19.285.030.

Referred to Committee on Environment, Water & Energy.

SB 5807 by Senators Brandland, Fraser, McAuliffe, King, Oemig and Shin

AN ACT Relating to use of capital projects funds by school districts; amending RCW 84.52.053; and reenacting and amending RCW 28A.320.330.

Referred to Committee on Ways & Means.

MOTION

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5782 which was referred to the Committee on Government Operations & Elections; Senate Bill No. 5789 which was referred to the Committee on Higher Education & Workforce Development and Senate Bill No. 5791 was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8613

By Senators McAuliffe, Kline, Kohl-Welles, King, Pridemore, McDermott, Fraser, Murray, Regala, Kilmer, Shin, Franklin, Hargrove, Eide, Marr, Kauffman, Brandland, Ranker, Fairley, and Hobbs

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and

WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

WHEREAS, Civic education is part of the fabric of our country and for all students in our public schools; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the role of legislators in a representative democracy and the legislative process; and

WHEREAS, Civic Education Day recognizes the value of civic education in Washington State; and

WHEREAS, Civic Education Day establishes a forum for civic educators across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H, YMCA Youth & Government, Washington State Bar Association, Office of the Secretary of State, Service Learning of Washington, Washington State Historical Society, Legislative Scholars Program, and Project Citizen are dedicated to making civic education a priority for Washington state and its citizens; and

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers contribute to the goals of these laudable organizations to create an engaged citizenry; and

WHEREAS, February 2, 2009, is recognized as the Third Annual Washington State Senate Civic Education Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the responsibility of civic educators across the state to serve and inform all Washingtonians and honor civic educators across the state; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the civic educators of the state.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8614

By Senators McAuliffe, Prentice, Murray, Franklin, Holmquist, Shin, Kilmer, Delvin, Eide, Marr, Zarelli, Kline, McDermott, Carrell, Fraser, Becker, Ranker, King, Keiser, and Honeyford

WHEREAS, Catholic schools have celebrated Catholic Schools Week 2009 by recognizing that "Catholic Schools Celebrate Service"; and

WHEREAS, Across the United States, close to half of students enrolled in private schools attend Catholic schools; and

WHEREAS, A quality education is the foundation of a child's future and Catholic Schools Week annually recognizes one of the many types of education choices available to our children; and

WHEREAS, With their emphasis on academic excellence and moral values, Catholic schools enjoy high satisfaction rates among students and parents in addition to high achievement rates, including high school graduation rates of more than 99 percent; and

WHEREAS, Catholic schools encourage parent and community involvement in schools via school boards, commissions, councils, and parent organizations; and

WHEREAS, Close to 200,000 teachers and staff have answered the call to service in Catholic schools; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save the government and taxpayers up to twenty billion dollars a year in public school expenditures; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the State of Washington; and

WHEREAS, Catholic schools have been enriching students' lives in Washington State for more than one hundred fifty years; and

WHEREAS, Washington State has close to 30,000 students in 93 Catholic schools; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs, and the schools are committed to serving students of diverse backgrounds; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our state's and our nation's finest leaders, including members of the Legislature; and

WHEREAS, The annual Catholic schools celebration provides an opportunity to acknowledge the contributions of the schools to our State;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington State and honor their academic excellence, faith-based instruction, and commitment to service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senator McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

TWENTY-SECOND DAY, FEBRUARY 2, 2009

2009 REGULAR SESSION

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

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 3, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 3, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 2, 2009

SB 5238 Prime Sponsor, Senator Keiser: Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hobbs; Honeyford; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Regala and Schoesler.

Passed to Committee on Government Operations & Elections.

February 2, 2009

SB 5264 Prime Sponsor, Senator Kohl-Welles: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Ways & Means.

January 30, 2009

SB 5297 Prime Sponsor, Senator Kline: Concerning the procedure for filing a declaration of completion of probate. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 2, 2009

SB 5492 Prime Sponsor, Senator Marr: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

January 30, 2009

SB 5622 Prime Sponsor, Senator Kline: Addressing aggravated retail theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 2, 2009

SB 5641 Prime Sponsor, Senator Regala: Removing essential government services as a condition to exempt from taxation property belonging to federally recognized Indian tribes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Ways & Means.

February 2, 2009

HB 1066 Prime Sponsor, Representative Rolfes: Regarding special elections for changing the form of government of a noncharter code city. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 30, 2009

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

SGA 9003 DAN ALTMAYER, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Highline Community College District No. 9. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9005 SONIA AREVALO-HAYES, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9006 MARK ASMUNDSON, appointed on January 2, 2009, for the term ending September 30, 2011, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9009 MARTIN BEAN, appointed on July 1, 2008, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9011 GREG BEVER, appointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9013 J. A. BRICKER, reappointed on April 4, 2008, for the term ending April 3, 2012, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9014 ETHELDA BURKE, reappointed on July 1, 2008, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9015 JACK BURKMAN, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 14 (Clark College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9016 SCOTT CARSON, appointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9018 BEVERLY J CHENEY, appointed on July 7, 2008, for the term ending September 30, 2012, as Member of the Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Higher Education & Workforce Development

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9021 ALBERTA B CLARKSON, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 24 (South Puget Sound Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9022 HAROLD COCHRAN, appointed on February 15, 2007, for the term ending September 30, 2009, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9023 ELIZABETH A COWLES, reappointed on September 30, 2005, for the term ending September 30, 2011, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9026 EDWARD DAVILA, reappointed on October 22, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Highline Community College District No. 9. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9030 JOSEPH DOLEZAL, appointed on October 1, 2007, for the term ending September 30, 2011, as Member of the Board of Trustees, Centralia Community College District No. 12. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9031 TIMOTHY B DOUGLAS, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9034 DERICK C ENWEZOH, appointed on July 8, 2008, for the term ending June 30, 2009, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9035 COURTNEY R FLEMING, appointed on July 28, 2008, for the term ending June 30, 2009, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9038 CARVER C GAYTON, appointed on October 1, 2008, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

January 30, 2009

SGA 9041 EARL HALE, reappointed on July 1, 2008, for the term ending June 30, 2012, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9044 KRISTIN HAYDEN, appointed on March 31, 2008, for the term ending September 30, 2009, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9046 HEIDI HEYWOOD, appointed on October 7, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9047 HANNAH M HIGGINS, appointed on July 28, 2008, for the term ending June 30, 2009, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9054 TROY HUTSON, appointed on March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9055 LAURA JENNINGS, appointed on July 15, 2005, for the term ending September 30, 2009, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9056 ARLENE JOE, appointed on May 8, 2008, for the term ending September 30, 2011, as Member of the Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9058 TOM A JOHNSON, appointed on October 20, 2008, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9063 KATHERINE KENISON, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9067 CAROL LANDA-MCVICKER, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges). Reported by Committee on Higher Education & Workforce Development

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9072 DEBRA LISSER, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 4 (Skagit Valley College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9074 JEAN MAGLADRY, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9076 THOMAS W MALONE, reappointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9079 MICHAEL MARTINO, appointed on October 1, 2006, for the term ending September 30, 2011, as Member of the Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9081 ENRIQUETA MAYUGA, M.D., reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 19 (Columbia Basin College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9085 MAURI MOORE, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9086 MARY MOSS, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #29 (Clover Park). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9087 ERIN MUNDINGER, reappointed on April 4, 2008, for the term ending April 3, 2012, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9088 BRITTANY NEWHOUSE, appointed on July 28, 2008, for the term ending June 30, 2009, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9093 ANGELA M PIXTON, appointed on September 19, 2008, for the term ending September 30, 2010, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9094 PHILIP G RASMUSSEN, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 15 (Wenatchee Valley College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9095 BARBARA REID, appointed on October 1, 2008, for the term ending September 30, 2010, as Member of the Board of Trustees, Highline Community College District No. 9. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9096 CONSTANCE W RICE, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9100 ERIK S ROHRER, appointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9101 STANLEY RUMBAUGH, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9104 MIGUEL SANCHEZ, appointed on February 21, 2008, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9106 JOANNE H SCHWARTZ, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9107 PHIL SHARPE, appointed on October 1, 2006, for the term ending September 30, 2012, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

SGA 9113 JERRY SMITH, appointed on October 1, 2007, for the term ending September 30, 2012, as Member of the Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9116 RAFAEL STONE, reappointed on September 30, 2005, for the term ending September 30, 2011, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9118 MARGARET E SUNDSTROM, reappointed on July 7, 2008, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9120 DANIEL SWEENEY, appointed on July 28, 2008, for the term ending June 30, 2009, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9121 ELLEN TAUSSIG, appointed on March 23, 2007, for the term ending March 26, 2011, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9122 GIDGET TERPSTRA, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9123 BETH THEW, reappointed on March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9124 KEITH THOMPSON, appointed on October 1, 2007, for the term ending September 30, 2013, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9131 FREDERICK WHANG, reappointed on October 6, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 22 (Tacoma Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009

SGA 9132 PATRICIA WHITEFOOT, reappointed on May 12, 2008, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Higher Education & Workforce Development

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

Passed to Committee on Rules for second reading.

January 30, 2009
SGA 9133 ROY WILKINSON, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 30 (Cascadia Community College). Reported by Committee on Higher Education & Workforce Development

MOTION

On motion of Senator McDermott, all measures listed on the Standing Committee report were referred to the committees as designated.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

MOTION

Passed to Committee on Rules for second reading.

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

January 30, 2009
SGA 9134 JEAN-PAUL A WILLYNCK, appointed on July 8, 2008, for the term ending June 30, 2009, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education & Workforce Development

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

February 2, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

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

EDWIN SNOOK, appointed January 9, 2009, for the term ending July 1, 2013, as Member, Board of Trustees, State School for the Blind.

Passed to Committee on Rules for second reading.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 30, 2009
SGA 9135 PAUL WINTERS, reappointed on October 20, 2008, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MOTION

On motion of Senator McDermott, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

MOTION

Passed to Committee on Rules for second reading.

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

January 30, 2009
SGA 9136 MIKE WREN, appointed on September 19, 2008, for the term ending September 30, 2012, as Member of the Board of Trustees, Community College District No. 18 (Big Bend Community College). Reported by Committee on Higher Education & Workforce Development

MESSAGE FROM THE HOUSE

February 2, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694,
 and the same is herewith transmitted.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe and Shin.

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

MOTION

There being no objection, the Senate advanced to the fifth order of business.

January 30, 2009
SGA 9137 PEGGY ZORO, reappointed on November 20, 2008, for the term ending September 30, 2014, as Member of the Board of Trustees, Western Washington University.

INTRODUCTION AND FIRST READING

SB 5808 by Senator Fairley

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

AN ACT Relating to the annexation of unincorporated areas served by fire protection districts; amending RCW 35.10.360, 35.10.365, 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new sections to chapter 35A.14 RCW; and adding a new section to chapter 35A.92 RCW.

Referred to Committee on Government Operations & Elections.

SB 5809 by Senator Hargrove

AN ACT Relating to workforce employment and training; amending RCW 50.24.014 and 50.29.025; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5810 by Senators Kauffman, Berkey, Shin, Franklin, Keiser, Tom and Kohl-Welles

AN ACT Relating to foreclosures on deeds of trust; amending RCW 61.24.130, 61.24.010, 61.24.040, and 61.24.060; adding new sections to chapter 61.24 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5811 by Senators Hargrove, Stevens, Shin and Roach

AN ACT Relating to foster child placements; amending RCW 13.34.060; reenacting and amending RCW 13.34.130; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5812 by Senators Marr and Brown

AN ACT Relating to local health board composition; and amending RCW 70.05.030.

Referred to Committee on Government Operations & Elections.

SB 5813 by Senators Hatfield, Hobbs, Marr, Sheldon, Delvin and Shin

AN ACT Relating to mercury reduction; amending RCW 70.95M.010, 70.95M.020, 70.95M.050, and 70.95M.080; adding a new section to chapter 70.95M RCW; creating a new section; repealing RCW 70.95M.090; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5814 by Senators Franklin and Keiser

AN ACT Relating to harmonizing health benefit plans to provide coverage for elemental formulas; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.125 RCW; adding a new section to chapter

70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5815 by Senators Jarrett and Delvin

AN ACT Relating to motor carrier compliance review; amending RCW 46.32.100; and prescribing penalties.

Referred to Committee on Transportation.

SB 5816 by Senators Eide, Delvin, King, Jarrett, Sheldon, Berkey and Hatfield

AN ACT Relating to vehicle dealer documentary service fees; and amending RCW 46.70.180.

Referred to Committee on Transportation.

SB 5817 by Senators Becker, Schoesler, Morton, Brandland, Holmquist, Stevens, Swecker, McCaslin, Carrell, Delvin, Honeyford, King, Kastama, Hatfield, Parlette, Hewitt and Roach

AN ACT Relating to defining commercial agricultural purposes to include current farming practices and activities related to the raising, harvesting, feeding, breeding, managing, selling, care, or training of a farm product; amending RCW 84.34.020; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5818 by Senator Honeyford

AN ACT Relating to disclosure of production and export information on patented or trademarked apples; and amending RCW 42.56.380.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5819 by Senator Kline

AN ACT Relating to increasing the proportion of state public defense funding that constitute city moneys; and amending RCW 10.101.070 and 10.101.080.

Referred to Committee on Judiciary.

SB 5820 by Senators Benton, Roach, Oemig, Swecker, McCaslin, Hobbs and Shin

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5821 by Senators Kastama, Fraser, Kauffman, McAuliffe and Shin

AN ACT Relating to a property tax exemption for manufactured/mobile home communities; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

TWENTY-THIRD DAY, FEBRUARY 3, 2009

2009 REGULAR SESSION

SB 5822 by Senators Fraser, Kastama, Kauffman and McAuliffe

AN ACT Relating to protecting consumers who live in manufactured/mobile home communities by clarifying the manufactured/mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.045, 59.20.073, 59.20.080, 59.20.130, 59.20.135, and 59.20.210.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5823 by Senators Kastama, Fraser, Kauffman, McAuliffe and Kline

AN ACT Relating to strict compliance with notice provisions when manufactured/mobile home communities are offered for sale; and amending RCW 59.20.300.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5824 by Senator Kastama

AN ACT Relating to permanent parenting plans that are agreed to or entered into by default; and amending RCW 26.09.182.

Referred to Committee on Human Services & Corrections.

SB 5825 by Senators Brown, King and Kilmer

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.045, and 82.62.050; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5826 by Senators Keiser and Parlette

AN ACT Relating to tamper-resistant prescription pads; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5827 by Senators Shin, Kilmer, McDermott and Marr

AN ACT Relating to appointing student members on the board of trustees for community colleges; amending RCW 28B.50.100; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5828 by Senators Jarrett, McAuliffe, Tom and Hobbs

AN ACT Relating to authorizing certain school districts and educational service districts to designate a district treasurer; amending RCW 28A.320.300, 28A.320.310, 28A.320.320, 28A.510.270, 28A.310.370, 28A.310.410, 28A.160.130, 28A.220.040, 28A.320.080, 28A.323.100, 28A.325.030, 28A.330.080, 28A.350.010, 28A.350.050, 28A.410.060, 28A.530.030, 28A.530.050, and 28A.535.060; adding a new

section to chapter 28A.320 RCW; and adding a new section to chapter 28A.310 RCW.

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

SB 5829 by Senators Kastama, Shin, Hargrove, Stevens, Jacobsen, Swecker, Kilmer, Holmquist, Carrell, Roach and Regala

AN ACT Relating to a pilot program for family counseling; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5830 by Senators Fraser, Swecker and Kohl-Welles

AN ACT Relating to establishing the office of the health care authority ombudsman; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5831 by Senators Parlette, Haugen, Schoesler, Morton and Hatfield

AN ACT Relating to the Washington state essential worker pilot program; adding a new chapter to Title 50 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SCR 8405 by Senators Kohl-Welles, Fairley, Rockefeller, Kline and Jacobsen

Creating a commission to evaluate the legislature.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1694 by House Committee on Ways & Means (originally sponsored by Representatives Linville, Moeller, Hunter and Darneille)

AN ACT Relating to fiscal matters for the 2007-2009 biennium; amending RCW 28A.505.220, 43.79.460, 43.79.465, 43.79.485, 49.86.170, 50.16.010, 82.14.495, and 84.52.0531; amending 2008 c 329 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 507, 511, 513, 515, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 708, 801, and 802 (uncodified); amending 2008 c 3 s 4 (uncodified); amending 2007 c 522 ss 115, 709, and 715 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.,

Referred to Committee on Ways & Means.

MOTION

TWENTY-THIRD DAY, FEBRUARY 3, 2009

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, February 4, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FOURTH DAY, FEBRUARY 4, 2009

2009 REGULAR SESSION

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 4, 2009

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Brown, Hargrove, Kauffman, McCaslin, Pridemore, Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Arlen Hughes and Kaysee-Li Tomkins, presented the Colors. Pastor Keith Easterly of the Grace Harvest Church of Moses Lake offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 3, 2009

SB 5002 Prime Sponsor, Senator Jacobsen: Creating the Washington heritage livestock and poultry breed recognition program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 2, 2009

SB 5056 Prime Sponsor, Senator Brandland: Requiring health care professionals to report violent injuries. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5076 Prime Sponsor, Senator Schoesler: Creating the Washington grain commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 2, 2009

SB 5117 Prime Sponsor, Senator Hargrove: Establishing

intensive behavior support services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5117 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5326 Prime Sponsor, Senator Regala: Modifying juvenile sex and kidnapping offender registration provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5623 Prime Sponsor, Senator Kline: Revising the documentation necessary to challenge acknowledgment of paternity. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Judiciary.

February 2, 2009

SJM 8003 Prime Sponsor, Senator Pflug: Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1113 Prime Sponsor, Representative Driscoll: Financing the school construction assistance grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Brandland; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the

TWENTY-FOURTH DAY, FEBRUARY 4, 2009

2009 REGULAR SESSION

Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 3, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERNAL BACA, reappointed January 13, 2009, for the term ending January 12, 2013, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5832 by Senators Kohl-Welles, Stevens and Marr

AN ACT Relating to allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1)(b)(iii)(A) or (c); and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 5833 by Senators Regala, Kohl-Welles, Hargrove and McDermott

AN ACT Relating to protecting victims of sexual assault, sexual harassment, and stalking; and amending RCW 59.18.570 and 59.18.575.

Referred to Committee on Human Services & Corrections.

SB 5834 by Senators Kohl-Welles and Holmquist

AN ACT Relating to alcoholic beverage regulation; amending RCW 66.24.452, 66.24.170, 66.28.010, 66.24.371, 66.28.200, 66.28.220, 66.28.180, and 15.89.070; reenacting and amending RCW 66.28.040; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5835 by Senators Hatfield, Morton, Hargrove, Schoesler, Parlette and Shin

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Environment, Water & Energy.

SB 5836 by Senators Haugen and Swecker

AN ACT Relating to facilitating the transport of materials used in infrastructure projects, including transportation infrastructure projects, through marine transportation facilities; amending RCW 90.58.040 and 78.44.031; adding new sections to chapter 78.44 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Transportation.

SB 5837 by Senators McCaslin and Benton

AN ACT Relating to siting new mobile home parks and manufactured housing communities; amending RCW 82.02.090; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5838 by Senators McDermott, Jacobsen, Murray, Kohl-Welles and Fairley

AN ACT Relating to traffic infractions where the conduct is a proximate cause of death, great bodily harm, or substantial bodily harm to another; and amending RCW 46.63.020.

Referred to Committee on Judiciary.

SB 5839 by Senators Schoesler, Hatfield and Shin

AN ACT Relating to the administration of irrigation districts; amending RCW 58.17.310, 82.02.090, 87.03.460, and 89.12.050; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5840 by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt

AN ACT Relating to modifying the energy independence act; and amending RCW 19.285.010, 19.285.030, 19.285.040, and 19.285.080.

Referred to Committee on Environment, Water & Energy.

SB 5841 by Senator Keiser

AN ACT Relating to the health insurance partnership; amending RCW 70.47A.030, 70.47A.040, and 70.47A.070; and repealing 2007 c 260 s 11 (uncodified).

Referred to Committee on Health & Long-Term Care.

SB 5842 by Senators Fraser, Brandland and McAuliffe

AN ACT Relating to construction financing for state colleges and universities; and amending RCW 28B.15.210, 28B.15.310, 28B.35.370, and 28B.50.360.

TWENTY-FOURTH DAY, FEBRUARY 4, 2009

2009 REGULAR SESSION

Referred to Committee on Ways & Means.

SB 5843 by Senators Pridemore and Swecker

AN ACT Relating to qualified applicants and procedures within the Washington wildlife and recreation program; and amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5844 by Senators Tom, Brandland, Fraser and Shin

AN ACT Relating to public works bid limits; and amending RCW 28B.50.330, 28B.10.350, 35.22.620, 35.23.352, 35A.40.210, 36.32.235, and 36.32.250.

Referred to Committee on Government Operations & Elections.

SB 5845 by Senators Tom, Oemig and McDermott

AN ACT Relating to enhancing consumer privacy by limiting access to birth certificates; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5846 by Senators Tom, Kohl-Welles and McDermott

AN ACT Relating to covering vehicular loads of dirt, sand, and gravel; amending RCW 46.61.655; reenacting and amending RCW 46.63.110; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5847 by Senators Kastama and Shin

AN ACT Relating to the development of clean technology within port district properties; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5848 by Senator Keiser

AN ACT Relating to increasing annual immunization rates; adding a new section to chapter 43.70 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5849 by Senators Kline and Shin

AN ACT Relating to business entities and associations registered with the secretary of state; amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5850 by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin

AN ACT Relating to protecting workers from human trafficking violations; amending RCW 18.71.080, 18.83.090, and 18.225.040; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5851 by Senator Keiser

AN ACT Relating to the license surcharge for the impaired physician program; and amending RCW 18.71.310 and 18.71A.020.

Referred to Committee on Health & Long-Term Care.

SB 5852 by Senators Murray, Becker and Keiser

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; adding a new section to chapter 18.135 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5853 by Senators Kastama, Haugen, Marr, Kohl-Welles and Shin

AN ACT Relating to land use and transportation planning for marine container ports; reenacting and amending RCW 47.06.140; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Transportation.

SB 5854 by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser

AN ACT Relating to reducing climate pollution in the built environment; amending RCW 19.27A.020, 35.92.360, 54.16.280, 36.94.460, 70.164.020, 70.164.040, 70.164.050, and 70.164.060; adding a new section to chapter 35.92 RCW; adding new sections to chapter 19.27A RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5855 by Senators Haugen and Kastama

AN ACT Relating to excise tax exemptions for water services provided by small water systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

SB 5856 by Senators Murray, Kohl-Welles, Keiser, Shin and McDermott

AN ACT Relating to affordable housing financing; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5857 by Senator Tom

AN ACT Relating to prohibiting the use of trans fats in food establishments; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5858 by Senators Tom and Kline

AN ACT Relating to prohibiting the payment of yield spread premiums to mortgage brokers; and amending RCW 19.146.010 and 19.146.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5859 by Senators Tom and Jarrett

AN ACT Relating to recovery of costs of studded tire damage to highways; amending RCW 46.37.420; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 5860 by Senators Tom, McDermott, Pridemore and Keiser

AN ACT Relating to the early termination of wireless communications device contracts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5861 by Senators Tom and Pridemore

AN ACT Relating to making credit card payments in person; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; and adding a new section to chapter 33.04 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5862 by Senators Tom, Pridemore and Kline

AN ACT Relating to limiting the balance of small loans by a consumer enforced by a database; amending RCW 42.56.230; adding a new section to chapter 31.04 RCW; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5863 by Senators Tom, Pridemore and Keiser

AN ACT Relating to the termination of wireless communications device services; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5864 by Senators Berkey and Shin

AN ACT Relating to a University of Washington branch campus in Snohomish county; and amending RCW 28B.45.010, 28B.45.012, and 28B.45.020.

Referred to Committee on Higher Education & Workforce Development.

SB 5865 by Senators Kauffman, Roach, McAuliffe, Hobbs, Kline and Shin

AN ACT Relating to a report on early learning services for low-income families; creating a new section; and repealing RCW 43.215.125.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5833, which was referred to the Committee on Human Services & Corrections; Senate Bill No. 5844, which was referred to the Committee on Government Operations & Elections; and Senate Bill No. 5862 which was referred to the Committee on Labor, Commerce & Consumer Protection.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8621

By Senators Kohl-Welles, Jarrett, Haugen, Franklin, Holmquist, King, Honeyford, Murray, Ranker, Keiser, Kline, Jacobsen, Regala, McDermott, Prentice, Fraser, and Tom

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, Sport and fitness activities contribute to girls' and women's emotional and physical well-being; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skills training and enjoyable experiences of physical activity strongly encourage enduring habits of physical fitness; and

WHEREAS, Girls and women who participate in sports tend to have higher levels of self-esteem, fewer incidence of depression, and a reduced risk for heart disease, breast cancer, and other illnesses; and

WHEREAS, The bonds built among girls and women through athletics help to break down the social barriers of prejudice and discrimination; and

WHEREAS, The National Girls and Women in Sports Coalition, established in 1987, has declared February 4, 2009, to be National Girls and Women in Sports Day; and

TWENTY-FOURTH DAY, FEBRUARY 4, 2009

2009 REGULAR SESSION

WHEREAS, 60,703 female athletes participate in high school sports in Washington, constituting 42 percent of the total number of athletes; and

WHEREAS, High school girls' athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation; and

WHEREAS, Washington high schools foster outstanding achievements in girls' and women's sports, such as volleyball, soccer, tennis, softball, and basketball. These include state volleyball champions: Seattle Academy, Fife, Everett, Skyline, Colfax, and LaCross/Washtucna; and state soccer champions: King's, Tumwater, Shadle Park, Lewis and Clark, and LaSalle; and state tennis champions: Freeman, Meade, Davenport, Lynden, Kamiakin, and Central Kitsap; and state softball champions: Eastlake, Kennedy, Othello, Montesano, Toutle Lake, and Touchet; and state basketball champions: Lewis & Clark, Auburn Riverside, River Ridge, Lynden Christian, La Salle, and Garfield-Palouse; and

WHEREAS, Lindsey Marchand of the Peninsula High School swim team won the 100 meter butterfly at the Junior National Championships by setting a new meet record; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at 48 percent of total athletes. Currently, there are 174 female athletes at Whitworth College, 430 female athletes at the University of Washington, 280 female athletes at Washington State University, 60 female athletes at The Evergreen State College, 148 female athletes at Seattle University, 82 female athletes at St. Martin's University, 165 female athletes at Eastern Washington University, 210 female athletes at Western Washington University, 191 female athletes at Central Washington University, 192 female athletes at Gonzaga University, 103 female athletes at Whitman College, 177 female athletes at Pacific Lutheran University, 263 female athletes at the University of Puget Sound, and 136 female athletes at Seattle Pacific University; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited and the information provided by the projects is imperative to the health and performance of future female athletes; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements by women in sports; and

WHEREAS, The University of Washington women's cross country team won the NCAA Division I Championship, with 5 runners finishing in the Top 40, with team member Kendra Schaaf named as the Pac-10 Conference Women's Cross Country Athlete of the Year; and

WHEREAS, The Western Washington University women's rowing team won its fourth straight NCAA Division II National Championship, a first in NCAA history; and

WHEREAS, The Seattle Pacific University women's soccer team won the 2008 NCAA Division II National Championship, with team member Meredith Teague named the NCAA Division II National Player of the Year; and

WHEREAS, The Gonzaga University women's basketball team won the West Coast Conference Championship, with team member Heather Bowman named the West Coast Conference player of the year, and team member Stephanie Hawk became Gonzaga's second athlete to earn All-American honors from the Associated Press; and

WHEREAS, The Eastern Washington University volleyball team won the Big Sky Conference Title, playing in the Big Sky title match for eight of the last nine years, and finishing in the top three of the league standings for the 13th straight year; and

WHEREAS, The Whitworth College women's swim team placed first in the Northwest Conference, 10th in NCAA

Division III, with Samantha Kephart and Natalie Turner achieving All-American honors; and

WHEREAS, The University of Puget Sound women's soccer team won its seventh straight Northwest Conference title, finishing the season undefeated; and

WHEREAS, Jessica Pixler of Seattle Pacific University won the cross country NCAA Division II National Championship for the second year in a row; and

WHEREAS, Courtney Schneider of the Western Washington University volleyball team was voted the Great Northwest Athletic Conference Female Athlete of the year; and

WHEREAS, Ebba Jungmark of Washington State University won the women's High Jump at the NCAA Division I Indoor Track & Field Championship, clearing the bar at 6 feet 2 ¼ inches; and

WHEREAS, The Pacific Lutheran University volleyball team won the Northwest Conference Championship, with player Beth Hanna named the Northwest Conference Volleyball Player of the Year for the second year in a row; and

WHEREAS, Washington State was proud to have participants at the 2008 Olympic Games in Beijing, China; and

WHEREAS, Melanie Roach of Bonney Lake, WA set a U.S. record in women's weightlifting at the Olympic Games in Beijing, by lifting a total of 193 kilograms (425.5 pounds) in the women's 53 kilogram division; and

WHEREAS, Hope Solo a former student at the University of Washington won a gold medal at the 2008 Olympic Games in Beijing, playing goalie for the U.S. women's soccer team, she and the team shut out Brazil 1-0 in the final match; and

WHEREAS, Washington is honored to host the Seattle Storm, the only women's professional basketball team in the Northwest and the first major professional sports team in Seattle to bring home a championship in more than 25 years; and

WHEREAS, Seattle Storm team members Lauren Jackson and Sue Bird were named to the All-WNBA second team; and

WHEREAS, Four local women with a history of civic, community, and Title IX involvement, Force 10 Hoops L.L.C., secured an exclusive option to purchase the Seattle Storm and keep the team in Seattle, making Lisa Brummel, Ginny Gilder, Anne Levinson, and Dawn Trudeau among the few women owners of any professional sports team anywhere in the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Washington girls and women in sports on February 4, 2009, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and all of the aforementioned athletes and their respective institutions.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Girls & Women in Sports Coalition, Missy Bequette, Director of Basketball Operations for the Seattle Storm; Tiffany Qunell, Head Softball Coach, St. Martin's University and Holly Morris, softball player, St. Martin's University who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

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

TWENTY-FOURTH DAY, FEBRUARY 4, 2009

2009 REGULAR SESSION

With permission of the Senate, business was suspended to allow Washington State Poet Laureate Sam Green read one of his poems.

REMARKS BY SAM GREEN

Sam Green: "Thank you Madam President, Senators, guests. I just turned sixty imagine my surprise to find myself at sixty. After a life of what I thought was rebellious youth, more conservative and more old fashion than I ever expected to be. One of the things that has happened is that I realized I've actually spent a life time listening to my elders when what I thought I was doing was spending a life time rebelling against them. Since 1982 I've lived in a tiny Island in the San Juan's. One of those that's off the grid. My wife and I haven't had electricity for twenty-six years. We have an awful lot of old neighbors and one of the first things we had to do was to talk to them about how to survive in such a place. I was walking one day around some fields with one of the elders and I asked him how the stones got around the edges. There are huge piles of stones everywhere. Where did these come from? I said. So, he told me and after listening to this story, which is essentially about how they got rid of big rocks I realized he just given me a life lesson.

Exemplar

When the old timers cleared their fields for the plow
They sometimes found boulders too big for horse and skid
They covered these over with brush and waited for weathers
safe enough to burn then lugged sea water in buckets up the
steep bluff from the beach and poured it over the hot rock which
would rapidly hiss, contract and split
They did this again and again until the stones were small
enough to manage. These they hauled or tossed to the
boundaries of their lives work.
The seeds they broadcast with their best faith upon the
turned earth against the coming push of frost.
So I asked him afterwards, 'Wait a minute. You mean you
have to do it again?' He says, 'Oh yeah, it happens all the time.
The problem's not the problem. The problem is knowing how to
solve the problem. Once you have that, it's all gravy.' Thank
you very much.

MOTION

At 10:24 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 5, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FIFTH DAY, FEBRUARY 5, 2009

2009 REGULAR SESSION

TWENTY-FIFTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, February 5, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2009

SB 5055 Prime Sponsor, Senator Brown: Protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Marr and Ranker.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5069 Prime Sponsor, Senator Jacobsen: Regarding recreational liability on public and private lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5319 Prime Sponsor, Senator Kohl-Welles: Providing economic stimulus through the unemployment insurance program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5319 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 3, 2009

SB 5350 Prime Sponsor, Senator Haugen: Changing special permit provisions for poultry slaughter, preparation, and care. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5422 Prime Sponsor, Senator Parlette: Limiting liability for making certain land and water areas available for recreational use under a hydroelectric license. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5430 Prime Sponsor, Senator Fraser: Concerning water discharge fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 3, 2009

SB 5437 Prime Sponsor, Senator Schoesler: Regarding the operation and authority of the state conservation commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5473 Prime Sponsor, Senator Kastama: Expediting completion of projects of statewide significance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5478 Prime Sponsor, Senator Hargrove: Changing the definition of a juvenile. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5678 Prime Sponsor, Senator Hatfield: Regarding the use of milk products for animal food consumption. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Morton and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5430 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5866 by Senators Kohl-Welles, Franklin, Kline and Keiser

AN ACT Relating to protecting consumers in the event of a product recall or safety warning; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5867 by Senators Fraser, Swecker, Pridemore, Ranker, Fairley, Kauffman, Marr, Regala, Morton and Kline

AN ACT Relating to verifying water supply to new subdivisions; amending RCW 58.17.070 and 58.17.110; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5868 by Senators Pridemore, Fairley and Shin

AN ACT Relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.235.020, 68.04.190, 68.05.020, 68.05.095, 68.05.100, 68.05.105, 68.05.175, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010, 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060; and repealing RCW 68.05.040, 68.05.050, 68.05.060, and 68.05.080.

Referred to Committee on Government Operations & Elections.

SB 5869 by Senators Prentice and Shin

AN ACT Relating to clarifying public employees' benefits board eligibility; amending RCW 41.05.008, 41.05.011, 41.05.050, and 41.05.055; reenacting and amending RCW 41.05.021 and 41.05.065; adding a new section to chapter 41.05 RCW; repealing RCW 41.05.053; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5870 by Senators Hargrove and McCaslin

AN ACT Relating to the duty of a sheriff with regard to a dog running at large; and amending RCW 16.08.030.

Referred to Committee on Judiciary.

SB 5871 by Senators Swecker, Shin, Jacobsen, Hatfield, Haugen, Carrell, Roach, Stevens and McCaslin

AN ACT Relating to sales and use tax exemptions for prescribed power wheelchairs; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5872 by Senators Sheldon and Swecker

AN ACT Relating to limiting the period of time in which level of service standards for local transportation facilities may be used to prohibit development under local comprehensive plans; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

SB 5873 by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin

TWENTY-FIFTH DAY, FEBRUARY 5, 2009

2009 REGULAR SESSION

AN ACT Relating to apprentice utilization; amending RCW 39.04.320, 39.04.350, and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5874 by Senators Marr and Schoesler

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Government Operations & Elections.

SB 5875 by Senators Murray, Hewitt, Jacobsen and Kohl-Welles

AN ACT Relating to the convention place station expansion of the state convention and trade center; amending RCW 67.40.130, 67.40.170, 67.40.190, 67.40.045, and 67.40.090; adding new sections to chapter 67.40 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5876 by Senator Kohl-Welles

AN ACT Relating to the incentive in the motion picture competitiveness programs; and amending RCW 43.365.020.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5877 by Senators Prentice and Kohl-Welles

AN ACT Relating to the sale of liquor-related products in state liquor stores; and amending RCW 66.08.026, 66.08.165, and 66.16.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5878 by Senators Sheldon, Marr and Shin

AN ACT Relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards; and amending RCW 46.01.130.

Referred to Committee on Transportation.

SB 5879 by Senators Kastama, Shin and Delvin

AN ACT Relating to entrepreneurial education and training; and amending RCW 43.162.020.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5880 by Senators McAuliffe, Oemig, Hobbs and McDermott

AN ACT Relating to flexibility in the education system; amending RCW 28A.300.130, 28A.300.137, 28A.300.160, 28A.300.270, 28A.300.290, 28A.300.300, 28A.300.450, 28A.300.490, 28A.300.520, 28A.320.080, 28A.345.020, 28A.345.050, 28A.415.010, 28A.415.100, 28A.415.125,

28A.415.130, 28A.415.135, 28A.415.140, 28A.415.145, 28A.625.020, 28A.625.042, 28A.625.050, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020, 28A.150.520, 28A.160.210, 28A.170.050, 28A.210.310, 28A.210.330, 28A.210.350, 28A.210.370, 28A.210.380, and 39.35D.040; repealing RCW 28A.300.090, 28A.300.801, 28A.210.255, 28A.210.360, and 28A.210.365; and providing an expiration date.

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

SB 5881 by Senators McAuliffe, Hargrove, Regala, Jarrett and King

AN ACT Relating to truancy; and amending RCW 28A.225.020, 28A.225.025, 28A.225.035, and 28A.225.090.

Referred to Committee on Human Services & Corrections.

SB 5882 by Senators Kauffman, McAuliffe, Regala, Shin and Kline

AN ACT Relating to an evaluation of two recommendations made by the racial disproportionality advisory committee; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5883 by Senator Kline

AN ACT Relating to the linked deposit program; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5884 by Senators Kline and Franklin

AN ACT Relating to allowing loans to community development financial institutions under the linked deposit program; and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5885 by Senators Kline, Franklin and Keiser

AN ACT Relating to the general administrative powers of the department of revenue; and amending RCW 82.32.330.

Referred to Committee on Ways & Means.

SB 5886 by Senator Kline

AN ACT Relating to legal proceedings involving public hazards; amending RCW 4.24.611 and 4.24.601; and creating a new section.

Referred to Committee on Judiciary.

SB 5887 by Senators Parlette and Tom

AN ACT Relating to implementing a proposed constitutional amendment to change school levy election timing provisions; amending RCW 84.52.053; and providing a contingent effective date.

TWENTY-FIFTH DAY, FEBRUARY 5, 2009

2009 REGULAR SESSION

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

SB 5888 by Senators Rockefeller, Fraser and Regala

AN ACT Relating to managing permit exempt groundwater withdrawals; and amending RCW 90.44.050 and 90.44.105.

Referred to Committee on Environment, Water & Energy.

SB 5889 by Senators Hobbs, McAuliffe, McDermott and Oemig

AN ACT Relating to flexibility in the education system; amending RCW 28A.165.025, 28A.165.045, 28A.175.010, 28A.180.040, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.210.110, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.230.097, 28A.230.205, 28A.300.040, 28A.300.118, 28A.300.150, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.092, 28A.230.185, 28A.300.412, and 28A.600.320; and providing an expiration date.

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

SB 5890 by Senators McDermott, McAuliffe, Oemig and Hobbs

AN ACT Relating to flexibility in the education system; amending RCW 28A.155.065, 28A.155.070, 28A.155.070, 28A.185.030, 28A.215.010, 28A.220.020, 28A.220.030, 28A.225.225, 28A.225.270, 28A.230.070, 28A.230.080, 28A.230.130, 28A.230.130, 28A.230.158, 28A.230.160, 28A.230.205, 28A.300.115, 28A.300.160, 28A.300.405, 28A.300.410, 28A.300.455, 28A.320.125, and 28A.320.128; repealing RCW 28A.230.040, 28A.230.050, 28A.230.150, 28A.300.185, 28A.300.280, and 28A.320.185; providing an effective date; providing expiration dates; and declaring an emergency.

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

SB 5891 by Senator Keiser

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5892 by Senators Keiser and Shin

AN ACT Relating to authorizing state purchased health care programs to maximize appropriate prescription drug use in a cost-effective manner; amending RCW 69.41.190.

Referred to Committee on Health & Long-Term Care.

SB 5893 by Senators Berkey, Benton, Hobbs, Schoesler and Shin

AN ACT Relating to actions by insurance companies against violators; and amending RCW 48.135.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5894 by Senators Haugen and Parlette

AN ACT Relating to authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services; amending RCW 81.68.015, 81.84.010, 81.66.010, and 81.70.220; and reenacting and amending RCW 46.74.010.

Referred to Committee on Transportation.

SB 5895 by Senators Tom, Kohl-Welles, Fraser and McDermott

AN ACT Relating to improving residential real property construction by creating a home construction consumer education office, strengthening warranty protections applicable to residential real property construction, creating remedies, creating municipal liability, requiring third-party inspections, enhancing contractor registration requirements, establishing worker certification standards, and enhancing bonding requirements; amending RCW 19.27.020, 19.27.050, 4.16.310, 64.50.010, 18.27.030, and 18.27.040; adding a new section to chapter 43.10 RCW; adding new sections to chapter 64.50 RCW; adding a new section to chapter 18.27 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5896 by Senators Pflug, Kastama, Zarelli, Delvin and Shin

AN ACT Relating to establishing the Washington innovation grant authority; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5897 by Senators Pflug, Kastama, Zarelli and Delvin

AN ACT Relating to the technology discovery fund; amending RCW 42.30.110 and 42.56.270; reenacting and amending RCW 42.17.2401 and 43.79A.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5898 by Senators Pflug, Keiser and Zarelli

AN ACT Relating to reforming publicly funded health care through the creation of the apple health community care council; reenacting and amending RCW 41.05.065; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5899 by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley,

TWENTY-FIFTH DAY, FEBRUARY 5, 2009

2009 REGULAR SESSION

Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline

Providing a constitutional amendment to limit growth of assessed valuation of real property.

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

MOTION

Referred to Committee on Ways & Means.

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5899 which was referred to the Committee on Ways & Means and Senate Bill No. 5900 which was referred to the Committee on Early Learning & K-12 Education.

SB 5900 by Senators Kastama and Shin

AN ACT Relating to youth innovation education; amending RCW 28A.300.230 and 28A.300.235; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 28A.300 RCW; and making an appropriation.

MOTION

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

At 12:02 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, February 6, 2009.

SB 5901 by Senator Kastama

BRAD OWEN, President of the Senate

AN ACT Relating to modifying provisions of the local infrastructure financing tool program; amending RCW 39.102.020, 39.102.050, 39.102.150, 39.102.195, and 82.14.475; and providing an expiration date.

THOMAS HOEMANN, Secretary of the Senate

Referred to Committee on Economic Development, Trade & Innovation.

SJM 8008 by Senators Regala, Delvin, Rockefeller and Kline

Requesting full federal funding for the cleanup of the Hanford Reservation.

Referred to Committee on Environment, Water & Energy.

SJM 8009 by Senators Kohl-Welles, Swecker, Holmquist, King, Keiser, Stevens, Franklin, Kline, Hargrove, Fraser, Prentice and Tom

Requesting the department of homeland security and congress to examine the federal T visa program.

Referred to Committee on Labor, Commerce & Consumer Protection.

SJM 8010 by Senators Tom, Jarrett and Kline

Petitioning the federal government to eliminate federal financial benefits from accruing to colleges and universities that use legacy preferences in admissions.

Referred to Committee on Higher Education & Workforce Development.

SJM 8011 by Senators Shin, Kastama, McAuliffe, Holmquist, Marr, Hatfield, Berkey, Franklin, Hobbs, Delvin and Jacobsen

Requesting the United States trade representative to create a federal-state international trade policy commission.

Referred to Committee on Economic Development, Trade & Innovation.

SJR 8211 by Senators Benton and McCaslin

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 6, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Kohl-Wells, McAuliffe, Oemig, Pflug, Pridemore, Roach, Sheldon, Stevens and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Paige Hollinger-Lant and Jordon Jines, presented the Colors. Pastor Dennis Hollinger-Lant of the Wayside United Church of Christ of Federal Way offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 2009

SB 5001 Prime Sponsor, Senator Jacobsen: Eliminating the matching fund requirement for the American Indian endowed scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5013 Prime Sponsor, Senator Hargrove: Concerning fees collected by county clerks. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5039 Prime Sponsor, Senator Jarrett: Changing the membership of the Washington state forensic investigations council. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove and Tom.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5043 Prime Sponsor, Senator Kilmer: Convening a work group to develop a single, coordinated student access portal for college information. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5043 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5048 Prime Sponsor, Senator Kilmer: Providing for coordination of workforce and economic development. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5097 Prime Sponsor, Senator Jacobsen: Regarding the institute of forest resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5184 Prime Sponsor, Senator Brandland: Evaluating the need for a digital forensic crime lab. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5205 Prime Sponsor, Senator Hargrove: Adding one judge to division two of the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 4, 2009

TWENTY-SIXTH DAY, FEBRUARY 6, 2009

2009 REGULAR SESSION

SB 5232 Prime Sponsor, Senator Delvin: Protecting registered school students from sexual misconduct by school employees. Reported by Committee on Judiciary

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

MAJORITY recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 4, 2009

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

February 5, 2009
SB 5673 Prime Sponsor, Senator Pridemore: Concerning certificates of need. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

February 4, 2009
SB 5720 Prime Sponsor, Senator Hewitt: Including stepchildren in tuition waivers for children of veterans and national guard members. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5348 Prime Sponsor, Senator Swecker: Removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account. Reported by Committee on Natural Resources, Ocean & Recreation

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5500 Prime Sponsor, Senator Keiser: Concerning methicillin-resistant staphylococcus aureus. Reported by Committee on Health & Long-Term Care

February 5, 2009
SGA 9112 KAY SLONIM, appointed on July 1, 2007, for the term ending March 1, 2013, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

MOTION

February 4, 2009

SB 5555 Prime Sponsor, Senator Kilmer: Establishing a lifelong learning account steering committee. Reported by Committee on Higher Education & Workforce Development

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5001 which was referred to the Committee on Rules.

MOTION

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

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

INTRODUCTION AND FIRST READING

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5621 Prime Sponsor, Senator Kline: Regarding hearing examiner fees. Reported by Committee on Judiciary

SB 5902 by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles and Tom.

AN ACT Relating to promoting accessible communities for persons with disabilities; amending RCW 29A.46.260 and 38.52.070; reenacting and amending RCW 46.16.381 and 43.79A.040; adding a new section to chapter 50.40 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and providing an effective date.

TWENTY-SIXTH DAY, FEBRUARY 6, 2009

2009 REGULAR SESSION

Referred to Committee on Ways & Means.

SB 5910 by Senators Jarrett, Delvin, Sheldon, Tom and ShinSB 5903 by Senators Keiser, McAuliffe and Hatfield

AN ACT Relating to public works contracts for residential construction; and amending RCW 39.12.030.

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Environment, Water & Energy.

SB 5904 by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline

AN ACT Relating to defining independent contractor for purposes of prevailing wage; and adding a new section to chapter 39.12 RCW.

SB 5911 by Senators Pridemore, Rockefeller and Kline

AN ACT Relating to adopting the recommendations of the citizen commission for performance measurement of tax preferences; amending RCW 82.04.330, 82.04.410, 82.16.010, 82.16.020, 82.04.4282, and 82.16.050; creating a new section; repealing RCW 82.04.350, 82.08.0261, and 82.08.0257; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Ways & Means.

SB 5905 by Senators Hargrove, Zarelli, Kline, Franklin, Delvin and Shin

AN ACT Relating to a review panel for day care facility licensing concerns; amending RCW 43.215.525 and 43.215.530; reenacting and amending RCW 43.215.010; and adding a new section to chapter 43.215 RCW.

SB 5912 by Senators Oemig, McDermott, Kline, Kastama, Pridemore, Kilmer, Jarrett, Kohl-Welles and Haugen

AN ACT Relating to public funding for supreme court campaigns; amending RCW 42.17.390; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Government Operations & Elections.

SB 5906 by Senators Pridemore and Kline

AN ACT Relating to modifying the business and occupation tax on wholesalers of solar energy systems and sales and use tax treatment of semiconductor materials; amending RCW 82.04.294, 82.08.965, 82.08.9651, and 82.12.9651; and amending 2006 c 300 s 12 (uncodified).

SB 5913 by Senators Pflug, Keiser and Shin

AN ACT Relating to online access to the University of Washington health sciences library by certain health care providers; and amending RCW 43.70.110.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Health & Long-Term Care.

SB 5907 by Senators Keiser, Swecker and Roach

AN ACT Relating to limiting mandatory overtime for corrections officers and sergeants employed by a city or county jail; and amending RCW 49.28.130 and 49.28.140.

SB 5914 by Senators Rockefeller, McAuliffe, Schoesler and Shin

AN ACT Relating to student transportation funding; amending RCW 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; adding new sections to chapter 28A.160 RCW; creating new sections; and providing effective dates.

Referred to Committee on Labor, Commerce & Consumer Protection.

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

SB 5908 by Senators Kohl-Welles, Roach and Keiser

AN ACT Relating to interest arbitration for employees of juvenile court services administered under 13.20.060; and amending RCW 41.56.030.

SB 5915 by Senators Prentice and Fairley

AN ACT Relating to authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent; amending RCW 34.05.350; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Government Operations & Elections.

SB 5909 by Senators Murray, Kohl-Welles and Zarelli

AN ACT Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter 82.63 RCW; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding new sections to chapter 82.63 RCW; and creating new sections.

SB 5916 by Senators Kohl-Welles, Rockefeller, Kauffman, Pridemore, Keiser, Marr, Hatfield, Delvin, Honeyford, Schoesler and Hewitt

AN ACT Relating to broadband adoption and deployment; amending RCW 28B.32.010, 28B.32.020, and 28B.32.030;

Referred to Committee on Ways & Means.

TWENTY-SIXTH DAY, FEBRUARY 6, 2009

2009 REGULAR SESSION

adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding new chapters to Title 43 RCW; recodifying RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5917 by Senators Kohl-Welles, Kauffman, Oemig, Rockefeller, Kastama, Marr, Hatfield, Pflug, Keiser, Ranker, Hewitt, Pridemore, Honeyford, Schoesler and Delvin

AN ACT Relating to developing a statewide map of high-speed internet availability and adoption; amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating new sections; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5918 by Senators Kauffman, King, McDermott, Holmquist, Hobbs and McAuliffe

AN ACT Relating to paraeducator tutors; adding a new section to chapter 28A.400 RCW; and creating a new section.

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

SB 5919 by Senators Pflug, Kastama, Delvin and Shin

AN ACT Relating to the innovation discovery fund; amending RCW 42.30.110 and 42.56.270; reenacting and amending RCW 42.17.2401 and 43.79A.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5920 by Senators Franklin, Berkey, Schoesler, Benton, Delvin and Shin

AN ACT Relating to the underwriting of small loans by financial institutions holding a check cashers license and small loan endorsement by including a cap of thirty percent of the borrower's gross monthly income on the combined outstanding principal balances of all small loans; amending RCW 31.45.073 and 42.56.230; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5921 by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles

AN ACT Relating to creating a clean energy collaborative; amending RCW 28B.20.296 and 28B.20.289; adding new sections to chapter 28B.20 RCW; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SB 5922 by Senators Kohl-Welles, McDermott, Kline and Fairley

AN ACT Relating to protecting consumers from unfair practices by establishing criteria for the dissemination of credit and court record information contained in a consumer's tenant screening report; amending RCW 19.182.110 and 59.18.257; adding new sections to chapter 19.182 RCW; adding a new section to chapter 4.24 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5923 by Senators Kline and Fairley

AN ACT Relating to funding affordable housing programs through interest accrued on residential landlord/tenant security deposits; and amending RCW 59.18.270.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5924 by Senators McAuliffe, Oemig, Kilmer and McDermott

AN ACT Relating to the running start program; amending RCW 28A.600.310 and 28A.600.370; and creating a new section.

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

SB 5925 by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

AN ACT Relating to insurance requirements for higher education students participating in study or research abroad; and amending RCW 28B.10.660.

Referred to Committee on Higher Education & Workforce Development.

SJR 8212 by Senators Honeyford and Kline

Adding members to and revising procedures for investigation of complaints by the judicial conduct commission.

Referred to Committee on Judiciary.

SJR 8213 by Senators Parlette, Tom and McAuliffe

Amending the state Constitution to change school levy election timing provisions.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5916 and Senate Bill No. 5917 which were referred to the Committee on Economic Development, Trade & Innovation.

MOTION

TWENTY-SIXTH DAY, FEBRUARY 6, 2009

2009 REGULAR SESSION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Consul-General, Jee See Heng of Singapore who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Nick Conti, a fourth grader at Puesta del Sol Elementary School in Bellevue, who was shadowing the Lt. Governor today, and seated at the rostrum.

MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION 8622

By Senators Delvin, Shin, Holmquist, Kastama, Zarelli, McCaslin, Rockefeller, Sheldon, Stevens, Swecker, Honeyford, Pflug, Morton, Parlette, Brandland, Becker, King, and Hewitt

WHEREAS, The state of Washington and the nation continue to face challenges in the fields of energy production, retention, delivery, and consumption; and

WHEREAS, Overcoming these challenges with an emphasis on ingenuity, creativity, and steadfast resolve will be key in leading our nation towards the ultimate goal of energy independence; and

WHEREAS, Many of Washington's leading research and development companies, which are using new technologies to expand the range and availability of alternative energy sources, are found in the Tri-Cities region; and

WHEREAS, These technologies include pilot projects in capturing and delivering solar, wind, nuclear, and hydropower by Energy Northwest; and

WHEREAS, These technologies also include work on portable and distributed power generation through new and advanced fuel cell breakthroughs; and

WHEREAS, These technologies also include work to create highly reliable and efficient energy delivery systems through free-piston Stirling engines and generators; and

WHEREAS, These technologies also include new innovations in the areas of Biofuels, Bioproducts, Bioenergy, and Biosciences through joint use of the Bioproducts, Sciences, and Engineering Laboratory (BSEL) by the Pacific Northwest National Laboratory, and Washington State University; and

WHEREAS, The Benton and Franklin County Public Utility Districts continue to be industry leaders in offering customers the choice of green power through renewable energy sources such as wind, solar, biomass, geothermal, and small run-of-river hydro sources; and

WHEREAS, The Washington State University Pullman Campus is working to educate and train the next generation of Nuclear Engineers and Technicians with an emphasis on safety and medical training; and

WHEREAS, The home building construction industry in the Tri-Cities is a local and state leader in creating safer, healthier, and more energy efficient homes through green construction, building, and permitting methodologies; and

WHEREAS, The Tri-Cities Research District continues to partner with research and technology companies to provide environmental solutions in all sectors of renewable and alternative energy production, delivery, and consumption;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and appreciate the many Tri-

City entities for participating in Washington's inaugural "Energy Independence Day" at the state capitol, and for their work in making Washington state a national leader in alternative energy production and leading us further along the road to national energy independence; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to representatives of Energy Northwest, the Pacific Northwest National Laboratory, the Bioproducts, Sciences, and Engineering Laboratories, Washington State University, Benton and Franklin County Public Utility Districts, Washington State University Tri-Cities Campus, and the Tri-Cities Research District.

Senators Delvin and Rockefeller spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representative and leaders of the energy industry from the Tri Cities who were seated in the gallery.

MOTION

At 10:16 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 9, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-NINTH DAY, FEBRUARY 9, 2009

2009 REGULAR SESSION

TWENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 9, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2009

SB 5009 Prime Sponsor, Senator Marr: Creating a military service exemption for benefits charged to the experience rating accounts of employers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5110 Prime Sponsor, Senator Honeyford: Allowing spas, wedding boutiques, and art galleries to serve wine to their customers who are twenty-one years of age or older. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5161 Prime Sponsor, Senator Hobbs: Extending tax incentives for renewable resources, including tidal and wave energy. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5161 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 5, 2009

SB 5273 Prime Sponsor, Senator Murray: Regarding the practice of landscape architecture. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5381 Prime Sponsor, Senator Jarrett: Authorizing the issuance of cease and desist orders and civil penalties for violations committed by unlicensed persons engaging in scrap processing or hulk hauling activities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5388 Prime Sponsor, Senator Parlette: Requiring motor vehicle dealers to disclose whether a new motor vehicle has sustained damage, repaired or not, in the sale of the new motor vehicle. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5419 Prime Sponsor, Senator Haugen: Concerning voluntary donations of vehicle owners at the time of initial or renewal registration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; King; Ranker and Sheldon.

February 5, 2009

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5440 Prime Sponsor, Senator Sheldon: Involving tribal governments when choosing names for state ferries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5503 Prime Sponsor, Senator Pridemore: Protecting lake water quality by reducing phosphorus from lawn fertilizers. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Marr; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Passed to Committee on Ways & Means.

February 5, 2009

SB 5605 Prime Sponsor, Senator Hargrove: Concerning the time period during which sales and use tax for public facilities in rural counties may be collected. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5647 Prime Sponsor, Senator Hatfield: Establishing a pilot local water management program in one qualified jurisdiction. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

SB 5677 Prime Sponsor, Senator Hatfield: Regarding compliance with the dairy nutrient management program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5739 Prime Sponsor, Senator King: Revising provisions relating to renewing a concealed pistol license by members of the armed forces. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5767 Prime Sponsor, Senator Rockefeller: Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2009

SJM 8008 Prime Sponsor, Senator Regala: Requesting full federal funding for the cleanup of the Hanford Reservation. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

TWENTY-NINTH DAY, FEBRUARY 9, 2009
MESSAGE FROM THE HOUSE

2009 REGULAR SESSION

February 6, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5926 by Senators Jacobsen and Morton

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5927 by Senator Morton

AN ACT Relating to notice of special meetings; and amending RCW 42.30.080.

Referred to Committee on Government Operations & Elections.

SB 5928 by Senator Brown

AN ACT Relating to the modernization and clarification of the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries; amending RCW 39.58.010, 39.58.040, 39.58.050, 39.58.060, 39.58.100, 39.58.103, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.750; adding new sections to chapter 39.58 RCW; creating a new section; repealing RCW 39.58.065; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5929 by Senators Carrell, Hargrove, Honeyford, Hobbs and Roach

AN ACT Relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions; and amending RCW 9.41.060 and 9.41.300.

Referred to Committee on Judiciary.

SB 5930 by Senators Prentice and Tom

AN ACT Relating to public employees' health care costs; reenacting and amending RCW 41.05.065; adding a new section to chapter 41.05 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5931 by Senators Murray, Delvin and Kline

AN ACT Relating to mental health counselor privilege; and amending RCW 18.225.105 and 5.60.060.

Referred to Committee on Judiciary.

SB 5932 by Senators Fairley, Pflug, Parlette, Shin, Kohl-Welles and McAuliffe

AN ACT Relating to adult family homes; amending RCW 70.128.040; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5933 by Senators McDermott, Benton, Hobbs, Shin and Kohl-Welles

AN ACT Relating to self-service storage specialty producers; amending RCW 48.14.010; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5934 by Senators Kohl-Welles, Keiser, Kline, Kauffman, McCaslin and Shin

AN ACT Relating to conveyances used in prostitution-related offenses; and amending RCW 9A.88.140.

Referred to Committee on Judiciary.

SB 5935 by Senators McDermott and Kohl-Welles

AN ACT Relating to education programs for the prevention of child abuse in public schools; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.080, 28A.300.150, and 28A.300.160.

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

SB 5936 by Senators Brandland and Kohl-Welles

AN ACT Relating to consumer reports of employees or volunteers who will or may have unsupervised access to children, individuals with developmental disabilities, or vulnerable adults; and amending RCW 19.182.040.

Referred to Committee on Human Services & Corrections.

SB 5937 by Senator Prentice

AN ACT Relating to exemption from sales and use tax for tribal administration and programs of any landless Washington state federally recognized Indian tribe; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5938 by Senators Ranker, Swecker, Haugen, Delvin, Eide, Sheldon, Jacobsen, Shin and McAuliffe

TWENTY-NINTH DAY, FEBRUARY 9, 2009

2009 REGULAR SESSION

AN ACT Relating to clarifying the permitting, training, and licensing process for driver training schools; and amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, and 46.82.360.

Referred to Committee on Transportation.

SB 5939 by Senators Hobbs, Schoesler, Benton, Fairley, McDermott, Keiser, Sheldon and Shin

AN ACT Relating to personnel practices regarding exempt employment; amending RCW 41.06.133 and 41.06.170; and repealing RCW 41.06.022.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5940 by Senator Honeyford

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 70.146.070, 90.48.290, and 90.50A.030.

Referred to Committee on Environment, Water & Energy.

SB 5941 by Senators Oemig, Kastama, Jarrett, McAuliffe, Marr, Hobbs and Tom

AN ACT Relating to comprehensive education data; and adding new sections to chapter 43.41 RCW.

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

SB 5942 by Senators Prentice, Zarelli, Kohl-Welles, Kline, Shin, Marr, Brandland, Keiser, Murray, Hatfield, Fraser, Honeyford, Hargrove, Hewitt and Holmquist

AN ACT Relating to the taxation of newspapers; amending RCW 82.04.280, 82.04.280, 35.102.150, and 82.08.806; amending 2006 c 300 s 12 (uncodified); adding a new section to chapter 82.04 RCW; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5943 by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin and Shin

AN ACT Relating to performance-based contracts for the provision of child welfare services; amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.069, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600,

74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 26.44 RCW; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5944 by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

AN ACT Relating to Lake Whatcom phosphorus loading; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5945 by Senators Keiser, Franklin and Kohl-Welles

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

Referred to Committee on Health & Long-Term Care.

SB 5946 by Senators McDermott, Murray, Keiser, Fairley, Kline and Marr

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5947 by Senator Pflug

AN ACT Relating to reforming the health care system in Washington state; amending RCW 48.43.035; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; creating new sections; and repealing RCW 48.01.260, 48.20.025, 48.20.028, 48.20.029, 48.21.045, 48.21.047, 48.43.012, 48.43.018, 48.43.038, 48.43.041, 48.44.017, 48.44.021, 48.44.022, 48.44.023, 48.44.024, 48.46.062, 48.46.063, 48.46.064, 48.46.066, 48.46.068, 70.47.002, 70.47.005, 70.47.010, 70.47.015, 70.47.020, 70.47.030, 70.47.040, 70.47.050, 70.47.060, 70.47.070, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.115, 70.47.120, 70.47.130, 70.47.140, 70.47.150, 70.47.160, 70.47.170, 70.47.200, 70.47.201, 70.47.210, 70.47.900, 70.47.901, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, and 70.47A.900.

TWENTY-NINTH DAY, FEBRUARY 9, 2009

2009 REGULAR SESSION

Referred to Committee on Health & Long-Term Care.

SB 5948 by Senators Shin, Kastama, Jacobsen, Franklin, Berkey and Hargrove

AN ACT Relating to water conservation appliances; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5949 by Senators Marr and Kohl-Welles

AN ACT Relating to the centers of occupational health and education; adding a new section to chapter 51.04 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5950 by Senators Kline, Franklin, Keiser, Kohl-Welles and Roach

AN ACT Relating to criminal background checks; amending RCW 74.39A.009, 43.20A.710, and 43.43.837; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5951 by Senators Roach, Hatfield, Pridemore and McDermott

AN ACT Relating to protecting the voter's signature and telephone number on envelopes provided for return of voted ballots; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

SB 5952 by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

AN ACT Relating to modifying the definition of "sexual orientation" for malicious harassment prosecution purposes; and amending RCW 9A.36.080.

Referred to Committee on Judiciary.

SB 5953 by Senators Kilmer, Ranker, Haugen, Marr and Rockefeller

AN ACT Relating to security amounts for certain marine vessel contracts; and amending RCW 39.08.100.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1906 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson and Nelson)

AN ACT Relating to improving economic security through unemployment compensation; amending RCW 50.20.120, 50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070, 50.60.090, 50.60.100, 50.29.021, and 50.29.025; adding a new section to chapter 50.20 RCW; adding new sections to chapter 50.22 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5928 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 10, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 10, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2009

SB 5074 Prime Sponsor, Senator Marr: Concerning scoliosis screening in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5152 Prime Sponsor, Senator Kline: Creating a legislative task force on statutory construction. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5160 Prime Sponsor, Senator Kline: Concerning service of notice from seizing law enforcement agencies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5165 Prime Sponsor, Senator Jarrett: Implementing a transfer of development rights program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5178 Prime Sponsor, Senator Haugen: Concerning historic cemeteries and graves. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5179 Prime Sponsor, Senator Haugen: Concerning the revaluation of property impacted by government restrictions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5235 Prime Sponsor, Senator Kohl-Welles: Modifying motor vehicle warranty provisions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

THIRTIETH DAY, FEBRUARY 10, 2009

2009 REGULAR SESSION

February 6, 2009

SB 5263 Prime Sponsor, Senator Hargrove: Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5271 Prime Sponsor, Senator Oemig: Modifying provisions relating to candidate filing. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5340 Prime Sponsor, Senator Prentice: Concerning internet and mail order sales of tobacco products. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5346 Prime Sponsor, Senator Keiser: Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

February 9, 2009

SB 5355 Prime Sponsor, Senator Haugen: Regarding

initial levy rates for rural county library districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5359 Prime Sponsor, Senator Oemig: Preventing rejection of ballots that have voter identifying marks. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5378 Prime Sponsor, Senator Eide: Regarding accreditation of digital learning programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5406 Prime Sponsor, Senator Keiser: Concerning the standard health questionnaire. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5480 Prime Sponsor, Senator Delvin: Creating the Washington health care discount plan organization act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do

THIRTIETH DAY, FEBRUARY 10, 2009

2009 REGULAR SESSION

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 9, 2009

February 9, 2009

SB 5481 Prime Sponsor, Senator Marr: Concerning veterans' burials. Reported by Committee on Government Operations & Elections

SB 5731 Prime Sponsor, Senator Keiser: Distributing health plan information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 9, 2009

February 9, 2009

SB 5497 Prime Sponsor, Senator Marr: Concerning telemedicine. Reported by Committee on Health & Long-Term Care

SB 5751 Prime Sponsor, Senator Murray: Regarding the issuance of licenses to practice dentistry. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 9, 2009

February 9, 2009

SB 5498 Prime Sponsor, Senator Jarrett: Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement. Reported by Committee on Early Learning & K-12 Education

SB 5752 Prime Sponsor, Senator Marr: Regarding cost recovery in disciplinary proceedings involving dentists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Roach.

MAJORITY recommendation: That Substitute Senate Bill No. 5752 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5547 Prime Sponsor, Senator Hargrove: Concerning respite care. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5340 which was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 9, 2009

February 6, 2009
SB 5623 Prime Sponsor, Senator Kline: Revising the documentation necessary to challenge acknowledgment of paternity. Reported by Committee on Judiciary

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

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

DENNY HECK, appointed January 2, 2009, for the term ending September 30, 2010, as Member, Board of Trustees, The Evergreen State College.

MAJORITY recommendation: Do pass. Signed by

THIRTIETH DAY, FEBRUARY 10, 2009

2009 REGULAR SESSION

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

SB 5959 by Senators Shin, Kauffman, McAuliffe,
 Fraser, Jarrett and Kohl-Welles

AN ACT Relating to residency requirements for the state
 need grant; and amending RCW 28B.92.010.

MOTION

On motion of Senator Eide, the appointee listed on the
 Gubernatorial Appointment report was referred to the committee
 as designated.

Referred to Committee on Higher Education & Workforce
 Development.

MOTION

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

SB 5960 by Senators Regala, Fraser and Kline

AN ACT Relating to authorizing cities and counties to levy
 and collect certain additional taxes; amending RCW
 82.14.450; adding a new chapter to Title 82 RCW;
 providing an effective date; and declaring an emergency.

INTRODUCTION AND FIRST READING

Referred to Committee on Ways & Means.

SB 5954 by Senators Pridemore, Kastama, Delvin and
 Shin

AN ACT Relating to creating community facilities districts;
 amending RCW 84.52.052; adding new sections to chapter
 84.52 RCW; adding a new section to chapter 82.02 RCW;
 adding a new title to the Revised Code of Washington; and
 creating new sections.

Referred to Committee on Economic Development, Trade &
 Innovation.

SB 5961 by Senators Prentice and Hewitt

AN ACT Relating to reducing the business and occupation
 tax burden on the newspaper industry; amending RCW
 82.04.280, 82.04.280, 35.102.150, and 82.08.806;
 amending 2006 c 300 s 12 (uncodified); reenacting and
 amending RCW 82.04.260, 82.32.590, and 82.32.600;
 adding a new section to chapter 82.32 RCW; providing an
 effective date; providing a contingent effective date;
 providing a contingent expiration date; and declaring an
 emergency.

SB 5955 by Senators Oemig, Delvin, Hewitt and
 Brandland

AN ACT Relating to locating underground facilities;
 amending RCW 19.122.020 and 19.122.030; adding a new
 section to chapter 19.122 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Ways & Means.

SB 5962 by Senators Prentice, Hewitt, Pridemore and
 Kilmer

AN ACT Relating to reducing the business and occupation
 tax rate on the business of printing, and of publishing
 newspapers, magazines, or periodicals; amending RCW
 82.04.280, 82.04.280, 35.102.150, 82.08.806, 82.08.820,
 82.08.820, and 82.12.020; amending 2006 c 300 s 12
 (uncodified); reenacting and amending RCW 82.04.260,
 82.04.050, 82.32.590, and 82.32.600; adding a new section
 to chapter 82.32 RCW; providing effective dates; providing
 a contingent effective date; providing an expiration date;
 providing a contingent expiration date; and declaring an
 emergency.

SB 5956 by Senators Schoesler, Shin, Stevens, Zarelli,
 Marr and Benton

AN ACT Relating to voluntary participation in a state or
 national animal identification system; and adding a new
 section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Rural Economic
 Development.

Referred to Committee on Ways & Means.

SB 5963 by Senators Kohl-Welles, Holmquist, King,
 Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette,
 McCaslin, Schoesler and Morton

AN ACT Relating to unemployment insurance; amending
 RCW 50.29.021, 50.29.025, and 50.20.050; and creating
 new sections.

Referred to Committee on Labor, Commerce & Consumer
 Protection.

SB 5957 by Senators Jacobsen and Fraser

AN ACT Relating to the department of natural resources'
 authority to manage urban commercial lands; amending
 RCW 79.17.010, 79.17.020, 79.17.200, 79.19.010, and
 79.19.020; adding a new section to chapter 79.10 RCW;
 adding a new section to chapter 79.19 RCW; and creating
 new sections.

Referred to Committee on Natural Resources, Ocean &
 Recreation.

SB 5964 by Senators McDermott, Hargrove, Tom and
 Shin

AN ACT Relating to asbestos-related liabilities and
 consumer and worker injuries; adding a new chapter to Title
 23 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer
 Protection.

SB 5958 by Senator Oemig

AN ACT Relating to vision screening of school children;
 amending RCW 28A.210.020; and creating a new section.

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

THIRTIETH DAY, FEBRUARY 10, 2009

2009 REGULAR SESSION

SB 5965 by Senators Schoesler, Sheldon, Hobbs, King and Benton

AN ACT Relating to the burden of proof for corrections to property tax valuations made by public officials; and amending RCW 84.40.0301.

Referred to Committee on Government Operations & Elections.

SB 5966 by Senator Fraser

AN ACT Relating to the state environmental policy act; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SJM 8012 by Senators Fraser, Kohl-Welles, Prentice, Fairley, Berkey, Franklin, Regala, Marr, Shin, Eide, Kastama, Murray, Haugen, Oemig, McDermott and Kline

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Joint Memorial No. 8012 which was referred to the Committee on Labor, Commerce & Consumer Protection.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION 8625

By Senator Eide

WHEREAS, Alzheimer's Disease affects 5.2 million people in the United States, and is the sixth leading cause of death among its citizens; and

WHEREAS, Alzheimer's is a progressive and fatal brain disease destroying brain cells, and is the most common form of dementia touching both the lives of those with the disease as well as their family and friends; and

WHEREAS, The Washington Alzheimer's Association was started in 1978 by family and friends who came together for the support of their loved ones affected by this disease; and

WHEREAS, The Alzheimer's Association envisions a world without Alzheimer's Disease through the advancement of research, provides and enhances care and support for all affected, and reduces the risk of dementia through the promotion of brain health; and

WHEREAS, The Alzheimer's Association has enhanced the lives of millions worldwide and within our own neighborhoods;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the Alzheimer's Association, whose resilience, kindness,

and determination enrich the lives of hundreds of thousands of Alzheimer's patients and their loved ones around the state, and has helped contribute to the betterment and well-being of Washington state.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Alzheimer's Association who were seated in the gallery.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8617

By Senators Shin, Kauffman, Berkey, Delvin, Holmquist, Honeyford, and Eide

WHEREAS, Haryong Lee serves as Consul-General of the Republic of Korea in Seattle; and

WHEREAS, Consul-General Haryong Lee's international diplomatic service has enhanced the State of Washington; and

WHEREAS, Consul-General Haryong Lee's previous service includes being the Director for Economic Affairs and Press Secretary to the President; and

WHEREAS, Consul-General Haryong Lee spent time researching and teaching public policy and economics at many distinguished institutions such as Seoul National University and Claremont Institute; and

WHEREAS, In Seattle, as well as his other postings across the globe, Consul-General Haryong Lee was embraced by all people of Korean descent, and showed tremendous dedication to the same; and

WHEREAS, Consul-General Haryong Lee has contributed indefatigably to help make Korean-American Day a success; and

WHEREAS, Consul-General Haryong Lee's immense knowledge of his nation and the United States has led to increased trade and cultural relations between the Republic of Korea and Washington; and

WHEREAS, Consul-General Haryong Lee and the Korean-American community maintain close ties between the United States and the Republic of Korea, at the same time, continue to establish and strengthen its relationship with the State of Washington; and

WHEREAS, The State of Washington owes recognition to Consul-General Haryong Lee for the tremendous work he continues to do in Seattle; and

WHEREAS, Consul-General Haryong Lee continues to go above and beyond the duties of his position to maintain and expand the crucial economic and cultural relations between the Republic of Korea and Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Consul-General Haryong Lee for his service to the Republic of Korea and Washington, his diplomatic nature, extreme kindness, and understanding of the crucial relationship between our peoples; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Consul-General Haryong Lee and the Korean Consulate in Seattle.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

THIRTIETH DAY, FEBRUARY 10, 2009

2009 REGULAR SESSION

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

MOTION

Senator Hatfield moved adoption of the following resolution:

SENATE RESOLUTION
8624

By Senators Hatfield, Schoesler, Pflug, Parlette, Ranker, Jacobsen, Morton, Stevens, Fraser, Hargrove, Regala, and Hobbs

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington to develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 10,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2008; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the state capitol as part of an annual statewide educational program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on the judicial system, including how a citizen functions within it, and how the process affects our views of democracy; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boyes, State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

Senators Hatfield and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

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

MOTION

Senator Regala moved adoption of the following resolution:

SENATE RESOLUTION
8627

By Senators Regala, Kastama, Tom, McDermott, Keiser, Kline, Hewitt, Prentice, Fraser, Kohl-Welles, Hargrove, Oemig, and Berkey

WHEREAS, Everyone remembers someone special – a neighbor, teacher, relative, or friend who broadened our horizons and made a big difference in our lives; and

WHEREAS, One way to return the favor is to mentor a child; and

WHEREAS, Every adult has something to offer, and a few hours a couple of times a month can make a big difference in a child's life; and

WHEREAS, Research has shown that children engaged in the one-to-one, professionally supported mentoring programs of Big Brothers Big Sisters are more likely to finish high school and less likely to begin using drugs and alcohol, skip school, or be involved in violence; and

WHEREAS, Big Brothers Big Sisters agencies have provided thousands of children with mentoring matches and has a vision to provide successful mentoring relationships for all children who need and want them, contributing to better schools, brighter futures, and stronger communities for all; and

WHEREAS, The Big Brothers Big Sisters Network in Washington State, including Big Brothers Big Sisters of Puget Sound, Big Brothers Big Sisters of Columbia NW, Big Brothers Big Sisters of the Inland NW, Big Brothers Big Sisters of Snohomish County, Big Brothers Big Sisters of Thurston County, Big Brothers Big Sisters of NW Washington, and Big Brothers Big Sisters of Whidbey Island are sponsoring Lead Big! Big Brothers Big Sisters Advocacy Day on February 16th, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby honor the Big Brothers Big Sisters on their Advocacy Day, February 16, 2009, and encourage all citizens, businesses, public and private agencies, religious and educational institutions to support mentoring and give young people in our community the gift of time and friendship through Big Brothers Big Sisters or other mentoring programs in our community.

Senator Regala spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

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

MOTION

At 12:17 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, February 11, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 11, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Kastama and Zarelli.

The Sergeant at Arms Color Guard consisting of Boy Scouts Trevor Harron and Dan Detschman presented the Colors. Reverend Jim Erlandson of the Community of Christ Church of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2009

SB 5045 Prime Sponsor, Senator Kilmer: Promoting economic development and community revitalization. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 10, 2009

SB 5149 Prime Sponsor, Senator Kline: Creating the geothermal assessment committee. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Delvin.

Passed to Committee on Ways & Means.

February 10, 2009

SB 5191 Prime Sponsor, Senator Hobbs: Allowing noninsurance benefits as part of life insurance policies. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5195 Prime Sponsor, Senator Berkey: Adopting the life settlements model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5260 Prime Sponsor, Senator McAuliffe: Motivating students through incentives to pursue postsecondary education by eliminating statewide assessments as a high school graduation requirement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Brandland; Hobbs and Holmquist.

MINORITY recommendation: Do not pass. Signed by Senators King; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Ways & Means.

February 10, 2009

SB 5411 Prime Sponsor, Senator Kline: Concerning requests for driving record abstracts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5414 Prime Sponsor, Senator McAuliffe: Implementing recommendations of the WASL legislative work group. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5414 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Tom.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5427 Prime Sponsor, Senator Ranker: Addressing the release of certified abstracts of full driving records. Reported by Committee on Judiciary

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5434 Prime Sponsor, Senator Marr: Regarding prohibited practices in accountancy. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5439 Prime Sponsor, Senator Haugen: Providing benefits to domestic partners under the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Swecker; Becker and Benton.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5468 Prime Sponsor, Senator Honeyford: Permitting an exemption for nonprofit housing organizations from the consumer loan act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5468 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5474 Prime Sponsor, Senator Kastama: Providing tax incentives for contributions for research and technology development grants. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 10, 2009

SB 5504 Prime Sponsor, Senator Fraser: Concerning reclaimed water permitting. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Marr; Morton; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5551 Prime Sponsor, Senator Franklin: Regarding recess periods for elementary school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Holmquist; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Brandland.

Passed to Committee on Rules for second reading.

February 9, 2009

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

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2009

SB 5582 Prime Sponsor, Senator Parlette: Concerning the chief for a day program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5583 Prime Sponsor, Senator Marr: Improving the effectiveness of water bank and exchange provisions. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5583 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Morton; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Holmquist.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5669 Prime Sponsor, Senator Berkey: Granting the insurance commissioner certain authority when the governor declares a state of emergency. Reported by Committee on Financial Institutions, Housing & Insurance

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Passed to Committee on Economic Development, Trade & Innovation.

February 10, 2009

SB 5736 Prime Sponsor, Senator Rockefeller: Concerning sales and use tax preferences for electric vehicles and electric vehicle infrastructure. Reported by Committee on Environment, Water & Energy

February 10, 2009

ESHB 1906 Prime Sponsor, Committee on Commerce & Labor: Improving economic security through unemployment compensation. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5736 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Fraser; Hatfield; Marr; Morton; Ranker and Sheldon.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Holmquist.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

MOTION

February 10, 2009

SB 5899 Prime Sponsor, Senator Kilmer: Providing a business and occupation tax credit for qualified employment positions. Reported by Committee on Ways & Means

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5260 which was referred to the Committee on Ways & Means; Senate Bill No. 5899 and Substitute House Bill No. 1906 which under suspension of the rules placed on the second reading calendar.

MAJORITY recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Keiser; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MOTION

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Tom, Vice Chair, Operating Budget.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Passed to Committee on Rules for second reading.

February 10, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL A. PASTOR, appointed January 13, 2009, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

MOTION

MAJORITY recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Marr; Ranker and Sheldon.

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Holmquist.

MOTION

Passed to Committee on Rules for second reading.

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

February 10, 2009

SB 5921 Prime Sponsor, Senator Rockefeller: Creating a clean energy collaborative. Reported by Committee on Environment, Water & Energy

INTRODUCTION AND FIRST READING

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair;

SB 5967 by Senators Kohl-Welles, Fairley, Fraser, McAuliffe and Kline

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

AN ACT Relating to prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex; adding new sections to chapter 49.60 RCW; adding a new section to chapter 43.110 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; creating a new section; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5968 by Senators Haugen, Brandland, Hatfield, Morton and Roach

AN ACT Relating to the protection of agricultural lands; and amending RCW 36.70A.103.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5969 by Senator McDermott

AN ACT Relating to listing subcontractors on public works projects; amending RCW 39.30.060; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5970 by Senator Carrell

AN ACT Relating to telephonic hearings in civil cases and traffic cases; and adding new sections to chapter 3.02 RCW.

Referred to Committee on Judiciary.

SB 5971 by Senator Carrell

AN ACT Relating to eliminating a requirement that certain ferry vessels be constructed within the boundaries of the state of Washington; amending RCW 47.56.780; and declaring an emergency.

Referred to Committee on Transportation.

SB 5972 by Senators Benton, Pridemore, Shin and Roach

AN ACT Relating to voter information on envelopes provided for return of the voted ballot; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

SB 5973 by Senators Kauffman, McAuliffe, Oemig, Shin, Hobbs, Kohl-Welles and Kline

AN ACT Relating to closing the achievement gap in order to provide all students an excellent and equitable education; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

SB 5974 by Senators Morton, Hatfield, Swecker, Marr and Shin

AN ACT Relating to transporting or accepting delivery of live nonambulatory livestock; amending RCW 16.36.116; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5975 by Senators Schoesler, Holmquist, McCaslin and Delvin

AN ACT Relating to reducing the reporting requirements and business and occupation tax on small business; amending RCW 82.32.030, 82.04.4451, and 82.32.045; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5976 by Senator Haugen

AN ACT Relating to extending tire replacement fees; amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5977 by Senators Delvin and Schoesler

AN ACT Relating to testing the chemical content of products sold at retail; amending RCW 70.76.030; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SB 5978 by Senators Haugen and Kohl-Welles

AN ACT Relating to consumer rebates; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5979 by Senators Hargrove, Schoesler, Jacobsen, Swecker, Fraser, Morton and Shin

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass energy demonstration project; amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5980 by Senators Oemig, Brandland and Fraser

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Ways & Means.

SB 5981 by Senator Keiser

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

AN ACT Relating to diagnostic imaging services; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5982 by Senators Kline, Franklin, Keiser, Kohl-Welles and Tom

AN ACT Relating to violations of Washington's law against discrimination; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 5983 by Senators Kline, Oemig and Pridemore

AN ACT Relating to the scope of agency actions under the administrative procedure act; amending RCW 34.05.010; and creating a new section.

Referred to Committee on Judiciary.

SB 5984 by Senator Kline

AN ACT Relating to imprisonment in jails; and amending RCW 7.21.040 and 7.21.050.

Referred to Committee on Judiciary.

SB 5985 by Senator Kline

AN ACT Relating to filing treatment plans with the court in deferred prosecution programs; and amending RCW 10.05.060.

Referred to Committee on Judiciary.

SB 5986 by Senators Kauffman, Kohl-Welles, Hargrove and Shin

AN ACT Relating to permitting certain higher education employees to engage in collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION 8612

By Senators Becker, Hewitt, Delvin, McCaslin, Swecker, King, Morton, Franklin, Roach, Marr, Carrell, Parlette, Keiser, Brandland, Stevens, Honeyford, Schoesler, and Kilmer

WHEREAS, The Washington State Senate honors the unique and distinguishable achievements of its citizens; and

WHEREAS, The Miss Washington Scholarship Organization exists to provide personal and professional opportunities for young women and to promote their voices in culture, politics, and the community; and

WHEREAS, The Miss Washington Scholarship Organization makes available more than \$473,000 in scholarships for its contestants each year; and

WHEREAS, Janet Harding of Yelm was crowned as Miss Washington in July of 2008 at Pantages Theater in Tacoma; and

WHEREAS, Ms. Harding is the daughter of Myrna and Ron Harding and a 2005 graduate of Yelm High School; and

WHEREAS, Ms. Harding is currently a student at Western Washington University, where she is studying elementary education, social studies, and communications; and

WHEREAS, Ms. Harding serves on the Board of Big Brothers Big Sisters of Northwest Washington and directed the first annual Miracle Bowl for Kids to benefit Children's Miracle Network; and

WHEREAS, Ms. Harding previously served as Miss Tahoma, and has volunteered for more than 30 nonprofit organizations; and

WHEREAS, Ms. Harding is competing in Las Vegas as one of 52 national finalists for the crown of Miss America 2009, with the winner announced on January 24th; and

WHEREAS, Last year, the Miss America Organization and its state and local organizations made available more than \$45 million in cash and scholarship assistance; and

WHEREAS, Ms. Harding wants to continue her service in the future by reaching her career ambition as an elementary school teacher;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor Janet Harding, Miss Washington 2008, for her commitment to public service and for serving as a role model to young women across our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Miss Washington Scholarship Organization, Miss Washington 2008 Janet Harding and the Harding family.

Senator Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Washington 2008, Janet Harding and Father Honorable Ron Harding, Mayor of Yelm who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Schoesler: "Well thank you Mr. President. I'd like to thank the kind lady from the Second District for bringing wonderful example of the State of Washington before us and we all wish her our very, very best. I remember my maiden conversation on this floor was something not nearly as beautiful, peas and lentils, so we are coming up. I did want to welcome the kind lady to what is now team eighteen, after team seventeen, which we're very happy about over here. We know that the young lady is an avid hunter, outdoors woman, comes with a background in health care and we certainly can use all the help we can stand there. I dug a little deeper into her past. Seems she has ties to the airline industry. The good gentleman from the forty-sixth district would certainly like to talk to her about that down the road and we'd also like to ask a few questions about

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

her role in the airline industry. Were they still using propellers on all four engines when she flew there? Is it an airline that is currently in business that she worked for or was it the era of I think the book came out when I was a youngster called Coffee, Tea or Me? and I don't know whether that had anything to do with it but I do know in the tradition of the Senate we will be expecting the proper gratuities to come to us. I can only hope that there not some of the left over airlines' snacks. Thank you."

PERSONAL PRIVILEGE

Senator Delvin: "A couple questions, Mr. President. Could we trade the nice lady in the gallery for the one who just spoke on the floor? Is that possible?"

REPLY BY THE PRESIDENT

President Owen: "I suggest you take that up with your caucus."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. And also, I know you have a rule about carrying fire arms. You know, if she's a hunter, I hope you've had her qualified before she carries her firearm on the floor as you made me."

REPLY BY THE PRESIDENT

President Owen: "With the exception of bows and arrows of course."

PERSONAL PRIVILEGE

Senator Marr: "Thank you Mr. President. Well, out of difference to the inexperience of the good Senator from the Second District I did not rise to ask a point or order. I believe there were several faux pas that the Senator exhibited during moving a resolution but because it certainly was a worthy resolution I think most of us resisted the temptation to suggest that perhaps she not move her resolution properly. I do want to say Mr. President, that Senator Becker certainly a welcome addition to the chamber and I really appreciate the fact that although I heard she lives in a fancy waterfront condo, in fact on the top floor, she shows some sympathy for those of us that have to suffer through the low price rental housing here in Olympia. So in fact I think she's able to relate to all of us. I do understand that she's going to be going shoe shopping with Senator McAuliffe and Senator Pflug this afternoon. She's already developed some common interest. I think that comes from her background. She is from rural Western Washington, I don't know exactly where Eatonville is, I think it's near Hooterville if I'm not mistaken. I was told that her zip code is actually E-I-E-I-O. But I do want to say I have had the pleasure of serving on several committees with her, found her to be a find collaborative colleague and I just want to say when we encounter this type of colleague both Senator Schoesler and myself feel five feet tall to serve in this chamber. Thank you."

PERSONAL PRIVILEGE

Senator Kilmer: "Well, thank you Mr. President. You know it was good to hear the good lady from the Second District speak on the floor today. Frankly, it's good to hear the good lady from the Second District speak. Senator Becker explained to me last night that she received a call from her grandson who said, 'Grandma, I saw you on TV last night. You need to talk more,' and I think that's true. Senator Becker actually makes Senator Kauffman look chatty. It's the fifth week of session and Senator

Hatfield told me he didn't realize that Senator Becker was on his committee. But I will say this, while she is quiet I believe that our good colleague, one, is a great listener and is taking things in and, like a lot of people in this body, once you speak it's with great purpose and it's on behalf of her constituents and on behalf of what she thinks is right and what is good and we welcome you here. We're glad you're here."

PERSONAL PRIVILEGE

Senator Becker: "I've never been told I'm quiet. I'm just trying to be observant and learn and listen so I can do a good job but I appreciate that. Thank you very much. 'Coffee, Tea or Me?' was an issue when I flew but I never partook, ok. We had a good song, I will tell you later about that. United still is in service and I flew for eight and half years and I started out on a Convair airplane and I got sick to my stomach every time we landed because it was so bumpy. So thank you very much. Hunting is my privilege and I'm glad that we can do it. Thank you Senator Marr. I don't go E-I-E-O but I wake up every morning from my home in Eatonville and look at Mt. Rainier and I say, 'Thank you God; everyday that I can see that when the suns out. It's an honor to be here. It's a privilege to be here and thank you all for being so warm and so welcoming to me. Thank you.'"

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I just wanted recognize a young man up in the South Gallery. I just wanted to recognize one individual, Bryan Freshley. He was a page, former page of mine, as was his sister. He's working on his Eagle or he is an Eagle now, I think, and but I just wanted to recognize him personally. He did a great job as a page. His family is well known in the community and they participate in the community. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Ladies and Gentleman of the Senate. You may have noticed that we do have some very outstanding young Americans with us today. These are all Eagle Scouts, Senator Delvin, including your former page. Every year we allow them to come in and we have the honor of having them present the State of Scouting, the report to the state. We're going to have that right now. It will only take a couple of minutes here from another outstanding Eagle Scout, Luke Wylie who will present the report of scouting to the State Senate. Mr. Wylie, would you please come forward?"

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Eagle Scout, Luke Wylie, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Eagle Scout Luke Wylie to address the Senate.

REMARKS BY LUKE WYLIE

Luke Wylie: "Thank you. Good morning. My name is Luke Wylie and I'm an Eagle Scout from Troop 550 in Redmond, Washington. I'm here today in our capital city along with twenty-seven other Eagle Scouts and six Boy Scout Councils including Blue Mt. Council, Tri Cities; Chief Seattle Council, Seattle; Grand Columbia Council, Yakima; Inland Empire Council, Spokane; Mt. Baker Council, Everett; Pacific Harbor Council, Tacoma. Collectively we are here to present the annual report to the State of Washington. This past year, seventy-three thousand young people in Washington State participated in scouting programs through the membership of more than twenty

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

thousand adult volunteers. Of these twenty thousand attending camp, two thousand achieve the pinnacle of scouting by earning the Eagle Scout rank. The Boy Scouts of America was founded on the premise that to be a good citizen you must do for others. Since its inception Scouts and volunteers have committed to serving others at all times with enthusiasm and conviction. In Scouting's earliest we sold bonds and collected scrap metal to help win wars. Over the years, scouts have worked diligently to protect the environment. Through these and many other efforts the Boy Scouts of America has established a tradition of service. In 2004, the Boy Scouts launched Good Turn for America, a national service initiative that addresses the issues of hunger, homelessness and poor health. Good Turn for America is a collaborative effort partnership with Habitat for Humanity, the Salvation Army and the American Red Cross. Through Good Turn for America the work of a single group is duplicated ten fold when hundreds of other organizations' volunteers join to improve their community. While the program teaches youth vital lessons about service and leadership, it also enhances the life of adult volunteers by making difference in the happiness and health of our state under the leadership of our state wide Good Turn for America Chairman, Attorney General, Rob McKenna. In 2008 Washington Scouts and volunteers donated more than three hundred eighty-four thousand hours of community service to our state. That volunteer time is valued at 6.5 million dollars. By continuing to recruit quality leadership, inviting youth from all backgrounds to join and offering fun and exciting programs, we seek to help ordinary people become extraordinary adults. On behalf of the six Boy Scout Councils of Washington state, I'd like to present Lt. Governor Brad Owen with a copy of the 2009 report to the state. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "In case you didn't catch that, that was three hundred eighty-four thousand hours of community service that Scouts provided in the State of Washington in the last year. I believe that is correct, and of those the President would like to note that a couple of those Eagle Scouts have been pages for us as was noted by Senator Delvin. One of them is a page for us right now but Brian Freshley was a page for Senator Delvin last year. Today we have with us, Christopher Bitting who is also a Eagle Scout and just to give you an idea of the type of work that they do, he's from Senator Haugen's district. He raised five thousand dollars for defibrillators to be placed in his school so that's the type of work that the scouts are doing for us in the great state of Washington. Thank you all very much."

PERSONAL PRIVILEGE

Senator Roach: "I just wanted to make a comment not only to thank those young men that have become Eagle Scouts and put their time an effort into this. As a mother of three Eagle Scouts I know how that is very time consuming and what really fun it is. But, I also want to rise and thank those leaders here today and across the state of Washington for giving their time and effort to guide young men and help them achieve the goals that have set for themselves because I think those volunteers that help our young people are what is helping to make our state and our nation as great as it is. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Eagle Scouts of the Boy Scouts of America who were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President has the privilege of having two of those scouts shadow him today. Chandler Luke and Nathan Compton have been joining me today and they'll be down here a little bit later."

PERSONAL PRIVILEGE

Senator Becker: "I wanted to see if I could spend a minute and explain my gifts that I gave to everyone today? Senator Eide, what you're holding in your hand is actually from Wilkeson and Senator Roach and I share part of that district. That is a piece of limestone from the Wilkeson Quarry. That Wilkeson Quarry actually is part of the limestone that built the Capitol and it was completed in 1920. The company transported thirty ton rocks, limestone rocks down to Tacoma where the dozens of craftsmen work to build them, transported them here and actually that is part of our Capitol so I thought was a really important thing. Wilcox eggs are a farm in our community that has been in existence for one hundred years this year and so I asked if they would share part of their product with us and in the bottom of your package you will find a surveyor marker from Mt. Rainier. It's a replica that's given out in their stores or sold in their stores and since that's a big part of my district and something that I love I thought was really important. You will also find a map of the walking tour of Orting and a little VIP pass and if you let them know, when you come down, they'll put balloons on your car celebrating the fact that you're in their town. One thing that I didn't get in there is I wanted to put in my two cents but they told me I shouldn't. Thank you."

PERSONAL PRIVILEGE

Senator Carrell: "Well, I very much appreciate the gifts from the good Senator from the Second District but I was wondering if there might be some sort of political statement inside here about the economic times that we're in since my dozen only has eleven."

PERSONAL PRIVILEGE

Senator Brandland: "Mr. President, I'm, I have to take some sort of responsibility for that because I gave Senator Becker the message that Senator Carrell was one egg short of a dozen."

PERSONAL PRIVILEGE

Senator McAuliffe: "Well, I happen to have a dozen chickens at home and I get eight eggs a day so because I didn't need these eggs I called the Thurston County Food Bank and anyone who would like to have their eggs donated to the food bank they will pick them up in my office and they are very, very happy to have them. So, if you'd like to donate your eggs please drop them off at my office, 403."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Luis Fernando Esteban, Honorary Consul of Spain and Francisco Javier Fernandez Alvarez, mayor of Leon who were seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Delegation of Spain, Rosa Maria Martin Rodriguez, Director of the Cabinet for the Mayor's Office; Susana Travesi Lobato, Council Representative of Tourism, Government City of Leon; David Fernandez Arias, Technical Director, Tourism Council, Government of Leon; Daniel Movilla, President, Foundation of the Spanish Language; Ignacio Tejero Montano, Vice President, Foundation of the Spanish Language; Pablo Perez San-Jose, Director of the Observatory for the Information Security for Leon (INTECO) and Luis Javier Calvo Montero, Press who were

THIRTY-FIRST DAY, FEBRUARY 11, 2009
seated in the gallery.

2009 REGULAR SESSION

MOTION

At 10:39 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:00 a.m. by President Owen.

MOTION

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

SECOND READING

HOUSE BILL NO. 1066, by Representatives Rolfes, Appleton and Moeller

Regarding special elections for changing the form of government of a noncharter code city.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 1066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.
Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1066.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1066 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom - 41

Voting nay: Senators Becker, Benton, Carrell, Roach, Stevens and Swecker - 6

Absent: Senator Zarelli - 1

Excused: Senator Kastama - 1

HOUSE BILL NO. 1066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

POINT OF ORDER

Senator Brandland: "I don't want to, I'm not going to make a big fuss or something but we just had something happen over

here that was, that we may see happen in the future and I'd like to try to see if we could not have it happen again. We really under the impression that there was going to be no floor action today. We relayed that to our members, one of them left thinking there was going to be no floor action and then we found out that there was and so I'm just, all I would ask if we could just maybe just get a little bit more warning because I just didn't want our members to leave and think that there was going to be nothing. So, if could just have a little bit more warning as far as floor action that would be great. Thank you."

PERSONAL PRIVILEGE

Senator Eide: "Thank you, I'm sorry for the misunderstanding. I did let leadership know that we were going to be doing several bills this morning. In fact, it came from four to two, and we will be, as a matter of fact, tomorrow be on the floor at 8:00. Ok? So everyone knows, we'll be here tomorrow also. 8:00."

SECOND READING

HOUSE BILL NO. 1113, by Representatives Driscoll, Warnick, Dunshee, Probst, Carlyle, Wallace, White, Chase, Ormsby, Seaquist, Simpson, Goodman, Wood, Sullivan, Maxwell, Orwall, Hinkle and Santos

Financing the school construction assistance grant program.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1113.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1113 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Kastama and Zarelli

HOUSE BILL NO. 1113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:15 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of the Presentation of the Medal of Merit in Joint session in the House of Representatives..

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Senate escorted President of the Senate Brad Owen to the rostrum.

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

Senators were invited to seats within the Chamber.

JOINT SESSION

The Speaker (Representative Moeller presiding): "It is our privilege to host the Medal of Merit ceremonies. We welcome you, President Owen, our colleagues from the Senate and all other guests who are with us today. It is now my pleasure to call upon President of the Senate Brad Owen to preside over the joint session."

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The President appointed a special committee to escort the State elected officials and Supreme Court Justices to the House Chamber: Representatives Finn and Rodne, and Senators Kline and Becker.

The President appointed a special committee to advise her Excellency, Governor Chris Gregoire that the joint session has assembled and escort her to the House Chamber: Representative Carlyle and Senator Shin.

The President appointed a special committee to escort Medal of Merit Honoree Corky Mattingly to the House Chamber: Representative Bailey and Senator Fraser.

The President appointed a special committee to escort Medal of Merit Honoree Wilfred Woods to the House Chamber: Representative Armstrong and Senator Evans Parlette.

The President appointed a special committee to escort Medal of Merit Honoree William H. Gates, Sr. to the House Chamber: Representative White and Senator Brown.

The Supreme Court Justices arrived and were escorted to the Rostrum. The President introduced Chief Justice Gerry Alexander and Justice Jim Johnson.

The State elected officials arrived and were escorted to the Rostrum. The President introduced Secretary of State Sam Reed; State Treasurer Jim McIntire; State Auditor Brian Sonntag; Attorney General Rob McKenna; Superintendent of Public Instruction Randy Dorn and Insurance Commissioner Mike Kriedler.

Her Excellency Governor Christine Gregoire and Mike Gregoire arrived and were escorted to the Rostrum.

Medal of Merit honoree Corky Mattingly arrived and was escorted to the Rostrum.

Medal of Merit honoree Wilfred Woods arrived and was escorted to the Rostrum.

Medal of Merit honoree William H. Gates, Sr. arrived and was escorted to the Rostrum.

The President introduced Medal of Merit honorees, Corky Mattingly, Wilfred Woods and William H. Gates Sr.

The Flags were escorted to the Rostrum by the Washington State Patrol Honor Guard. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Marla Beth Elliott. The Prayer was offered by Pastor John Rosenberg, Lutheran Church of the Good Shepherd, Olympia.

Pastor John Rosenberg: "Gracious God, We know You by many names and Your image is reflected in the marvelous diversity of Your people and Your creation. Today we thank You for calling forth citizens who have performed outstanding service to the people of our state. Emma Smith DeVoe and May Arkwright Hutton, for their tireless efforts on behalf of voting rights for women; William H. Gates, Sr, committed volunteer, philanthropist and educator; Wilfred Woods, community builder, journalist, and historian. May we be inspired by their example and join our efforts to theirs in working for the common good of our state, our nation, and our world.

We also lift before You this day all elected and appointed leaders who govern our state. May those who hold power understand that it is a trust from You to be used, not for personal glory or profit, but for the common good and for the service of all people. Drive away from us cynicism, despair, selfishness, and corruption; in Your compassion, grant just and honest government; and give us grace to live together in unity and peace. Amen."

President Owen: "The purpose of this Joint Session is to present the Washington State Medal of Merit Awards to very deserving individuals. It is now my pleasure to present Governor Chris Gregoire."

Governor Gregoire: "Good afternoon. I'm privileged and I'm touched to be part of this ceremony. Today we are honoring not just four truly generous Washingtonians, we are honoring the spirit of generosity itself. And if ever we, the people of Washington, need to renew that spirit, it's now.

We're in tough times, and they're getting tougher. We need to find ways to help our neighbors. We need to find ways to help the stranger down the street. We need to find ways to lean a little more on each other, and more ways to be generous.

As Winston Churchill put it, you make a living by what you get, but you make a life by what you give. The four Washingtonians we are honoring today have given so much to their fellow human beings in so many ways. They did it with important ideas to make this State and this world a better place. They did it with material resources to ease suffering, and they did it with something all too rare, a strong belief that their work is not all about them, but all about their fellow human beings. These are, and were, incredibly generous Washingtonians!

Bill Gates Sr., through his work as co-chair of the Bill and Melinda Gates Foundation to ease the suffering of people all around the globe. Wilfred Woods, through his newspaper, "The Wenatchee World", and his tireless activism to promote economic development in North-Central Washington from public power to highways. The late Emma Smith DeVoe, and May Arkwright Hutton, who gave Washington a great gift, Women's Suffrage, and empowered the movement for women's rights that continues even today.

I want to thank these four Washingtonians, and their families. We're honoring them at an especially significant time, a time unseen since the Great Depression. These four Washingtonians exemplify the kind of spirit that we very much need to get through these times. Thank you, and congratulations to the medal honorees."

Secretary of State Sam Reed: "It is indeed an honor and privilege that the Legislature has placed the Medal of Merit program into the Office of Secretary of State. I am grateful to all of you attending today, and to the families and friends of the recipients.

The medal is awarded by a committee consisting of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chief Justice of the Washington State Supreme Court. The Deputy Speaker Pro Tempore represented the Speaker and did an outstanding job. I want to thank the four

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

of them because they took very strong personal interest in this and helped make this happen.

Along with choosing the recipients, the committee also chose the design and layout of the medal and the accompanying certificates. The Medal of Merit was produced and designed by the Washington State-based Territorial Mint in Auburn using guidelines laid out in the Revised Code of Washington. They are of the highest quality and are testaments to the professionalism and attention to detail of the people who made them.

The Medal of Merit is solid bronze displaying the seal of the State of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally meritorious conduct in performing outstanding services to the people of the State of Washington."

The certificate, accompanying the medals, are signed by each committee member representing three branches of our government: Executive, Judicial and Legislative. It is my honor as the Keeper of the State Seal to affix the Seal of the State of Washington along with my signature to each of the certificates. Like the medals, each certificate bears the name of the recipient and why they have been awarded this prestigious honor.

I wish to thank all of those who made this auspicious occasion possible -- the staff of the Secretary of State's Office, particularly Megan Moreno and the Legislative staff, especially Patty Moore. I really appreciate the efforts that were made. And a special thanks to all of those who had a hand in making the event a success from the Washington State Patrol and the State Capitol Tours Office.

I especially want to thank and congratulate each recipient being nominated and chosen for this honor.

Finally, I want to thank their family and their friends who traveled to Olympia to be here today for their support and consideration.

Thank you very much."

MEDAL OF MERIT

Mr. President: "We will now honor the Medal of Merit recipients. The Medal of Merit is to honor those who have been distinguished by exceptionally meritorious conduct in performing outstanding service to the people and State of Washington."

EMMA SMITH DEVOE AND MAY ARKWRIGHT HUTTON

Deputy Speaker Pro Tempore Moeller: "It's a great honor and privilege for me to introduce and express our respect and recognition for Emma Smith DeVoe and May Arkwright Hutton. And thank you very much, to Corky Mattingly, for being here today to receive this award on behalf of two of our State's most courageous and forward-thinking pioneers.

You, yourself, Ms. Mattingly, are certainly to be commended for the time you take from your work as Yakima County Auditor to serve on the Advisory Board of the Women's History Consortium. Thank you for your selfless service in guarding the interests of Washingtonians today and tomorrow as well as celebrating the lives of yesterday's Washingtonians.

Suffragists Emma Smith DeVoe and May Arkwright Hutton were the paramount champions in the struggle toward securing the ballot for Washington women. It was through the untiring perseverance of these two women that we lay claim to the status of being the fifth of the then forty six states to establish women's suffrage. In representing the two geographic halves of our Evergreen State, these two women led the historic enterprise that culminated in our 1910 enactment of women's suffrage.

That our State is a national leader today in electing women to local, statewide, and national offices is a testament to the perseverance and farsightedness of Emma Smith DeVoe and May Arkwright Hutton.

In 2000, Emma Smith DeVoe was named to the National Women's Hall of Fame, a fitting recognition for her achievements in the fight for women's suffrage. Newspaper headlines mourned her passing in 1927 as the death of a "Mother of Woman's Suffrage."

Before she and her family moved to the State of Washington in the early 1900's, May Arkwright Hutton had in fact already helped win the ballot for women in Idaho. A tireless philanthropist on top of her great standing in the suffrage movement, she passed in 1915 -- a wonderful life wonderfully led.

We stand today just a year ahead of the centennial of women's suffrage in the State of Washington. How very appropriate that the 2009 Medal of Merit be awarded to two Washington suffragettes whose lives were dedicated to a just, historic and rightful cause."

The Governor presented to Corky Mattingly, on behalf of May Arkwright Hutton and Emma Smith DeVoe, the Medals of Merit and certificates.

Corky Mattingly: "As Washington approaches the 2010 centennial of women's suffrage, it seems fitting that the two women who spearheaded the victory be recognized with the Washington Medal of Merit. As a voting woman and elected official, I am pleased to accept these medals as a proud descendant of their work and ideals of equal rights for women.

As leaders in the final suffrage victory in 1910, May Arkwright Hutton of Spokane and Emma Smith DeVoe of Tacoma, embody the single minded efforts of Washington women to achieve the vote. Hutton and DeVoe were the outstanding figures of the 1909-1910 campaign which employed the strategies of appealing to western men for justice for their wives, mothers, and sisters while forming coalitions and conducting a modern media campaign. After authorization from the legislature in 1909, Washington women campaigned for the ratification of the amendment to the Washington Constitution which culminated in a wide majority vote on November 8, 1910. As the fifth state and the first state in the 20th century to enact women's suffrage, Washington's stunning victory in 1910 is widely credited with re-invigorating the national movement.

These two women, May Arkwright Hutton and Emma Smith DeVoe, did not always agree on tactics but they used their own political savvy to organize women east and west of the Cascades.

Born in Ohio, May Arkwright Hutton came to Northern Idaho in the 1880s and married Levi Hutton, a railroad engineer. Together they purchased a minor interest in a mine that paid off when they struck high grade silver ore in 1901 and they moved to Spokane in 1906. At first aligned with Emma Smith DeVoe, Hutton later formed the Washington Political Equality League during the 1909-10 ratification campaign. Hutton had a distinctive, direct, democratic style and approach, believing in the power of the vote for working women and equality for women taxpayers. In 1912, she was one of the first women delegates to the Democratic National Convention. She died in 1915 at the age of 55. Levi Hutton continued the Hutton's charitable legacy, establishing the Hutton Settlement for children in Spokane in 1919, which endures today.

Emma Smith DeVoe was born in Illinois and when she was eight years old, she attended a speech by Susan B. Anthony on women's suffrage and when the crowd was asked who was for women voting, she rose to her feet. Well educated, DeVoe worked as an organizer for the national suffrage movement, traveling to many states. She came to Washington and began

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

organizing in earnest in 1906. She headed the Washington Equal Suffrage Association. Emma Smith DeVoe was the great organizer for the Washington campaign and has been credited with its victory in 1910 but not without controversy because of her sometimes autocratic style.

She was appointed to a position on the Republican National Committee in the early 1920s. At the age of seventy six, Emma Smith DeVoe was elected to the National Women's Hall of Fame in 2000. The Washington State Historical Society and Washington Women's History Consortium cordially invites everyone to attend the opening of the Women's Suffrage Centennial Exhibit, Women's Votes, Women's Voices, Saturday, February 28th, 11:30am, at the Tacoma Washington State History Museum. The exhibit will travel and features rare women's history, documents and artifacts from across the United States."

WILFRED WOODS

Mr. President: "Retired publisher Wilfred Woods hails from North Central Washington, the region that for many years his newspaper has boldly proclaimed as the "Apple Capital of the World and the Buckle of the Power Belt of the Great Northwest." The accomplishments of our honoree today are nearly as grand, even if he has been quiet about touting the. So we are doing that today. This lifelong Wenatchee resident has been a grand champion of civic and economic concerns of North Central Washington.

His father, Rufus Woods, was publisher of the "Wenatchee Daily World" from 1907 until his death in 1950 and forever made his mark as the chief proponent of the Grand Coulee Dam. Following his father's passing, Wilfred became editor and publisher of that newspaper, which shortened its name to the "Wenatchee World" in 1971. During his 47 years as the newspaper's publisher, Wilfred Woods continued his father's efforts to promote economic development. Wilfred dedicated many stories and personal columns to the public power, highways, port districts and the history of natural resources in North Central Washington. In 1997, Mr. Woods retired as publisher, giving control of the newspaper to his son, Rufus.

Mr. Woods has been a dedicated historian and community educator and has written many articles informing readers of resource development, agriculture and orchard growth, geography, climate, archaeology, Native American history, education and environmental concerns. The Woods family helped found Wenatchee Valley College, where Mr. Woods and his wife, Kathy, have attended and participated in many educational lectures and forums by scholars, activists and influential leaders. He has been a philanthropic leader in the region, especially with the arts. He helped to establish the Woods Conservatory of Music, and he was part of a group of local business people, artists and government representatives that led the drive for a Performing Arts Center of Wenatchee.

Mr. Woods has been involved in many statewide projects, serving several years on the State Parks Commission and the State Centennial Commission, and 10 years on the board of the American Forestry Association. He is a former trustee of the Washington State Historical Society.

Wilfred and Kathleen Woods have been married for 56 years. They have one son, Rufus, and two daughters, Gretchen Woods and Kara Hunnicutt, and three grandchildren. I'm told that at nearly 89, Mr. Woods hasn't really slowed down at all. He is truly a powerhouse of the region and of Washington State, and is very deserving of this Medal of Merit. On behalf of the committee, I would like to thank you, Wilfred Woods, for your lifetime of public service."

The Governor presented Wilfred Woods with the Medal of Merit and certificate.

Wilfred Woods: "Thank you. I had this opportunity thanks to a business that allowed me the opportunity to help serve Central Washington, and the State of Washington. And all with the help of my wife Kathy.

We looked for opportunities for state and local people to participate. I thank my stars I came along at a time when I was able to participate. I hope that our future generations have the same opportunity, and the education and cultural advantages which help make the State of Washington the great state it is today.

Thank you very much."

WILLIAM H. GATES, SR.

Chief Justice Gerry Alexander: "Thank you, President Owen. The Washington State Medal of Merit is not awarded very frequently, and as you've heard it goes only to a person who has displayed exceptionally meritorious conduct in performing outstanding service to the people of the State of Washington. Today, I have the very great honor and privilege of presenting to you, Governor Gregoire, and all those present today, such a person, William H. Gates Sr.

Bill Gates is truly a man for all seasons – patriot, distinguished attorney at law, bar and civic leader, philanthropist, and exemplary husband and parent. In the time allotted to me I can only skim the surface in describing the career accomplishments of this outstanding Washingtonian, and knowing Bill Gates, he would probably be very uncomfortable if I went on too long in doing that, but let me just tell you a little about this man.

Bill Gates was raised in Bremerton and went to high school there. During his school years, he was active in scouting, achieving the Eagle Scout award in 1941. Like many of his generation, the generation Tom Brokaw called the "Greatest American Generation", Bill's plans to further his education were put on a serious hold after graduation of high school and one year of college. They were put on hold due to the advent of World War II. Indeed, in 1943 after graduating high school and attending the University of Washington for one year, Bill enlisted in the United States Army and fought in that war until it ended. Upon receiving his discharge from the Army in 1946, Bill Gates returned to the University of Washington and like many of his contemporaries, he received help in completing his education from the GI Bill. Bill's re-enrollment at the University of Washington resumed a long association with that University, one which benefitted him, and as I will explain in a minute, greatly benefitted the University of Washington and the State of Washington. Bill obtained his B.A. degree in 1949 and his law degree, also from the University of Washington, in 1950.

Upon graduating and passing the state bar examination, Bill entered the private practice of law in Seattle with a firm he co-founded and which was known for many years as Preston, Gates and Ellis. Today it is one of the Nation's largest law firms currently known as K and L Gates. During the years in which Bill Gates actively practiced law, he was one of the State's foremost leaders of the Bar serving a term as the president of the Seattle/King County Bar Association followed by service as governor and president of the Washington State Bar association. In addition, Bill Gates headed up numerous committees and commissions that were devoted to and succeeded in improving the administration of justice in this State. Notably he served on the Board for Judicial Administration of the State of Washington, and the Board for the National Center for State Courts.

On top of his bar activities, Bill Gates has, to put it mildly, been very active in the broader community, serving on boards and as officer of numerous charitable organizations such as the Chief Seattle Council of the Boy Scouts of America, and the board of the United Way for King County. His service for the

THIRTY-FIRST DAY, FEBRUARY 11, 2009

2009 REGULAR SESSION

United Way included the challenging task of heading up the United Way's King County fund raising campaign of 1989.

In recent years, particularly since his retirement from the active practice of law in 1998, Bill has devoted huge amounts of his time to two institutions that mean a great deal to him, institutions which have had a great impact on our State, our Nation, and the World.

The first is his alma mater, the University of Washington. As I mentioned, Bill's relationship with the University of Washington began actually in the early 1940s and continued in 1946 when he re-enrolled there. It has continued and it has flourished over the years. Bill has served the university in many ways including service as a member of the Board of Regents of the University of Washington. As an alum of the University of Washington myself, I am proud that Bill was named a distinguished alumnus of the University of Washington Law School and that the law school I attended is now named William Gates Hall. In my opinion, Bill's most notable service to the University of Washington has been through his work with the University of Washington Foundation and particularly his chairing of a fund raising campaign that raised 2.6 billion – not million – 2.6 billion dollars for the University of Washington. If that was not the largest fund raising campaign ever for a publicly funded university it came awfully close I'm sure. In a letter to the Medal of Merit Committee, University of Washington President Mark Emmert said this about Bill's effort, and I quote, "Bill's contributions to the University of Washington are simply unparalleled. He has witnessed and influenced all phases of the University's history over the last 65 years, from his days of student activism to his selfless service on numerous committees and boards. A regent since 1997, he recently chaired 'Campaign UW Creating Futures', the University's largest fund-raising campaign ever. The campaign was a phenomenal success, exceeding its original goal and raising more than 2.6 billion over eight years. While this is an impressive amount by any standards, its true value lies in the impact it has on our students, faculty and staff, and their ability to make our State and our world a better place."

The other institution that has benefitted immeasurably from Bill's time and talent has been the Gates' Foundation. As most of you know, the largesse for this foundation has been provided by Bill's son and daughter-in-law. But much of the vision and strategic direction for the Foundation has been provided by the man we are here to honor today. How this came about is described in a letter by former Governor Daniel Evans, and I'm glad he is here today. Governor Evans himself is a recipient of the Washington Medal of Merit as you will remember. Governor Evans says this in his letter about Bill Gates, and I quote, "at the age when most of us think about retiring, Bill began a demanding new career in philanthropy. Years ago when his son Bill said to his dad in exasperation, "what do I do with all these requests for charity?" Bill Sr. said 'let me help you out' and took a cardboard box full of the requests. That was the birth of the Bill and Melinda Gates Foundation. He has built the Foundation into the largest charitable foundation in the world. But not just from the head office; he has traveled the world to see for himself where needs exist and how the Gates Foundation can use its resources most effectively. From Bangladesh to Central Africa, he has traipsed through poverty stricken villages at a pace few can match. Governor Evans goes on to say, "I think I am pretty active, but I am merely trotting while Bill Gates still runs at full speed." While the Gates Foundation is famous for its work to improve health and education for some of the world's most impoverished people, it is also at work in our State. Just a few examples: Sound Families a partnership with agencies in Pierce, King and Snohomish counties, that provides transitional housing and support services to almost 1500 homeless families; Thrive by Five the Washington Early Learning Fund; a public-private partnership to ensure that

children in our state have the greatest chance at success in school and life. Washington State Achievers Scholarship, a partnership with high schools that serve low income populations to re-design the high school experience, create early college awareness in students, and provide scholarships to successful students.

The last hallmark of Bill Gates' life that I would like to mention, and I'll close with this. This is one I noted at the outset of my remarks – the fact that he has been an exemplary husband and parent. Bill and his late wife Mary Maxwell Gates, met at the University of Washington. They raised three children, Kristianne, Bill and Libby. Mary Gates died in 1994, and in 1996 Bill married Mimi Gardner Gates, who is the director of the Seattle Art Museum. I know that Bill and Mimi and Mary, during her life, have been very proud of their children, just as their children and the entire community of the State of Washington are proud of William Gates Sr.

Governor Gregoire, I am very honored to present William H. Gates Sr. to you to receive the Washington State Medal of Merit."

The Governor presented William H. Gates Sr. with the Medal of Merit and certificate.

William H. Gates Sr.: "Thank you, Governor for those very kind words, and Chief Justice for the very wonderful introduction. It's really quite humbling, but of course I have a lot to be humble about. This morning was such a perfect icon for my life, seated behind and located in the shadow of a great woman, who is my life. Thank you, Mimi.

I thought that the most admirable impulse of human kind was our desire to change things for the better. Lord knows we haven't got it all figured out yet, but we keep trying. The impulse to make improvements is what motivated me to become active in civic affairs and I'm really pleased and proud to be recognized for the small things I've done in the last 60 years. Looking back, I'm confident in the fact, besides my family, the one factor that made it possible for me to develop such abilities I may have had, is the public education I received from the State of Washington. My father left school in the 8th grade. I grew up in Bremerton during the Great Depression. Even so, I received an excellent public education – from first grade all the way through law school. Without it, I could not have done any of the things I am being recognized for today.

Poor kids nowadays, they don't get that chance. I just learned this fact from my son, who is in the Chamber with us today, that low income young people are more likely to go to jail than to earn a four year college degree. That is a gross violation of the values that make this country so great. For the past decade I have been working with my son and daughter-in-law to advance their foundations mission in guaranteeing that all students get the high quality education they deserve. Our society as a whole should set the same goal. If we succeed, then that success, that success, will be the really meritorious thing any of us could accomplish. Thank you."

The Sergeant at Arms escorted the Medal of Merit recipients from the Chamber.

The Sergeant at Arms escorted the Governor and Mr. Gregoire from the Chamber.

The Sergeant at Arms escorted the State elected officials, Chief Justice Gerry Alexander and the Supreme Court Justices from the Chamber.

MOTION

On motion of Representative Kessler, the joint session was

THIRTY-FIRST DAY, FEBRUARY 11, 2009
dissolved.

President Owen returned the gavel to the Speaker (Representative Moeller presiding). The Speaker (Representative Moeller presiding) thanked the President and asked the Sergeant at Arms to escort the President and members of the Senate from the Chambers.

The Senate was called to order at 12:39 p.m. by President Owen.

MOTION

At 12:39 p.m., on motion of Senator Eide, the Senate adjourned until 8:00 a.m. Friday, February 12, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

THIRTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 12, 2009

The Senate was called to order at 8:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Fairley.

The Sergeant at Arms Color Guard consisting of Pages Stephanie Thomas and Riley Tinney, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President assumed the chair.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 11, 2009

SB 5071 Prime Sponsor, Senator Jacobsen: Designating the Olympic marmot the official endemic mammal of the state of Washington. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5120 Prime Sponsor, Senator Fairley: Regarding agricultural structures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5130 Prime Sponsor, Senator Carrell: Regarding prisoner access to public records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5141 Prime Sponsor, Senator Hargrove: Creating a pilot program to increase family participation in juvenile offender programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5167 Prime Sponsor, Senator Regala: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5167 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5209 Prime Sponsor, Senator Regala: Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5212 Prime Sponsor, Senator Kilmer: Modifying parenting plans based on the military service of a parent. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5261 Prime Sponsor, Senator Regala: Creating an electronic statewide unified sex offender registry program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 10, 2009

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

SB 5286 Prime Sponsor, Senator Regala: Regarding exemptions from the WorkFirst program. Reported by Committee on Human Services & Corrections

Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MAJORITY recommendation: That Substitute Senate Bill No. 5286 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5305 Prime Sponsor, Senator Schoesler: Repealing certain obsolete state retirement system statutes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

February 10, 2009
SB 5438 Prime Sponsor, Senator Rockefeller: Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5319 Prime Sponsor, Senator Kohl-Welles: Providing economic stimulus through the unemployment insurance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5319 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

SB 5445 Prime Sponsor, Senator McDermott: Concerning facilities for local governments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5323 Prime Sponsor, Senator Fairley: Authorizing the substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

SB 5511 Prime Sponsor, Senator Prentice: Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

February 10, 2009
SB 5534 Prime Sponsor, Senator Kohl-Welles: Changing requirements for the restoration of the right to vote for people convicted of felonies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5354 Prime Sponsor, Senator Haugen: Regarding public hospital capital facility areas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by

February 11, 2009
SB 5553 Prime Sponsor, Senator Kilmer: Promoting economic development through promoting innovation and the

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

commercialization of technologies. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5567 Prime Sponsor, Senator Fraser: Clarifying prospectively the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5568 Prime Sponsor, Senator Tom: Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5570 Prime Sponsor, Senator Prentice: Providing a property tax exemption for real and personal property leased to public hospitals established under chapter 36.62 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5580 Prime Sponsor, Senator Pridemore: Concerning school impact fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Schoesler.

Passed to Committee on Rules for second reading.

February 10, 2009

SB 5587 Prime Sponsor, Senator Pridemore: Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 11, 2009

SB 5602 Prime Sponsor, Senator Regala: Concerning the conservation of forest lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 11, 2009

SB 5723 Prime Sponsor, Senator Kastama: Providing support for small business assistance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5445 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5987 by Senators Regala, Hargrove and Shin

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

AN ACT Relating to department of corrections training; amending RCW 43.101.220; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5988 by Senator Jacobsen

AN ACT Relating to visitation by caregivers in dependency matters; and amending RCW 13.34.385.

Referred to Committee on Human Services & Corrections.

SB 5989 by Senator Sheldon

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.060.

Referred to Committee on Environment, Water & Energy.

SB 5990 by Senators Benton and McDermott

AN ACT Relating to campaign contribution limitations prior to and during legislative sessions; and reenacting and amending RCW 42.17.710.

Referred to Committee on Government Operations & Elections.

SB 5991 by Senator Benton

AN ACT Relating to use of public resources by office holders during campaigns; and amending RCW 42.52.180.

Referred to Committee on Government Operations & Elections.

SB 5992 by Senators Honeyford, Schoesler, Hatfield, Holmquist, Delvin, Hewitt and Shin

AN ACT Relating to creating the community agricultural worker safety grant program; adding a new section to chapter 15.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5993 by Senators Tom and Kohl-Welles

AN ACT Relating to licensed child care; and amending RCW 43.215.205.

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

SB 5994 by Senators Pridemore, Schoesler and Honeyford

AN ACT Relating to eliminating boards and commissions on June 30, 2010; amending RCW 28C.18.050, 28C.18.090, 18.106.010, 18.106.040, 18.106.050, 18.106.070, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 43.70.665, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280, 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408, 39.04.350, 18.205.020, 18.205.060, 28A.300.520, 43.215.065, 72.09.495,

74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.330.280, 43.160.060, 43.330.080, 43.330.250, 43.330.270, 82.33A.020, 39.102.040, 43.160.900, 43.330.050, 43.330.082, 43.330.310, 82.33A.010, 70.168.030, 70.168.050, 70.168.060, 70.168.130, 18.76.050, 38.52.030, 38.52.070, 38.52.240, 38.52.330, 46.48.170, 18.73.030, 18.73.101, 15.76.110, 15.76.150, 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120, 48.62.061, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130, 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 18.225.010, 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670, 77.08.045, 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 43.30.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240, 18.200.010, 18.200.050, 18.200.070, 13.60.110, 90.71.010, 90.71.210, 90.71.230, 90.71.240, 90.71.270, 90.71.310, 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715, 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913, 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922, 46.16.30924, 46.16.30926, 46.16.30928, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390, 28C.04.420, and 43.15.020; amending 2007 c 465 s 3 (uncodified); amending 2005 c 158 s 3 (uncodified); reenacting and amending RCW 74.15.030, 18.71.205, 77.12.690, and 46.16.233; creating new sections; repealing RCW 28B.50.254, 18.106.110, 18.250.030, 39.10.220, 39.10.240, 39.10.260, 43.34.080, 18.205.080, 43.63A.068, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 70.198.010, 43.215.090, 43.162.005, 43.162.010, 43.162.015, 43.162.020, 43.162.025, 43.162.030, 70.168.020, 38.52.040, 18.73.040, 18.73.050, 15.76.170, 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 18.225.060, 18.225.070, 16.57.015, 71.09.320, 18.50.140, 18.50.150, 77.12.680, 18.36A.070, 46.09.280, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800, 13.60.120, 42.56.140, 90.71.250, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 46.16.705, 50.12.200, 70.119A.160, 18.104.190, 27.34.360, 27.34.365, 27.34.370, 27.34.375, and 27.34.380; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5995 by Senators Pridemore, Schoesler and Honeyford

AN ACT Relating to eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009; amending RCW 18.06.080, 43.121.100, 46.20.100, 46.82.280, 46.82.330, 46.82.420, 70.128.163, 18.44.011, 18.44.195, 18.44.221, 18.44.251, 43.70.056, 13.40.462, 13.40.510, 43.08.250, 43.70.555, 74.14A.060, 74.14C.050, 19.146.225, 46.20.520, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070,

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

70.104.090, 15.92.070, 17.21.020, 90.56.005, 90.56.060, 70.94.524, 70.94.527, 70.94.528, 70.94.534, 70.94.537, 70.94.541, 70.94.551, 70.94.996, 82.70.060, 47.06.050, 47.60.286, 47.60.290, 47.60.330, 28B.116.020, 28B.12.040, 46.01.325, 46.01.140, and 43.15.020; reenacting and amending RCW 69.50.520; creating new sections; repealing RCW 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.160, 43.121.170, 43.121.175, 43.121.180, 43.121.910, 28B.04.085, 46.82.300, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 79A.25.220, 19.146.280, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 17.15.040, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 90.56.120, 90.56.130, 70.94.544, 43.360.040, 47.60.310, 28B.116.040, 46.01.320, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, and 74.32.180; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 1997 c 406 s 1 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5996 by Senators Hobbs, Zarelli, Hewitt, Roach and Holmquist

AN ACT Relating to reducing the business and occupation tax rate for retailers, wholesalers, and service providers of motor vehicles; reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5997 by Senators Murray, Parlette, Holmquist, Hobbs, Prentice, Schoesler, Hatfield, Hewitt, Shin and Franklin

AN ACT Relating to providing sales and use tax exemptions to eligible data centers located in a rural county as defined in RCW 82.14.370(5); adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 5998 by Senators Keiser, Pflug, Marr, Parlette and Shin

AN ACT Relating to health carrier payment of wellness incentives; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Health & Long-Term Care.

SB 5999 by Senator Jacobsen

AN ACT Relating to intercounty rural library districts;

amending RCW 27.12.190, 27.12.355, and 27.12.222; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 6000 by Senators Fraser, Benton, Tom and Roach

AN ACT Relating to real estate disclosure requirements regarding homeowners' associations; and amending RCW 64.06.015 and 64.06.020.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6001 by Senators Pridemore and Shin

AN ACT Relating to quality management, accountability, and performance systems; and amending RCW 43.17.380, 43.17.385, and 43.17.390.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6002 by Senators Keiser and Pridemore

AN ACT Relating to the Washington state quality forum; amending RCW 70.56.030; and repealing RCW 41.05.029.

Referred to Committee on Health & Long-Term Care.

SB 6003 by Senator Haugen

AN ACT Relating to claims brought for the injury, illness, or death of seamen occurring from employment with the state; and amending RCW 4.92.090 and 51.12.100.

Referred to Committee on Transportation.

SB 6004 by Senators Ranker, Oemig, Pridemore, Rockefeller and Kline

AN ACT Relating to the consolidation of certain salmon recovery activities and programs within the recreation and conservation office; amending RCW 77.85.030, 77.85.020, 77.85.250, 77.85.140, and 77.85.005; adding new sections to chapter 79A.25 RCW; creating new sections; recodifying RCW 77.85.020, 77.85.030, and 77.85.250; repealing RCW 77.85.100; and providing expiration dates.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6005 by Senators Ranker, Haugen, Kilmer, Marr, Pridemore and Shin

AN ACT Relating to the acquisition of state ferry vessels through the use of certain tourism industry tax revenues; amending RCW 67.28.180; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No.

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

5994 and Senate Bill No. 5995 which were referred to the Committee on Government Operations & Elections.

MOTION

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8623

By Senator Honeyford

WHEREAS, Abraham Lincoln, the 16th President of the United States, embodies the essence of the American Spirit, guided his country through a tragic but redemptive period in American history that ended slavery and preserved the Union, and planned for a post-Civil War peace that would have been conducted "with malice toward none and charity for all;" and

WHEREAS, In 1849, Abraham Lincoln was offered the governorship of Oregon Territory, of which the state of Washington was once a part, but he declined so that he could pursue his legal and political career in Illinois; and

WHEREAS, Abraham Lincoln nonetheless contributed to the development of the state of Washington, the great Northwest, and indeed the entire nation by his support for the Homestead Act, the establishment of land grant colleges, and the launching of the Northern Pacific Railroad; and

WHEREAS, Abraham Lincoln's territorial appointees, especially to the Supreme Court of Washington Territory, were noteworthy for their trustworthiness and competence; and

WHEREAS, In previous recognition of his exemplary life and commitment to duty, the Washington Territorial Legislature created Lincoln County in 1883;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 200th anniversary of Abraham Lincoln's birth and celebrate the life and accomplishments of this remarkable citizen, president, and inspirational American.

Senators Honeyford, Hewitt, Schoesler, Roach, Parlette, Franklin and Brandland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

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

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. The author of this resolution is in the north gallery and I would appreciate it if you'd recognize him."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Director of the Washington State Historical Society, David L. Nicandri who was seated in the gallery.

MOTION

At 8:24 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:07 a.m. by President Owen.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson and Nelson)

Improving economic security through unemployment compensation.

The measure was read the second time.

MOTION

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

On page 5, line 7, after "April 5, 2009" insert ", provided that the rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, continues to equal or exceed six percent. Claims with an effective date after the first Sunday following the first date on which the rate of total unemployment, seasonally adjusted, is less than six percent, are subject to RCW 50.22.150, regardless of subsequent increases in the rate of total unemployment"

On page 8, line 29, after "April 5, 2009" insert ", and to claims with an effective date on or after the first Sunday following the first date on which the rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor is less than six percent, regardless of subsequent increases in the rate of total unemployment"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, line 7 to Engrossed Substitute House Bill No. 1906.

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

MOTION

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

On page 20, line 23, after (h) , insert "With respect to claims where the minimum amount payable weekly is increased to one hundred fifty-five dollars pursuant to section 2(3) of this act, benefits paid that exceed the benefits that would have been paid if the minimum amount payable weekly had been calculated pursuant to RCW 50.20.120 shall not be charged to the experience rating account of any contribution paying employer. (i)"

Senator Holmquist spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 20, line 23 to Engrossed Substitute House Bill No. 1906.

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

THIRTY-SECOND DAY, FEBRUARY 12, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1906 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Holmquist, Keiser, Marr, Parlette and Brandland spoke in favor of passage of the bill.

Senators Hewitt and Schoesler spoke against passage of the bill.

Senator Pflug spoke on final passage of the bill.

MOTION

On motion of Senator Brandland, Senator Becker was excused.

MOTION

On motion of Senator Marr, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1906 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1906 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Hewitt, Morton, Schoesler and Stevens

Excused: Senators Becker and Fairley

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5899, by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley, Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline

Providing a business and occupation tax credit for qualified employment positions.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5899 was substituted for Senate Bill No. 5899 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5899 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5899.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5899 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Becker, Fairley and Ranker

SUBSTITUTIONAL SENATE BILL NO. 5899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well you know, you and I have a little bit in common. We both of us have this semi new look this year, both of us married wives taller than us, both of our wives are prettier than us, both of our wives are younger than us, both of them have more hair than us as well. Thank you Mr. President. I've been to your home and I've seen you cook, so I'm fairly certain that these cookies before us today did not come from your hand but from your beautiful younger, taller than your wife. So, I would like to personally thank Linda and you because you did deliver them for a nice Valentine and may she have a good time looking down upon you on Valentine's Day. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Eide: "Well, thank you. Well, I too would like to stand and thank your lovely wife Linda for all the cookies that she has delivered throughout the years and she's never failed to make us treats on Valentine's Day. You make sure that you go home and tell her that she's a sweetheart."

PERSONAL PRIVILEGE

Senator Eide: "Not only are we celebrating the birthday of Abe Lincoln, we are also celebrating the birth of Senator Hobbs today. So, we need to make sure that we say Happy Birthday to Senator Hobbs."

PERSONAL PRIVILEGE

Senator Brandland: "Well, I certainly appreciate Senator Hewitt talking about wives because today is my wedding anniversary. Thirty-seven years today so it isn't Valentine's Day, it is my anniversary so thank you for the anniversary cookies. I also would like to thank Senator Benton. He got Valentine's flowers but he's allowed me to share with today so I could have anniversary flowers on my desk. I got to tell you, being in the Legislature and having to celebrate your anniversary on the floor of the legislature when your wife is one hundred fifty miles away, it's just not the same. So, I just want you all to know that I love being here but, be very honest with you, I'd rather be about one hundred fifty miles from here. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "If the President may indulge you for a moment, about the cookies. Because, normally, she will, after an impassioned request by Senator McCaslin a few years ago she did start making two different types but after thirteen hours yesterday at working on the cookies I made the mistake of asking her if she made two different types. She said no, but she did ask to share with you that, Senator McCaslin, they were made with love and that even though you may not be able to eat chocolate chip cookies, if you would share them with your staff, the cookies will do as they intended and even though you will not feel the love in your stomach, you will feel it in your heart, if you would share them with somebody else. Thank you."

MOTION

At 9:51 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 13, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

THIRTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 13, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kastama.

The Sergeant at Arms Color Guard consisting of Pages Titus Knight and Christopher Bitting, presented the Colors. Senator Fraser offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 12, 2009

SB 5061 Prime Sponsor, Senator Jacobsen: Enhancing natural resource collections at the Washington park arboretum. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5062 Prime Sponsor, Senator Jacobsen: Enhancing wildlife viewing opportunities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove and Hatfield.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5158 Prime Sponsor, Senator Kohl-Welles: Providing for the sales of wine and beer at the legislative gift center. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5206 Prime Sponsor, Senator Hatfield: Modifying the electrolytic processing business tax exemption. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5229 Prime Sponsor, Senator McAuliffe: Regarding the legislative youth advisory council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5229 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett and McDermott.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5239 Prime Sponsor, Senator Hatfield: Modifying the definition of "public facilities." Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide; Kilmer and McCaslin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5265 Prime Sponsor, Senator Jarrett: Concerning local tourism promotion areas. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 11, 2009

SB 5292 Prime Sponsor, Senator Kline: Concerning persistent offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

February 12, 2009
SB 5379 Prime Sponsor, Senator Eide: Equalizing school district salary allocations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Brandland; Holmquist and Tom.

Passed to Committee on Ways & Means.

February 12, 2009
SB 5383 Prime Sponsor, Senator Morton: Including a wolf-hybrid in the definition of a "potentially dangerous wild animal." Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2009
SB 5410 Prime Sponsor, Senator Oemig: Regarding the digital learning commons. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5410 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by Senators King and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 12, 2009
SB 5423 Prime Sponsor, Senator Pflug: Regarding critical access hospitals not subject to certificate of need review. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley and Murray.

MINORITY recommendation: Do not pass. Signed by Senator Marr.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 12, 2009

February 12, 2009
SB 5436 Prime Sponsor, Senator Murray: Concerning direct patient-provider primary care practice arrangements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 12, 2009
SB 5448 Prime Sponsor, Senator Shin: Establishing local public works assistance funds. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5448 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Eide and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Delvin and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 2009
SB 5469 Prime Sponsor, Senator Parlette: Modifying limitations on the use of intermediate licenses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 12, 2009
SB 5486 Prime Sponsor, Senator Fraser: Requiring a comprehensive lakes management strategic plan. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 12, 2009
SB 5561 Prime Sponsor, Senator Kline: Requiring carbon monoxide alarms to be installed in dwelling units built or manufactured after December 31, 2009. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and King.

Passed to Committee on Rules for second reading.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

February 12, 2009

SB 5562 Prime Sponsor, Senator Morton: Concerning forestry operations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5629 Prime Sponsor, Senator Kohl-Welles: Concerning pregnancy prevention programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Parlette.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5713 Prime Sponsor, Senator Kastama: Providing a business and occupation tax credit for participants in the Washington manufacturing innovation and modernization extension service program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5748 Prime Sponsor, Senator Eide: Regarding the office of regulatory assistance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 11, 2009

SB 5749 Prime Sponsor, Senator Berkey: Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2009

SB 5759 Prime Sponsor, Senator Berkey: Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5764 Prime Sponsor, Senator Schoesler: Concerning horticultural pest and disease boards. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5765 Prime Sponsor, Senator Schoesler: Regarding the fruit and vegetable district fund. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5769 Prime Sponsor, Senator Kilmer: Concerning the international services business and occupation tax credit. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5825 Prime Sponsor, Senator Brown: Modifying the rural county tax credit provided in chapter 82.62 RCW. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5826 Prime Sponsor, Senator Keiser: Requiring tamper-resistant prescription pads. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5847 Prime Sponsor, Senator Kastama: Concerning the development of clean technology within port district properties. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5879 Prime Sponsor, Senator Kastama: Concerning entrepreneurial education and training. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5879 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

February 12, 2009

SJM 8011 Prime Sponsor, Senator Shin: Requesting the United States trade representative to create a federal-state international trade policy commission. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

February 12, 2009

ESHB 1694 Prime Sponsor, Committee on Ways & Means: Addressing fiscal matters for the 2007-2009 biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford; Pflug and Schoesler.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 11, 2009

SGA 9040 CLAIRE GRACE, reappointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott and Parlette.

Passed to Committee on Rules for second reading.

February 11, 2009

SGA 9070 M.A. LEONARD, appointed on July 1, 2007, for the term ending June 30, 2011, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott and Parlette.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5062, which was referred to the Committee on Ways & Means; Senate Bill No. 5749, Senate Bill No. 5759 which were referred to the Committee on Rules; and Engrossed Substitute House Bill No. 1694 which under suspension of the rules placed on the second reading calendar.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6006 by Senators Regala and Zarelli

AN ACT Relating to authorized expenditures from the OASI revolving fund and OASI contribution account; and amending RCW 41.48.065 and 41.48.080.

Referred to Committee on Ways & Means.

SB 6007 by Senators Jarrett, Swecker, Shin, Schoesler and Hobbs

AN ACT Relating to allocating projected population growth for planning purposes among cities sharing common borders and located in the same county for the purpose of addressing requirements in the land use and housing elements by designating and identifying land for residential and commercial, industrial, and other nonresidential development needs under the growth management act; amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 6008 by Senators Holmquist and Honeyford

AN ACT Relating to actions by the department of labor and industries that affect worker benefits; and amending RCW 51.52.050.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6009 by Senators Keiser, Kastama and Fairley

AN ACT Relating to the protection of residents of long-term

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

care facilities; and adding a new section to chapter 70.129 RCW.

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

Referred to Committee on Health & Long-Term Care.

SB 6017 by Senator Morton

SB 6010 by Senators Honeyford, Hargrove, Sheldon, Morton, Jacobsen, Schoesler, Brandland, Zarelli, Stevens and Shin

AN ACT Relating to fire suppression ponds; amending RCW 90.03.015, 90.44.035, and 90.44.050; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; and creating a new section.

AN ACT Relating to a state designated green source of wood fiber for state-funded construction; and amending RCW 39.35D.010, 39.35D.020, 39.35D.030, and 39.35D.040.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Environment, Water & Energy.

SB 6018 by Senator Jacobsen

SB 6011 by Senators Kline and Hargrove

AN ACT Relating to significantly increasing telework in Washington through the establishment of a statewide telework program; and adding a new section to chapter 47.01 RCW.

AN ACT Relating to the drug offense sentencing grid; amending RCW 9.94A.517; and declaring an emergency.

Referred to Committee on Transportation.

Referred to Committee on Judiciary.

SB 6019 by Senators Keiser, Parlette, Kilmer, Jarrett, Tom, Holmquist, Pflug, Shin and Schoesler

SB 6012 by Senators Sheldon, Swecker, Eide, Kilmer, King, Jarrett and Haugen

AN ACT Relating to employee wellness programs; and amending RCW 48.21.045 and 48.44.023.

AN ACT Relating to the amount of funds granted or loaned by the department of transportation for airports owned or controlled by municipalities or federally recognized Indian tribes; and amending RCW 47.68.090.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Transportation.

SB 6020 by Senator Haugen

SB 6013 by Senators Carrell and Marr

AN ACT Relating to the compilation, collection, and release of traffic accident information in compliance with certain federal law; and amending RCW 46.52.060.

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Transportation.

Referred to Committee on Human Services & Corrections.

SJM 8013 by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

SB 6014 by Senators Carrell, Marr and Shin

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

AN ACT Relating to specifying that qualified grandparents are the priority placement option for children needing out-of-home care in dependency proceedings; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Human Services & Corrections.

MOTION

SB 6015 by Senators Murray, Delvin and Marr

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6018 which was referred to the Committee on Transportation.

AN ACT Relating to the director of commercialization and innovation within the office of the governor; and adding a new chapter to Title 43 RCW.

MOTION

Referred to Committee on Economic Development, Trade & Innovation.

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

MOTION

SB 6016 by Senators Benton, McAuliffe, Swecker, McDermott, Roach, Delvin, Stevens, Honeyford, McCaslin, Morton and Shin

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8618

AN ACT Relating to training for educators to identify students with dyslexia; adding a new section to chapter 28A.600 RCW; and creating a new section.

By Senators Shin, Hewitt, McAuliffe, Kauffman, Berkey, Delvin, King, Holmquist, Honeyford, and Schoesler

WHEREAS, V. Lane Rawlins became Washington State University's ninth president in June 2000; and

WHEREAS, V. Lane Rawlins assumed office as Washington State University's president on June 8, 2000, and was inaugurated March 28, 2001; and

WHEREAS, President Emeritus Rawlins is the first Washington State University president to have been a member of the university's faculty earlier in his career; and

WHEREAS, At a time when institutions were considering "privatization," Lane Rawlins affirmed Washington State University's clear mission as a public institution to serve the state of Washington and its citizens; and

WHEREAS, Under President Emeritus Rawlins' leadership, the university enhanced undergraduate education, advocated substantial growth in research funding, increased enrollment of high-ability students, and helped create a more diverse student body; and

WHEREAS, President Emeritus Rawlins helped lead Washington State University to become one of the nation's leading public research universities through the efforts of innovative faculty, researchers, and students; and

WHEREAS, Washington State University has several enhanced new programs, an updated and modern campus, and an increased enrollment from 20,623 in the fall of 2000 to 22,615 in the fall of 2005 thanks to President Emeritus Rawlins; and

WHEREAS, President Emeritus Rawlins currently serves as interim director of William D. Ruckelshaus Center, a regional problem-solving partnership of Washington State University and the University of Washington; and

WHEREAS, As a result of President Emeritus Rawlins' tireless commitment to superior education, he has left an immeasurable influence on the state of Washington; and

WHEREAS, Lane Rawlins had a significant impact on the development of programs and facilities at the university's campuses in Pullman, Spokane, Tri-Cities, and Vancouver; and

WHEREAS, President Emeritus Rawlins has helped secure Washington State University's place as an institution with the nation's brightest students and highest quality faculty; and

WHEREAS, President Emeritus Rawlins retired on May 21, 2007, to pursue other opportunities and aspirations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate acknowledge the leadership of V. Lane Rawlins in promoting a "World Class Education, Face to Face" at Washington State University; and

BE IT FURTHER RESOLVED, That the Senate recognize the outstanding statewide advances in higher education and student potential as a result of V. Lane Rawlins' term as president of Washington State University; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to V. Lane Rawlins, President Emeritus of Washington State University and to the members of the Washington State University Board of Regents.

Senators Shin, Schoesler, Marr, Parlette and Kilmer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced V. Lane Rawlins and wife Mary Jo Rawlins who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I wanted to let the resolution go through from a professional stand point but you know there is life after Doctor. So, as one fly fisherman to another I would wish you many fish on. Congratulations."

MOTION

At 10:24 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on Ways & Means (originally sponsored by Representatives Linville, Moeller, Hunter and Darneille)

Addressing fiscal matters for the 2007-2009 biennium.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"PART I
GENERAL GOVERNMENT

Sec. 101. 2008 c 329 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008). . . \$34,807,000
General Fund--State Appropriation (FY 2009). ((~~\$36,010,000~~))
\$35,053,000

Pension Funding Stabilization Account
Appropriation..... \$560,000
TOTAL APPROPRIATION.. ((~~\$71,377,000~~))
\$70,420,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

15, 2008.

Sec. 102. 2008 c 329 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2008). . . .	\$26,990,000
General Fund--State Appropriation (FY 2009). . . .	(\$29,434,000)
	<u>\$28,506,000</u>
Pension Funding Stabilization Account	
Appropriation.....	\$467,000
TOTAL APPROPRIATION. . . .	(\$56,891,000)
	<u>\$55,963,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 103. 2008 c 329 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2008). . . .	\$3,378,000
General Fund--State Appropriation (FY 2009). . . .	(\$3,355,000)
	<u>\$2,912,000</u>
Pension Funding Stabilization Account	
Appropriation.....	\$36,000
TOTAL APPROPRIATION. . . .	(\$6,769,000)
	<u>\$6,326,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$50,000)~~ \$16,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including

construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) ~~(\$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

(11) ~~(\$38,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a preaudit for a comprehensive review of boards and commissions. The preaudit study will inventory the existing boards/commissions, identify criteria for selecting entities for further review, propose the scope and objectives of those reviews, and identify resource and schedule options for the committee to consider before proceeding.

(13) The joint legislative audit and review committee shall develop a framework for future efforts to quantify and analyze health care spending across all sectors of the state. This effort would focus on identifying the relevant types of spending in the public and private sectors, the availability of information on each of those types of spending, and the extent to which that available information could be tracked over time. In conducting this work, the committee shall work with the legislative evaluation and accountability program committee and the University of Washington's institute for health metrics and evaluation, as appropriate. The committee shall provide a report by January 2009.

Sec. 104. 2008 c 329 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2008). . . . \$1,843,000
 General Fund--State Appropriation (FY 2009). . . ~~(\$2,038,000)~~
\$1,590,000
 Pension Funding Stabilization Account
 Appropriation..... \$41,000
 TOTAL APPROPRIATION. . . ~~(\$3,922,000)~~
\$3,474,000

Sec. 105. 2008 c 329 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2009). \$25,000
 Department of Retirement Systems Expense Account--
 State Appropriation. ~~(\$3,491,000)~~
\$3,310,000
 TOTAL APPROPRIATION. ~~(\$3,516,000)~~
\$3,335,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for 2009 is provided solely for the purchase of actuarial services to assist in the evaluation of the fiscal impact of health benefit proposals.

Sec. 106. 2008 c 329 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2008). . . . \$9,057,000

General Fund--State Appropriation (FY 2009). . . ~~(\$9,151,000)~~
\$8,432,000
 Pension Funding Stabilization Account
 Appropriation..... \$92,000
 TOTAL APPROPRIATION. . . ~~(\$18,300,000)~~
\$17,581,000

Sec. 107. 2008 c 329 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2008). . . . \$4,811,000
 General Fund--State Appropriation (FY 2009). . . ~~(\$5,220,000)~~
\$5,066,000
 Pension Funding Stabilization Account
 Appropriation..... \$75,000
 TOTAL APPROPRIATION. . . ~~(\$10,106,000)~~
\$9,952,000

Sec. 108. 2008 c 329 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2008). . . . \$7,392,000
 General Fund--State Appropriation (FY 2009). . . ~~(\$7,598,000)~~
\$7,420,000
 TOTAL APPROPRIATION. . . ~~(\$14,990,000)~~
\$14,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$122,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 109. 2008 c 329 s 109 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2008). . . . \$2,268,000
 General Fund--State Appropriation (FY 2009). . . ~~(\$2,269,000)~~
\$2,168,000
 TOTAL APPROPRIATION. . . ~~(\$4,537,000)~~
\$4,436,000

Sec. 110. 2008 c 329 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008). . . \$16,092,000
 General Fund--State Appropriation (FY 2009). . . ~~(\$17,145,000)~~
\$16,765,000
 TOTAL APPROPRIATION. . . ~~(\$33,237,000)~~
\$32,857,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

(2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$376,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 111. 2008 c 329 s 111 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2008). . . .	\$1,117,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,134,000)
	\$1,105,000
TOTAL APPROPRIATION. . . .	(\$2,251,000)
	\$2,222,000

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the reduced appropriations in this section reflect an additional \$28,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 112. 2008 c 329 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008). . . .	\$30,659,000
General Fund--State Appropriation (FY 2009). . . .	(\$33,447,000)
	\$33,239,000
Public Safety and Education Account--State Appropriation (FY 2008).	\$22,558,000
Public Safety and Education Account--State Appropriation (FY 2009).	(\$24,199,000)
	\$23,694,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$3,175,000
Judicial Information Systems Account--State Appropriation.	\$40,923,000
TOTAL APPROPRIATION.	(\$158,136,000)
	\$157,423,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total

funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$830,000 of the general fund--state appropriation for fiscal year 2008 and \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$170,000 for fiscal year 2008 and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an

interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account-- state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other

impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) In addition to other reductions, the reduced appropriations in this section reflect an additional \$207,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 113. 2008 c 329 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2008). . . .	\$17,814,000
General Fund--State Appropriation (FY 2009). ((\$18,137,000))	
	<u>\$17,682,000</u>
Public Safety and Education Account--State	
Appropriation (FY 2008).....	\$7,066,000
Public Safety and Education Account--State	
Appropriation (FY 2009)..... ((\$7,013,000))	
	<u>\$7,012,000</u>
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.....	\$2,250,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.....	\$2,251,000
TOTAL APPROPRIATION. . . ((\$54,531,000))	

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

\$54,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

((3)) (2) Starting with fiscal year 2009, the office shall adjust its monthly, annual, and biennial accounting records so that the expenditures by fund, object, and subobject are attributed to the following programs: (a) Appellate indigent defense; (b) representation of indigent parents qualified for appointed counsel in dependency and termination cases; (c) trial court criminal indigent defense; (d) other grants or contracted services; and (e) costs for administering the office. The office may consult with the administrator for the courts, the office of financial management, and the legislative evaluation and accountability program committee for guidance in adjusting its accounting records.

((4)) (3) \$235,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) In addition to other reductions, the reduced appropriations in this section reflect an additional \$7,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 114. 2007 c 522 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2008).	\$5,923,000
General Fund--State Appropriation (FY 2009).	(\$7,009,000)
	<u>\$6,966,000</u>
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$2,326,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$2,378,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.	\$927,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.	\$927,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008).	\$1,494,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009).	\$1,493,000
	<u>\$22,434,000</u>
	(\$22,477,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$120,000)~~ \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for

fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

(3) In addition to other reductions, the reduced appropriations in this section reflect an additional \$21,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 115. 2008 c 329 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2008).	\$6,615,000
General Fund--State Appropriation (FY 2009).	(\$6,959,000)
	<u>\$6,349,000</u>
Economic Development Strategic Reserve Account--State	
Appropriation.	\$6,000,000
Oil Spill Prevention Account--State Appropriation.	\$715,000
	(\$20,289,000)
	<u>\$19,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

((3)) (2) \$2,000,000 of the economic development and strategic reserve account--state appropriation for fiscal year 2009 is provided solely to provide support and assistance to victims of the December 2007 storms and floods in Chehalis and Centralia.

Sec. 116. 2008 c 329 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2008).	\$798,000
General Fund--State Appropriation (FY 2009).	(\$821,000)
	<u>\$793,000</u>
General Fund--Private/Local Appropriation.	\$90,000
	(\$1,709,000)
	<u>\$1,681,000</u>

Sec. 117. 2008 c 329 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2008).	\$2,546,000
General Fund--State Appropriation (FY 2009).	(\$2,448,000)
	<u>\$2,360,000</u>
	(\$4,994,000)
	<u>\$4,906,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the

public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

Sec. 118. 2008 c 329 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008).	\$33,863,000
General Fund--State Appropriation (FY 2009). ((\$21,816,000))	
	<u>\$20,782,000</u>
General Fund--Federal Appropriation.	\$7,279,000
General Fund--Private/Local Appropriation.	\$132,000
Archives and Records Management Account--State	
Appropriation.	((\$8,339,000))
	<u>\$8,337,000</u>
Department of Personnel Service Account--State	
Appropriation.	\$760,000
Local Government Archives Account--State	
Appropriation.	((\$15,344,000))
	<u>\$15,342,000</u>
Election Account--Federal Appropriation.	\$31,511,000
Charitable Organization Education Account--State	
Appropriation.	\$122,000
TOTAL APPROPRIATION. ((\$119,166,000))	
	<u>\$118,128,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) (~~(\$122,000 of the charitable organization education account-- state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

(7)) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

Sec. 119. 2008 c 329 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2008).	\$348,000
General Fund--State Appropriation (FY 2009).	((\$463,000))
	<u>\$437,000</u>
TOTAL APPROPRIATION.	((\$811,000))
	<u>\$785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office to engage a contractor to conduct a detailed analysis of the achievement gap for Native American students; analyze the progress in developing effective government-to- government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the tribal leader congress on

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

education, the Washington state school directors association, and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 120. 2008 c 329 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008). \$257,000
General Fund--State Appropriation (FY 2009). ~~(\$548,000)~~
\$543,000
TOTAL APPROPRIATION. ~~(\$805,000)~~
\$800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Asian American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Pacific Islander American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 121. 2008 c 329 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State
Appropriation. ~~(\$15,539,000)~~
\$15,538,000

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 122. 2008 c 329 s 121 (uncodified) is amended to read

as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008). \$794,000
General Fund--State Appropriation (FY 2009). ~~(\$806,000)~~
\$738,000
State Auditing Services Revolving Account--State
Appropriation. ~~(\$15,312,000)~~
\$15,303,000
TOTAL APPROPRIATION. ~~(\$16,912,000)~~
\$16,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$762,000)~~ \$698,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

(4) \$313,000 of the auditing services revolving account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 123. 2008 c 329 s 122 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008). \$159,000
General Fund--State Appropriation (FY 2009). ~~(\$225,000)~~
\$222,000
TOTAL APPROPRIATION. ~~(\$384,000)~~
\$381,000

Sec. 124. 2008 c 329 s 123 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008). \$6,262,000
General Fund--State Appropriation (FY 2009). ~~(\$6,973,000)~~
\$5,541,000
General Fund--Federal Appropriation. \$3,960,000
Public Safety and Education Account--State
Appropriation (FY 2008). \$1,143,000
Public Safety and Education Account--State
Appropriation (FY 2009). \$1,228,000
New Motor Vehicle Arbitration Account--State
Appropriation. \$1,312,000

Legal Services Revolving Account--State

Appropriation.....	(\$229,849,000)
	<u>\$229,579,000</u>

Tobacco Prevention and Control Account--State

Appropriation.....	\$270,000
TOTAL APPROPRIATION.	(\$250,997,000)
	<u>\$249,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((8))~~ (7) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((9))~~ (8) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((10))~~ (9) The agency shall submit a staffing model that supports the need for increased resources due to casework

associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

~~((11))~~ (10) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2- 06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

Sec. 125. 2008 c 329 s 124 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2008).	.....	\$815,000
General Fund--State Appropriation (FY 2009).	...	(\$793,000)
		<u>\$768,000</u>
TOTAL APPROPRIATION.	..	(\$1,608,000)
		<u>\$1,583,000</u>

Sec. 126. 2008 c 329 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2008).	(\$63,420,000)
	<u>\$63,399,000</u>
General Fund--State Appropriation (FY 2009).	(\$73,998,000)
	<u>\$69,135,000</u>
General Fund--Federal Appropriation.	..... (\$252,994,000)
	<u>\$252,991,000</u>
General Fund--Private/Local Appropriation.....	\$14,657,000
Public Safety and Education Account--State	
Appropriation (FY 2008).....	\$2,775,000
Public Safety and Education Account--State	
Appropriation (FY 2009).....	\$3,750,000
Public Works Assistance Account--State	
Appropriation.....	\$2,956,000
Tourism Promotion and Development Account--State	
Appropriation.....	\$1,000,000
Drinking Water Assistance Administrative Account--	
State Appropriation.....	\$405,000
Lead Paint Account--State Appropriation.	..... \$18,000
Building Code Council Account--State Appropriation	.....
	<u>\$1,211,000</u>
Low-Income Weatherization Assistance Account--State	
Appropriation.....	\$8,381,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008).	..... \$3,644,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009).	..... \$3,650,000
Community and Economic Development Fee Account--State	
Appropriation.....	\$1,837,000
Washington Housing Trust Account--State	
Appropriation.....	(\$26,777,000)
	<u>\$26,776,000</u>
Public Facility Construction Loan Revolving	
Account--State Appropriation.	..... \$630,000
Affordable Housing Account--State Appropriation.	\$14,650,000
Community Preservation and Development Authority	
Account--State Appropriation.	..... \$350,000
Home Security Fund Account--State Appropriation.	\$16,700,000
Independent Youth Housing Account--State Appropriation	.....
	<u>\$1,000,000</u>
Administrative Contingency Account--State Appropriation	.....
	<u>\$1,800,000</u>
Manufacturing Innovation and Modernization Account--	
State Appropriation.	..... \$306,000

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

TOTAL APPROPRIATION. (~~(\$496,909,000)~~)
\$492,021,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and \$2,200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to: (a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$430,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(16) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(17) \$513,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,463,000)~~) \$2,443,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of

corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(18) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

(19) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(21) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(22) \$408,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$623,000)~~) \$423,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(23) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5995 (economic development commission).

(25) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(26) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c)

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(27) ~~((a) \$500,000)~~ \$18,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute House Bill No. 1273 (financial fraud). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(29) \$112,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$113,000)~~ \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(30) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(32) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

(33) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

(34) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center. The department shall continue to fund these services and funding shall not be reduced.

(35) \$40,000 of the general fund appropriation for fiscal year 2008 and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy

training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

(37) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation. Of the fiscal year 2009 funding, \$300,000 is to assist the centers in providing mediation services for parties with parenting plan disputes who either (a) are currently involved in dissolution proceedings or (b) completed a dissolution within the past year. The funding provided by this subsection does not constitute state funding to counties for the purposes of RCW 26.09.015(2)(b).

(38) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$2,000,000)~~ \$1,945,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). Of these amounts, \$487,000 of the general fund--state appropriation for fiscal year 2008 is provided solely as pass-through funding to the department of ecology to conduct the climate advisory team stakeholder process and related staffing, analysis, and public outreach costs. The department shall retain \$1,013,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup and any other activities required of the department by the bill. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) ~~(\$200,000)~~ \$175,000 shall be provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) ~~(\$800,000)~~ \$770,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(39) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

(40) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

(41) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

(42) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the

THIRTY-THIRD DAY, FEBRUARY 13, 2009

following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500. The department shall contract with all the organizations listed in this subsection in the specified amounts.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

(44) \$102,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$103,000)~~) \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

(45) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

(46) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(47)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

(48) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social- emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

(49) \$1,000,000 of the general fund--state appropriation for fiscal year 2008, \$1,000,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the public safety and education account--state appropriation for fiscal year

2009 are provided solely for crime victim service centers. The department shall contract with the centers for provision of these services.

(50) \$41,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$36,000)~~) \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(51) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(52) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(53) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(54) \$131,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services).

(55) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

(56) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(57) \$350,000 of the community preservation and development authority account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(58) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for distribution to community sexual assault programs by the office of crime victims advocacy for the purpose of enhancing services provided to child victims of sexual abuse and their families. Enhanced services may include expanded hours of medical and legal advocacy, expanded hours of therapy for the child victim, increased support to nonoffending family members, and the development of a standardized child-centered approach to service delivery.

(59) \$750,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(60) \$75,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely for the update of statewide sexual assault victim assistance protocols through a coordinated effort led by the Washington coalition of sexual assault programs.

(61) \$2,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the transitional housing operating and rent program. The department shall continue to fund these services and funding shall not be reduced.

~~((63))~~ (62) \$344,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington New Americans program to provide naturalization assistance for legal permanent residents who are eligible to become citizens. The department shall conduct a competitive process to contract with an entity to provide this assistance, which shall include, but is not limited to: Curriculum design, counseling, outreach to immigrant communities, application processing and legal screening, and citizenship preparation services. The state funding is contingent upon receipt, by the contractor(s) of at least a twenty-five percent match of nonstate funding. The department and the contractor(s) shall develop performance measures for the program and within sixty days of the close of each fiscal year for which state funding is provided, shall report to the governor and the legislature on the outcome of the program and the performance measures. The department may retain up to five percent of the funds provided in this subsection to administer the competitive process and the contract. It is the intent of the legislature that \$2,000,000 be provided in the 2009-11 fiscal biennium to conclude this program.

~~((64))~~ (63) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to the Island county associate development organization and is contingent upon the enactment of, and provides specific funding for, Substitute Senate Bill No. 6195 (definition of rural county for economic development purposes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((65) \$150,000)~~ (64) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of sections 1 through 7 of Engrossed Second Substitute Senate Bill No. 6111 (tidal and wave energy). If these sections of this bill are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((66))~~ (65) \$41,000 of the building code council account--state appropriation is provided solely for implementation of Substitute House Bill No. 2575 (fire sprinkler systems). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((67) \$100,000)~~ (66) \$37,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((68))~~ (67) \$207,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). The amount provided in this subsection includes \$50,000 for the analysis under section 9(3)(b) of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((69) \$50,000)~~ (68) \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 3120 (construction tax incentive). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((70))~~ (69) \$350,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second

Substitute Senate Bill No. 6483 (local farms and healthy kids). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((71))~~ (70) \$134,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((72))~~ (71) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Lucy Lopez center for "the good citizen" bilingual radio programming pilot project.

~~((73))~~ (72) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the pacific science center to support the "Lucy of Laetoli" exhibit.

~~((74))~~ (73) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the local organizing committee of 2008 Skate America to support the international skating union grand prix series at the Everett events center in October, 2008.

~~((75))~~ (74) \$225,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for development of the Lewis county watershed planning and economic development demonstration project. The purpose of the project is to identify lands and resources suitable for economic development within Lewis county and outside of the floodplains of Chehalis and Cowlitz river watersheds. It is the intent of the legislature that \$725,000 to complete this project will be provided in the 2009-11 fiscal biennium.

(a) Of this amount, the department shall provide \$75,000 each to the department of fish and wildlife and the department of ecology to develop a watershed characterization and to conduct a local habitat assessment, develop recommendations, and provide technical assistance in support of a demonstration watershed planning and economic development project in Lewis county.

(b) \$75,000 of the amount provided in this subsection is provided solely for a grant to Lewis county to fund development of a subarea plan, consistent with the provisions of chapter 36.70A RCW, for rural economic development that is based on the watershed characterization and local habitat assessment funded in (a) of this subsection. The department may retain no more than thirty percent for grant administration and technical assistance.

(c) The subarea plan to be funded shall be developed by a broad-based local stakeholder group with state agency technical assistance, and shall include the following:

(i) Defined area or areas for future economic development outside the 100-year floodplain. Areas planned for economic development requiring urban levels of service must be designated on the land use map as an urban growth area consistent with RCW 36.70A.110;

(ii) Defined area or areas of designated agricultural, forestry, wildlife habitat, and other critical area lands;

(iii) Mechanisms to achieve long-term conservation of important aquatic and terrestrial resources in the subarea;

(iv) Defined mitigation and restoration areas;

(v) Identification of capital facility improvements needed to implement the plan, and a plan to finance such capital facilities within projected funding capacities;

(vi) Discussion of the relationship between the plan and other existing, adopted plans and regulations including but not limited to county and city comprehensive plans, as appropriate, critical areas and shoreline regulations, transportation, salmon recovery, watershed, and water resource inventory area plans;

(vii) A plan for monitoring and adaptive management; and

(viii) Adoption by the local government affected as an amendment to its comprehensive plan pursuant to chapter

THIRTY-THIRD DAY, FEBRUARY 13, 2009

36.70A RCW, after review and recommendations on the plan by a broad-based local stakeholder group.

((77)) (75) \$306,000 of the manufacturing innovation and modernization account--state appropriation is provided solely to implement Substitute Senate Bill No. 6510 (manufacturing extension services). \$75,000 of this amount shall be to develop a rural manufacturer export outreach program in collaboration with the small business export finance assistance center and to contract with the center to provide outreach services to rural manufacturing businesses in Washington to inform them of the importance of, and opportunities in, international trade and to inform them of the export assistance programs available to assist these businesses to become exporters. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

((79) \$200,000) (76) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to HistoryLink to develop Alaska-Yukon-Pacific exposition commemoration exhibits and programs.

((80) \$126,000) (77) \$76,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 3142 (rapid response loan program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

((81)) (78) \$100,000 of the prostitution prevention and intervention account--nonappropriated is for distribution as grants by the office of crime victims advocacy. The grants shall be prioritized to law enforcement training including law enforcement training regarding the availability of services for minors under chapter 13.32A RCW, community outreach and education and treatment and services to address the problems of minors who have a history of engaging in sexual conduct for a fee or who are victims of commercial sexual abuse of a minor or both, including but not limited to mental health and chemical dependency services, parenting services, housing assistance, education and vocational training, or intensive case management services.

((82)) (79) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Keystone.

((83)) (80) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Port Townsend.

((85)) (81) \$317,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Substitute Senate Bill No. 6580 (climate change), including sections 2 and 3 of the bill. If the bill and sections 2 and 3 are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(82) In addition to other reductions, the reduced appropriations in this section reflect an additional \$556,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 127. 2008 c 329 s 126 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2008).	\$726,000
General Fund--State Appropriation (FY 2009).	(\$827,000)
	<u>\$805,000</u>
TOTAL APPROPRIATION.	(\$1,553,000)

\$1,531,000

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state general fund and near general fund, as those funds are determined by the legislative evaluation and accountability program committee.

Sec. 128. 2008 c 329 s 127 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008).	\$24,110,000
General Fund--State Appropriation (FY 2009).	(\$35,290,000)
	<u>\$33,485,000</u>
General Fund--Federal Appropriation.	\$23,934,000
General Fund--Private/Local Appropriation.	\$1,269,000
State Auditing Services Revolving Account--State	
Appropriation.	\$25,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008).	\$123,000
(Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009).	\$123,000)
Economic Development Strategic Reserve Account--	
State Appropriation.	\$175,000
TOTAL APPROPRIATION.	(\$85,049,000)
	<u>\$83,121,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 2008 and \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$580,000)~~ \$505,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$320,000)~~ \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$190,000 of the general fund--state appropriation for fiscal year 2008 and \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

K-12 pupil transportation funding formula.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$175,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$474,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$831,000)~~) \$331,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$54,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

~~((+3))~~ (11) \$250,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$250,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

~~((+4))~~ (12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the

office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

~~((+5))~~ (13) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

(a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and

(b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and

(c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and

(d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

(14) In addition to other reductions, the reduced appropriations in this section reflect an additional \$305,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 129. 2008 c 329 s 128 (uncodified) is amended to read as follows:

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation..... ((~~\$32,703,000~~))
\$32,702,000

Sec. 130. 2008 c 329 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 2008). \$96,000
Department of Personnel Service Account--State
Appropriation..... ((~~\$23,618,000~~))
\$23,587,000

Higher Education Personnel Services Account--State
Appropriation..... ((~~\$1,780,000~~))
\$1,776,000

TOTAL APPROPRIATION. . . ((~~\$25,494,000~~))
\$25,459,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to- government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2008 c 329 s 130 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State
Appropriation..... ((~~\$26,086,000~~))
\$26,075,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

Sec. 132. 2008 c 329 s 131 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2008). \$261,000
General Fund--State Appropriation (FY 2009). . . ((~~\$422,000~~))
\$417,000
TOTAL APPROPRIATION. ((~~\$683,000~~))
\$678,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Hispanic students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the Latino/a educational achievement project and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20

council, the basic education finance task force, and the education committees of the legislature.

Sec. 133. 2008 c 329 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008). \$257,000
General Fund--State Appropriation (FY 2009). . . ((~~\$262,000~~))
\$257,000
TOTAL APPROPRIATION. ((~~\$519,000~~))
\$514,000

Sec. 134. 2008 c 329 s 133 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund--State Appropriation (FY 2008). \$200,000
General Fund--State Appropriation (FY 2009). . . ((~~\$250,000~~))
\$103,000

Dependent Care Administrative Account--State
Appropriation..... \$237,000
Department of Retirement Systems Expense Account--
State Appropriation. ((~~\$48,556,000~~))
\$48,419,000

TOTAL APPROPRIATION. . . ((~~\$49,243,000~~))
\$48,959,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and ((~~\$250,000~~)) \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided solely

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

\$103,003,000

to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

(9) \$81,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Engrossed House Bill No. 2887 (judges' service credit purchases). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of House Bill No. 3019 (partial year service credit for school district employees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to contract with a skilled facilitator to mediate discussions to identify and document all outstanding issues related to the funding of retiree medical benefits in the law enforcement officers' and fire fighters' retirement system plan 1 and for staff resources to be used to conduct research in support of this effort. The stakeholder group shall include representatives of retired members of the law enforcement officers' and fire fighters' retirement system plan 1, local government employers, the department of retirement systems, and other groups as deemed necessary by the director of the department of retirement systems.

(12) In addition to other reductions, the reduced appropriations in this section reflect an additional \$23,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 135. 2008 c 329 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008). . . \$98,150,000
 General Fund--State Appropriation (FY 2009). (~~\$105,951,000~~)

Timber Tax Distribution Account--State	
Appropriation.....	\$5,788,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation.....	\$128,000
Waste Tire Removal Account--State Appropriation....	\$2,000
Real Estate Excise Tax Grant Account--State	
Appropriation.....	(\$3,900,000)
	<u>\$3,000,000</u>
State Toxics Control Account--State Appropriation. . .	\$87,000
Oil Spill Prevention Account--State Appropriation. . .	\$16,000
Pension Funding Stabilization Account	
Appropriation.....	\$2,370,000
TOTAL APPROPRIATION. (\$216,392,000)	
	<u>\$212,544,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) ~~(\$1,250,000)~~ \$250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse.

(6) In addition to other reductions, the reduced appropriations in this section reflect an additional \$214,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 136. 2008 c 329 s 135 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State
Appropriation..... ~~(\$24,333,000)~~
\$24,332,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the state investment board expense account--state appropriation is provided solely for development of an investment data warehouse. This funding is intended to replace existing funding from nonbudgeted funds, with the intent that further expenditures for this project be made only by appropriation.

(2) \$1,791,000 of the state investment board expense account is for compensation and incentives for investment officers. Of this amount, \$852,000 is provided solely for implementation of Substitute House Bill No. 3149 (state investment board personnel compensation). The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal.

Sec. 137. 2008 c 329 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2008). . . . \$1,502,000
General Fund--State Appropriation (FY 2009). . ~~(\$1,354,000)~~
\$1,343,000

TOTAL APPROPRIATION. . . ~~(\$2,856,000)~~
\$2,845,000

Sec. 138. 2008 c 329 s 137 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation
..... \$847,000
City and Town Research Services--State
Appropriation..... ~~(\$4,458,000)~~
\$4,457,000
General Fund--State Appropriation (FY 2008). . . . \$200,000
General Fund--State Appropriation (FY 2009). . . . \$225,000
TOTAL APPROPRIATION. . . ~~(\$5,730,000)~~
\$5,729,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 139. 2008 c 329 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation
..... ~~(\$3,615,000)~~
\$3,614,000

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program).

Sec. 140. 2008 c 329 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008). . . . \$591,000
General Fund--State Appropriation (FY 2009). . . ~~(\$590,000)~~
\$557,000
General Fund--Federal Appropriation. \$3,651,000
General Administration Service Account--State
Appropriation..... ~~(\$36,929,000)~~
\$36,893,000
TOTAL APPROPRIATION. . ~~(\$41,761,000)~~
\$41,692,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably and reasonably

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

Sec. 141. 2008 c 329 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2008).	\$2,762,000
General Fund--State Appropriation (FY 2009).	(\$4,623,000)
	<u>\$3,416,000</u>
General Fund--Federal Appropriation.	\$1,920,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$695,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$698,000
Data Processing Revolving Account--State	
Appropriation.	\$6,377,000
TOTAL APPROPRIATION.	(\$17,075,000)
	<u>\$15,868,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,340,000)~~ \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) ~~(\$1,250,000)~~ \$1,151,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$338,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

(5) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (internet deployment/option), including sections 1 through 5 of the bill.

If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 142. 2008 c 329 s 141 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation.	\$1,564,000
Insurance Commissioners Regulatory Account--State	
Appropriation.	(\$45,442,000)
	<u>\$45,404,000</u>
TOTAL APPROPRIATION.	(\$47,006,000)
	<u>\$46,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$286,000 of the insurance commissioner's regulatory account-- state appropriation for fiscal year 2009 is provided solely for the insurance commissioner to convene a work group of health care providers, carriers, and payers, to identify and develop strategies to achieve savings through streamlining administrative requirements and procedures, as recommended in the report submitted pursuant to section 17, chapter 259, Laws of 2007. By December 1, 2008, the commissioner shall submit a report to the governor and the legislature that identifies the five highest priority goals for achieving significant efficiencies and reducing health care administrative costs, and a plan to accomplish these goals.

Sec. 143. 2008 c 329 s 142 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	
Appropriation.	(\$2,575,000)
	<u>\$2,574,000</u>

Sec. 144. 2008 c 329 s 143 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation.	(\$5,441,000)
	<u>\$5,387,000</u>

The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 145. 2008 c 329 s 144 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008).	\$1,910,000
(General Fund--State Appropriation (FY 2009).)	(\$1,912,000)
Liquor Control Board Construction and Maintenance	
Account--State Appropriation.	\$13,430,000
Liquor Revolving Account--State Appropriation	

.....	(\$194,799,000)
	<u>\$194,556,000</u>
TOTAL APPROPRIATION.	(\$212,051,000)
	<u>\$209,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

Sec. 146. 2008 c 329 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'	
Administrative Account--State Appropriation.	(\$1,042,000)
	<u>\$1,041,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 147. 2008 c 329 s 146 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2008).	.....	\$160,000
Public Service Revolving Account--State		
Appropriation.....	(\$31,118,000)	
	<u>\$31,071,000</u>	
Pipeline Safety Account--State Appropriation. . .	(\$3,167,000)	
	<u>\$3,163,000</u>	
Pipeline Safety Account--Federal Appropriation.	(\$1,535,000)	
	<u>\$1,533,000</u>	
TOTAL APPROPRIATION. . .	(\$35,980,000)	
	<u>\$35,927,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those

entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

Sec. 148. 2008 c 329 s 147 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008).	...	\$12,430,000
General Fund--State Appropriation (FY 2009).	(\$13,195,000)	
	<u>\$11,353,000</u>	
General Fund--Federal Appropriation.	(\$129,336,000)	
	<u>\$129,334,000</u>	
General Fund--Private/Local Appropriation.	\$2,000	
Enhanced 911 Account--State Appropriation.	\$42,293,000	
Disaster Response Account--State Appropriation. .	\$24,454,000	
Disaster Response Account--Federal Appropriation.	\$86,757,000	
Military Department Rent and Lease Account--State		
Appropriation.....	\$814,000	
Worker and Community Right-to-Know Account--State		
Appropriation.....	\$337,000	
Nisqually Earthquake Account--State Appropriation..	\$556,000	
Nisqually Earthquake Account--Federal Appropriation		
.....	\$1,269,000	
TOTAL APPROPRIATION.	(\$311,443,000)	
	<u>\$309,599,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,454,000 of the disaster response account--state appropriation and \$86,757,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account-- federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

Sec. 149. 2008 c 329 s 148 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2008). . . .	\$3,247,000
General Fund--State Appropriation (FY 2009). . . .	(\$3,296,000)
	<u>\$3,180,000</u>
Department of Personnel Service Account--State	
Appropriation.	\$3,287,000
TOTAL APPROPRIATION.	(\$9,830,000)

\$9,714,000

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 150. 2008 c 329 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2008). . . .	\$1,114,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,755,000)
	<u>\$1,541,000</u>
General Fund--Federal Appropriation.	\$1,641,000
General Fund--Private/Local Appropriation.	\$14,000
TOTAL APPROPRIATION.	(\$4,524,000)
	<u>\$4,310,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) ~~(\$571,000)~~ \$368,000 of the general fund--state appropriation for fiscal year 2009 and \$500,000 of the nonappropriated skeletal human remains assistance account are provided solely for implementation of Engrossed Second Substitute House Bill No. 2624 (human remains). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to conduct a preliminary assessment to determine the feasibility of seeking federal heritage area designation for Washington state's maritime regions. The department shall establish an advisory committee for the study. The department shall submit a report of the preliminary assessment findings to the appropriate policy and fiscal committees of the legislature and to the governor by January 1, 2010.

Sec. 151. 2008 c 329 s 150 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008). . . .	\$1,893,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,928,000)
	<u>\$1,878,000</u>
TOTAL APPROPRIATION.	(\$3,821,000)
	<u>\$3,771,000</u>

(End of part)

PART II HUMAN SERVICES

Sec. 201. 2008 c 329 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2008).	..	\$316,353,000
General Fund--State Appropriation (FY 2009).		(\$345,840,000)
		\$338,838,000
General Fund--Federal Appropriation.	.....	(\$489,938,000)
		\$490,314,000
General Fund--Private/Local Appropriation.....		\$2,187,000
Domestic Violence Prevention Account--State		
Appropriation.....		\$1,000,000
Public Safety and Education Account--State		
Appropriation (FY 2008).....		\$3,251,000
Public Safety and Education Account--State		
Appropriation (FY 2009).....		\$3,254,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation (FY 2008).....		\$2,934,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation (FY 2009).....		\$2,934,000
Pension Funding Stabilization Account--State		
Appropriation.....		\$2,298,000
		TOTAL APPROPRIATION (\$1,169,989,000)
		\$1,163,363,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$3,063,000)~~ \$2,993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts

assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$37,000 of the general fund--state appropriation for fiscal year 2009, and \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare).

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$407,000 of the general fund--state appropriation for fiscal year 2009, and \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is

for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

~~((28))~~ (26) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((29))~~ (27) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((30))~~ (28) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

~~((31))~~ (29) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((32))~~ (30) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

~~((35))~~ (31) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

~~((37))~~ (32) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with nonprofit organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

(33) The department shall not close any secure crisis residential center facilities. The total number of statewide secure crisis residential center beds is reduced from 63 to 44.

Sec. 202. 2008 c 329 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008).	... \$87,822,000
General Fund--State Appropriation (FY 2009).	((88,715,000))
	\$84,716,000
General Fund--Federal Appropriation.	..... \$5,662,000
General Fund--Private/Local Appropriation.	..... \$1,898,000
Reinvesting in Youth--State Appropriation.	..... \$1,414,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.	..... \$171,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008).	..... \$21,975,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009).	..... \$22,078,000

Juvenile Accountability Incentive Account--Federal	
Appropriation.....	\$2,510,000
Pension Funding Stabilization Account--State	
Appropriation.....	\$2,200,000
TOTAL APPROPRIATION. ((\$234,445,000))	<u>\$230,446,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$3,066,000)~~) \$2,947,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation

and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,287,000)~~) \$787,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including: (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 203. 2008 c 329 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008).	(\$305,747,000)	\$305,732,000
General Fund--State Appropriation (FY 2009).	(\$328,783,000)	\$308,382,000
General Fund--Federal Appropriation.	(\$382,032,000)	\$396,996,000
General Fund--Private/Local Appropriation.	\$16,157,000	
TOTAL APPROPRIATION.	(\$1,032,719,000)	\$1,027,267,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$104,080,000)~~ \$122,119,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. ~~(These funds)~~ Reductions to fiscal year 2009 allocations shall be distributed proportionally to each regional support network's percentage of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that

offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,500,000)~~ \$1,091,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection. The department shall not terminate early any grant that was contracted under this subsection prior to January 1, 2009, for the use of funds during fiscal year 2009.

(h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((l) \$2,981,000 of the general fund--state appropriation for fiscal year 2008, \$3,248,000 of the general fund--state appropriation for fiscal year 2009, and \$2,016,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (l)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for~~

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

—(m) \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

—(n) \$7,396,000 of the general fund--state appropriation for fiscal year 2008, \$15,146,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates, or fee-for-service rates paid instead of those capitation rates, and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection (1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance. In agencies that provide both mental health and chemical dependency services, nonmedicaid funds may also be used for compensation increases for direct care staff whose primary responsibility is direct care and treatment for people with chemical dependency problems.

—(o) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the

bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

—(p)) (1) \$135,000 of the general fund--state appropriation for fiscal year 2008, ((~~\$3,031,000~~)) \$2,961,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

((~~(q)~~)) (m) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

((~~(r)~~)) (n) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization. Spokane regional support network shall receive a proportional share of the fiscal year 2009 nonmedicaid rate reduction out of its base funding distribution.

((~~(s)~~)) \$6,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for regional support networks to increase and improve delivery of nonmedicaid services. These funds shall be distributed to regional support networks, other than Spokane and Pierce county, proportional to each network's share of total population among those networks.

—(t) \$215,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to assist nongovernmental mental health agencies in Pierce county with start-up and other extraordinary administrative costs required by the conversion from a capitated to a unit fee-based service delivery and billing system.)

(o) The department shall not reduce medicaid capitation rates below those in effect as of December 15, 2008.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008).	..	\$138,340,000
General Fund--State Appropriation (FY 2009).	((\$131,973,000))	
		\$129,272,000
General Fund--Federal Appropriation.	.....	((\$145,602,000))
		\$145,552,000

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

General Fund--Private/Local Appropriation.. . . .	\$66,302,000
Pension Funding Stabilization Account--State	
Appropriation..	\$7,058,000
TOTAL APPROPRIATION. ((\$489,275,000))	<u>\$486,524,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008). . ((\$1,917,000))	
	<u>\$1,892,000</u>
General Fund--State Appropriation (FY 2009). . ((\$2,319,000))	
	<u>\$2,269,000</u>
General Fund--Federal Appropriation.	\$3,276,000
TOTAL APPROPRIATION. . . ((\$7,512,000))	<u>\$7,437,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

~~((c))~~ (b) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008). . . .	\$4,966,000
General Fund--State Appropriation (FY 2009). . ((\$5,177,000))	
	<u>\$4,500,000</u>
General Fund--Federal Appropriation.	\$7,557,000
TOTAL APPROPRIATION. . ((\$17,700,000))	<u>\$17,023,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

~~((c))~~ (b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

Sec. 204. 2008 c 329 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008). . .	\$348,327,000
General Fund--State Appropriation (FY 2009). ((\$380,811,000))	
	<u>\$362,407,000</u>
General Fund--Federal Appropriation.	((\$636,595,000))
	<u>\$653,802,000</u>
Health Services Account--State Appropriation (FY 2008)	
.....	\$452,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$452,000
TOTAL APPROPRIATION. ((\$1,366,637,000))	
	<u>\$1,365,440,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program;

(iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h)(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) \$921,000 of the general fund--state appropriation for fiscal year 2009 and \$963,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but are not limited to: (A) Behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et. al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention

services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(m) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day program who are not transferred to a department HCBS waiver will continue to receive services.

(n) Within the amounts appropriated in this subsection (1), the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section.

(o) The department shall not reduce and shall continue to provide adult day health services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008).	\$80,469,000
General Fund--State Appropriation (FY 2009). ((\$80,668,000))	\$69,825,000
General Fund--Federal Appropriation.	((\$172,332,000))
	\$179,338,000
General Fund--Private/Local Appropriation.	((\$22,203,000))
	\$21,629,000
Pension Funding Stabilization Account--State	
Appropriation.	\$5,614,000
TOTAL APPROPRIATION. ((\$361,286,000))	\$356,875,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) The department shall not reduce and shall continue to

provide subsidies to clients of residential habilitation center professional providers to support the treatment of developmentally disabled clients who do not reside in a residential habilitation center, but shall not expand eligibility for these services.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008).	\$2,262,000
General Fund--State Appropriation (FY 2009).	(\$2,328,000)
	\$1,903,000
General Fund--Federal Appropriation.	(\$2,812,000)
	\$2,788,000
TOTAL APPROPRIATION.	(\$7,402,000)
	\$6,953,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$399,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008).	\$17,000
General Fund--State Appropriation (FY 2009).	\$15,000
General Fund--Federal Appropriation.	\$16,809,000
TOTAL APPROPRIATION.	\$16,841,000

Sec. 205. 2008 c 329 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008).	\$700,332,000
General Fund--State Appropriation (FY 2009). (\$753,881,000)	
	\$707,293,000
General Fund--Federal Appropriation.	(\$1,534,175,000)
	\$1,569,912,000
General Fund--Private/Local Appropriation.	\$19,525,000
Pension Funding Stabilization Account--State	
Appropriation.	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	
.	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	
.	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	
.	\$1,212,000
TOTAL APPROPRIATION. (\$3,015,461,000)	
	\$3,004,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the

weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed ~~(\$165.04)~~ \$163.72 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007 ~~(For all nursing facilities, adjustments for economic trends and conditions effective July 1, 2008, shall be as specified in subsection (10)(c) of this section)~~, and by 1.99 percent effective July 1, 2008.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW. The department shall not reduce and shall continue to provide adult day health services.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(e) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(f) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(10) ~~(\$2,115,000 of the general fund--state appropriation for fiscal year 2008, \$6,640,000 of the general fund--state appropriation for fiscal year 2009, and \$9,152,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates:~~

~~—(a) Of the amounts provided in this subsection, \$297,000 of the general fund--state appropriation for fiscal year 2008, \$364,000 of the general fund--state appropriation for fiscal year 2009, and \$691,000 of the general fund--federal appropriation are provided solely to provide funding for direct care rates required by Senate Bill No. 6629 (nursing facility payment systems). If the bill is not enacted by June 30, 2008, then the amounts provided in this subsection (10)(a) shall lapse.~~

~~—(b) Of the amounts provided in this subsection, \$1,818,000 of the general fund--state appropriation for fiscal year 2008, \$1,552,000 of the general fund--state appropriation for fiscal year 2009, and \$3,526,000 of the general fund--federal appropriation are provided solely to fund projected increases in the weighted average nursing facility payment rates for fiscal years 2008 and 2009 due to appeals, client acuity, capital projects, bed changes, and other adjustments to cost projections deemed necessary by the department.~~

~~—(c) The remaining amounts provided in this subsection of \$4,724,000 general fund--state for fiscal year 2009 and \$4,935,000 general fund--federal are provided solely for an adjustment for economic trends and conditions of 1.99 percent for direct care, therapy care, support services, and operations effective July 1, 2008.~~

~~—(11) \$180,000 of the general fund--state appropriation for fiscal year 2009 and \$170,000 of the general fund--federal appropriation are provided solely for a review of the costs and benefits of a fair rental system to reimburse capital expenditures. The department must report its findings to the fiscal committees of the legislature and the office of financial management by July 1, 2009.~~

~~—(12)) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.~~

~~—(13) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111~~

~~(adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(14)) (11) \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~—((15) Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:~~

~~—(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;~~

~~—(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and~~

~~—(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.~~

~~—(16)) (12)(a) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.~~

~~(b) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.~~

~~(c) Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.~~

~~—((17) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers):~~

~~—(18)) (13) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.~~

~~—((19)) (14) \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.~~

~~—((20)) (15) \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill~~

THIRTY-THIRD DAY, FEBRUARY 13, 2009

No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((22))~~ (16) Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

(17) Within the amounts appropriated in this section, the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section.

(18) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,002,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 206. 2008 c 329 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008).	..	\$586,369,000
General Fund--State Appropriation (FY 2009).		(\$619,066,000)
		\$464,586,000
General Fund--Federal Appropriation.	....	(\$1,037,038,000)
		\$1,168,223,000
General Fund--Private/Local Appropriation...	..	(\$30,833,000)
		\$33,233,000
Pension Funding Stabilization Account--State		
Appropriation.....		\$4,592,000
TOTAL APPROPRIATION.		(\$2,277,898,000)
		\$2,257,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$363,284,000)~~ \$362,304,000 of the general fund-- state appropriation for fiscal year 2009, and \$733,276,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

- (a) Establish a career services work transition program;
- (b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;
- (c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the

WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) \$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.

(16) The department shall not increase the child care copayment for families above 82 percent of the federal poverty level.

(17) In addition to other reductions, the reduced appropriations in this section reflect an additional \$516,000 reduction in administrative costs required by Engrossed

Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 207. 2008 c 329 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008).	\$69,252,000
General Fund--State Appropriation (FY 2009). ((\$74,467,000))	
	\$54,049,000
General Fund--Federal Appropriation.	((\$149,196,000))
	\$168,949,000
General Fund--Private/Local Appropriation.	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	
.....	\$18,555,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008).	\$22,186,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009).	\$22,186,000
Problem Gambling Account--State	
Appropriation.	\$1,464,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$3,396,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$3,395,000
Pension Funding Stabilization Account--State	
Appropriation.	\$146,000
TOTAL APPROPRIATION. ((\$370,326,000))	
	\$369,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$1,060,000 of the general fund--state

THIRTY-THIRD DAY, FEBRUARY 13, 2009

appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(6) The department shall not reduce and shall continue to provide adult care and low-income treatment and detoxification services.

(7) The department shall not reduce and shall continue to support the families in recovery program.

(8) The department shall not reduce and shall continue the student employment program.

(9) The department shall not reduce and shall continue to provide funding for living allowances to clients in treatment under RCW 74.50.050.

(10) The department shall not reduce and shall continue to provide funding to drug courts for treatment.

(11) In addition to other reductions, the reduced appropriations in this section reflect an additional \$76,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(12) The department shall not reduce and shall continue to secure and provide for evaluation training for assessing children with fetal alcohol spectrum disorders (FASD).

Sec. 208. 2008 c 329 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008).	\$1,602,827,000
General Fund--State Appropriation (FY 2009)	
.....	(\$1,669,581,000)
	\$1,533,431,000
General Fund--Federal Appropriation.	(\$4,344,748,000)
	\$4,439,060,000
General Fund--Private/Local Appropriation.. . . .	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation..	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$388,946,000
Health Services Account--State	
Appropriation (FY 2009)..	(\$421,762,000)
	\$392,857,000

Tobacco Prevention and Control Account--State	
Appropriation.....	\$1,883,000
Pension Funding Stabilization Account--State	
Appropriation.....	\$646,000
TOTAL APPROPRIATION, (\$8,447,469,000)	\$8,376,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund-- federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed within two years after the end of the related fiscal year. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and (~~(\$57,894,000)~~) \$47,745,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$4,399,000 of the general fund--state appropriation for fiscal year 2008, \$6,391,000 of the general fund--state appropriation for fiscal year 2009, and \$55,384,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he

or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$268,000)~~) \$134,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers,

THIRTY-THIRD DAY, FEBRUARY 13, 2009

improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,871,000)~~) \$1,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(iv) Outreach contracts with local governmental entities, community based organizations, and tribes;

(v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(vi) Results of efforts to maximize federal matching funds, wherever possible; and

(vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely (~~(to)~~) for a medicare advantage program. The department shall:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries

who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(25) \$1,883,000 of the tobacco prevention and control account-- state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((31) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for the senior dental access project pursuant to Engrossed Second Substitute House Bill No. 2668 (long term care programs). If the bill is not enacted by~~

~~June 30, 2008, the amounts provided in this subsection shall lapse.))~~

~~(30) The department shall not reduce and shall continue to provide family planning nurses and supplies at community services offices.~~

~~(31) The department shall not eliminate and shall continue to provide a nurse hotline for foster parents.~~

~~(32) The department shall not reduce and shall provide medical assistance to children under three-hundred percent of the federal poverty level.~~

~~(33) The department shall not reduce and shall continue to provide maternity support services to pregnant and postpartum women.~~

~~(34) The department shall not reduce and shall continue to provide transportation services to patients receiving adult day health services.~~

~~(35) The department shall continue children's health coverage outreach and education efforts. These efforts shall rely on existing relationships and systems developed to implement the program under RCW 74.09.470, such as those with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that may become available to provide on-going support for outreach and education efforts.~~

~~(36) The department shall reduce expenditures on pharmaceuticals and durable medical equipment.~~

~~(37) The department shall not reduce hospital rates.~~

~~(38) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,062,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.~~

Sec. 209. 2008 c 329 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008).	...	\$11,543,000
General Fund--State Appropriation (FY 2009).		(\$12,323,000)
		\$8,182,000
General Fund--Federal Appropriation.....		(\$92,975,000)
		\$95,975,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation..	.....	\$1,975,000
Pension Funding Stabilization Account--State Appropriation.....		\$116,000
		TOTAL APPROPRIATION. (\$118,932,000)
		\$117,791,000

Sec. 210. 2008 c 329 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008).	...	\$52,506,000
General Fund--State Appropriation (FY 2009).		(\$54,549,000)
		\$52,216,000
		TOTAL APPROPRIATION. (\$107,055,000)
		\$104,722,000

Sec. 211. 2008 c 329 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2008).	\$40,502,000
General Fund--State Appropriation (FY 2009). ((\$41,125,000))	
	<u>\$37,873,000</u>
General Fund--Federal Appropriation.	((\$64,805,000))
	<u>\$62,737,000</u>
General Fund--Private/Local Appropriation.	\$1,526,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$700,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$1,752,000
Pension Funding Stabilization Account--State	
Appropriation.	\$1,408,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008).	\$913,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009).	\$917,000
TOTAL APPROPRIATION. ((\$153,648,000))	
	<u>\$148,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$250,000)~~) \$230,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,750,000)~~) \$1,676,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) \$95,000 of the general fund--state appropriation for

fiscal year 2008, \$87,000 of the general fund--state appropriation for fiscal year 2009, and \$101,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$12,000 of the general fund--state appropriation for fiscal year 2009 and \$7,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007.

(9) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$804,000 of the general fund--state appropriation for fiscal year 2009, and \$581,000 of the general fund--federal appropriation are provided solely for the development of a project plan, time line, and budget plan for a more flexible payment system for independent home care providers and others who collectively bargain for wages and benefits. The legislature finds the amounts provided are sufficient to fund the following related to a timely and expeditious transition to a more flexible provider payroll system: (a) An appropriate request for proposal; and (b) collection of the information necessary to develop the budget proposal needed to seek budget authority for the system.

(10) In addition to other reductions, the reduced appropriations in this section reflect an additional \$723,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 212. 2008 c 329 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008).	\$59,085,000
General Fund--State Appropriation (FY 2009). ((\$60,121,000))	
	<u>\$52,540,000</u>
General Fund--Federal Appropriation.	((\$57,438,000))
	<u>\$53,302,000</u>
TOTAL APPROPRIATION. ((\$176,644,000))	
	<u>\$164,927,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund-- federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 213. 2008 c 329 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2008).	\$1,000,000
General Fund--Federal Appropriation.	((\$4,937,000))
	<u>\$4,934,000</u>
State Health Care Authority Administrative Account--	
State Appropriation.	((\$41,543,000))
	<u>\$41,497,000</u>
State Health Care Authority Administrative Account--	
Private/Local Appropriation.	\$100,000
Medical Aid Account--State Appropriation.	\$527,000
Health Services Account--State Appropriation	
(FY 2008)..	\$271,478,000

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

Health Services Account--State Appropriation (FY 2009).....	(\$302,832,000) \$291,795,000
TOTAL APPROPRIATION.	(\$622,417,000) \$611,331,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(4) (\$4,062,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.~~

~~(5))~~ Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((6))~~ (5) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

~~((7))~~ (6) \$784,000 of the health services account--state appropriation for fiscal year 2008, ~~(\$1,676,000 of the health service account--state appropriation for fiscal year 2009,)~~ \$540,000 of the general fund--federal appropriation, and \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

~~((8))~~ (7) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report

annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

~~((9))~~ (8) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$2,988,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). ~~(An additional \$750,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for premium subsidies to low-income employees of small employers participating in the health insurance partnership, as generally described in Second Substitute House Bill No. 2537 (modifications to the health insurance partnership):~~

~~---(10))~~ (9) \$664,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$664,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((11))~~ (10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((12))~~ (11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

~~((13))~~ (12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

~~((14))~~ (13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((15))~~ (14) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 214. 2008 c 329 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008).	\$3,377,000
General Fund--State Appropriation (FY 2009).	(\$3,699,000)
	\$3,580,000
General Fund--Federal Appropriation.	\$1,523,000
TOTAL APPROPRIATION.	(\$8,599,000)

\$8,480,000

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 215. 2008 c 329 s 216 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE
APPEALS**

Worker and Community Right-to-Know Account--State	
Appropriation.....	\$20,000
Accident Account--State Appropriation.....	(\$18,330,000)
	\$17,963,000
Medical Aid Account--State Appropriation. . . .	(\$18,331,000)
	\$17,964,000
TOTAL APPROPRIATION. . . .	(\$36,681,000)
	\$35,947,000

Sec. 216. 2008 c 329 s 217 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING
COMMISSION**

General Fund--State Appropriation (FY 2009).	\$306,000
Public Safety and Education Account--State	
Appropriation (FY 2008).....	\$15,680,000
Public Safety and Education Account--State	
Appropriation (FY 2009).....	(\$21,464,000)
	\$21,445,000
Death Investigations Account--State Appropriation... .	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation.	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.	\$12,322,000
TOTAL APPROPRIATION.	(\$50,380,000)
	\$50,361,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,809,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and nine additional basic law enforcement academies in fiscal year 2009.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (A) For level I offenders, every twelve months;
- (B) For level II offenders, every six months; and
- (C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

the costs of local law enforcement agencies participating in specialized crisis intervention training.

Sec. 217. 2008 c 329 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008). . . .	\$8,716,000
General Fund--State Appropriation (FY 2009). . . .	(\$9,314,000)
	<u>\$8,624,000</u>
General Fund--Federal Appropriation.	\$100,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$15,393,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$16,525,000
Public Safety and Education Account--Federal	
Appropriation.	\$10,000,000
Asbestos Account--State Appropriation.	\$908,000
Electrical License Account--State Appropriation. . .	\$41,104,000
Farm Labor Revolving Account--Private/Local	
Appropriation.	\$28,000
Worker and Community Right-to-Know Account--State	
Appropriation.	\$1,941,000
Public Works Administration Account--State	
Appropriation.	\$3,948,000
Manufactured Home Installation Training Account--	
State Appropriation.	\$192,000
Accident Account--State Appropriation.	(\$232,730,000)
	<u>\$232,295,000</u>
Accident Account--Federal Appropriation.	\$13,622,000
Medical Aid Account--State Appropriation.	(\$235,880,000)
	<u>\$235,445,000</u>
Medical Aid Account--Federal Appropriation.	\$3,186,000
Plumbing Certificate Account--State Appropriation	
.	(\$2,002,000)
	<u>\$1,634,000</u>
Pressure Systems Safety Account--State	
Appropriation.	\$3,646,000
	<u>TOTAL APPROPRIATION. (\$599,235,000)</u>
	<u>\$597,307,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety

and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) \$224,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((21))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

~~((22))~~ (20) The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.

~~((23))~~ (21) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

Sec. 218. 2008 c 329 s 219 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2008). . . .	\$1,876,000
General Fund--State Appropriation (FY 2009). . . .	(\$2,012,000)
	<u>\$1,937,000</u>
TOTAL APPROPRIATION. . . .	(\$3,888,000)
	<u>\$3,813,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 152. 2008 c 329 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008). . . .	\$2,124,000
General Fund--State Appropriation (FY 2009). . . .	(\$2,142,000)
	<u>\$1,926,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation.	\$10,000
TOTAL APPROPRIATION. . . .	(\$4,276,000)
	<u>\$4,060,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008). . . .	\$5,264,000
General Fund--State Appropriation (FY 2009). . . .	(\$5,593,000)
	<u>\$5,476,000</u>
General Fund--Federal Appropriation.	\$1,025,000
General Fund--Private/Local Appropriation.	\$3,317,000
Veterans Innovations Program Account Appropriation	\$1,437,000
Veteran Estate Management Account--Private/Local Appropriation.	\$1,062,000
TOTAL APPROPRIATION. . . .	(\$17,698,000)
	<u>\$17,581,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) The department shall not reduce field service contracts.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008). . . .	\$7,948,000
General Fund--State Appropriation (FY 2009). . . .	(\$5,984,000)
	<u>\$5,484,000</u>
General Fund--Federal Appropriation.	(\$43,126,000)
	<u>\$43,120,000</u>
General Fund--Private/Local Appropriation. . . .	(\$31,574,000)
	<u>\$31,569,000</u>
TOTAL APPROPRIATION. . . .	(\$88,632,000)
	<u>\$88,121,000</u>

Sec. 219. 2008 c 329 s 221 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2008). . . .	\$1,721,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,731,000)
	<u>\$1,537,000</u>
TOTAL APPROPRIATION. . . .	(\$3,452,000)
	<u>\$3,258,000</u>

Sec. 220. 2008 c 329 s 222 (uncodified) is amended to read as follows:

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008).	(\$81,352,000)
	<u>\$81,232,000</u>
General Fund--State Appropriation (FY 2009).	(\$86,258,000)
	<u>\$80,596,000</u>
General Fund--Federal Appropriation.	(\$477,072,000)
	<u>\$477,065,000</u>
General Fund--Private/Local Appropriation..	(\$119,919,000)
	<u>\$119,875,000</u>
Hospital Commission Account--State Appropriation..	\$144,000
Health Professions Account--State Appropriation	(\$68,877,000)
.....	<u>\$68,726,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation.....	\$600,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.	\$12,606,000
Safe Drinking Water Account--State Appropriation.	\$3,041,000
Public Health Services Account--State Appropriation	\$1,000,000
Drinking Water Assistance Account--Federal	
Appropriation.....	\$19,027,000
Waterworks Operator Certification--State	
Appropriation.....	\$1,513,000
Drinking Water Assistance Administrative Account--	
State Appropriation.	\$326,000
Water Quality Account--State Appropriation	
(FY 2008).....	\$1,975,000
Water Quality Account--State Appropriation	
(FY 2009).....	\$1,983,000
State Toxics Control Account--State Appropriation.	\$3,460,000
Medical Test Site Licensure Account--State	
Appropriation.....	(\$2,057,000)
	<u>\$2,055,000</u>
Youth Tobacco Prevention Account--State Appropriation	
.....	\$1,512,000
Public Health Supplemental Account--Private/Local	
Appropriation.....	\$3,918,000
Accident Account--State Appropriation.....	\$291,000
Medical Aid Account--State Appropriation.	\$48,000
Health Services Account--State	
Appropriation (FY 2008).....	\$42,122,000
Health Services Account--State	
Appropriation (FY 2009).....	(\$51,429,000)
	<u>\$49,729,000</u>
Tobacco Prevention and Control Account--State	
Appropriation.....	\$52,846,000
TOTAL APPROPRIATION. (\$1,033,376,000)	<u>\$1,025,690,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.
- (2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If

the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

- (3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.
- (6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.
- (10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

~~(32) ((\$680,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the prescription monitoring program under chapter 70.225 RCW to monitor the prescribing and dispensing of drugs to reduce the likelihood of adverse drug effects, particularly for senior citizens taking multiple medications. The attorney general shall deposit to the health services account at least \$680,000 from the *ex-parte* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). The amount provided in this subsection may be expended only to the extent that the attorney general deposits these moneys to the health services account, to be expended consistent with the terms of the consent decree.~~

~~---~~ ~~(33))~~ \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(34))~~ (33) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).

~~(35))~~ (34) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

~~(36))~~ (35) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

~~(38))~~ (36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

~~(39))~~ (37) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

~~(40))~~ (38) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(41))~~ (39) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(42))~~ (40) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~(43))~~ (41) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(44))~~ (42) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active

duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

~~((45))~~ (43) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((47))~~ (44) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((48))~~ ~~\$26,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 2431 (cord blood banking). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((49))~~ (45) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((50))~~ ~~\$309,000~~ (46) \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((52))~~ (47) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((54))~~ (48) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(49) \$900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington colon health program. Through the program, the department shall provide grants to participating counties to provide free colorectal screening exams to individuals fifty to sixty-four years old who are below two hundred fifty percent of the federal poverty level.

(50) In addition to other reductions, the reduced appropriations in this section reflect an additional \$90,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 221. 2008 c 329 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008). . . \$57,545,000
General Fund--State Appropriation (FY 2009). . . \$52,652,000
Washington Auto Theft Prevention Authority Account--
State Appropriation. \$169,000

Violence Reduction and Drug Enforcement
Account--State Appropriation (FY 2008). \$13,000
Violence Reduction and Drug Enforcement
Account--State Appropriation (FY 2009). \$13,000
Public Safety and Education Account--State
Appropriation (FY 2008). \$1,467,000
Public Safety and Education Account--State
Appropriation (FY 2009). \$1,481,000
Pension Funding Stabilization Account--State
Appropriation. \$1,280,000
TOTAL APPROPRIATION. . . \$114,620,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((f))~~ (h) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008).	.. \$601,402,000
General Fund--State Appropriation (FY 2009).	(\$647,718,000)
	<u>\$647,608,000</u>
General Fund--Federal Appropriation.....	\$4,157,000
Public Safety and Education Account--State	
Appropriation (FY 2008).....	\$1,050,000
Public Safety and Education Account--State	
Appropriation (FY 2009).....	\$1,350,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$1,338,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008).....	\$1,492,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009).....	\$1,492,000
Pension Funding Stabilization Account--State	
Appropriation.....	\$11,800,000
	<u>TOTAL APPROPRIATION. (\$1,271,799,000)</u>
	<u>\$1,271,689,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008).	.. \$133,157,000
General Fund--State Appropriation (FY 2009).	(\$145,956,000)
	<u>\$145,881,000</u>
General Fund--Federal Appropriation.....	\$416,000
Public Safety and Education Account--State	
Appropriation (FY 2008).....	\$9,319,000
Public Safety and Education Account--State	
Appropriation (FY 2009).....	\$9,370,000
Pension Funding Stabilization Account--State	
Appropriation.....	\$2,800,000
	<u>TOTAL APPROPRIATION. (\$301,018,000)</u>
	<u>\$300,943,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008). \$1,001,000
 General Fund--State Appropriation (FY 2009). ~~(\$2,357,000)~~
 TOTAL APPROPRIATION. \$3,358,000

The appropriations in this subsection are subject to the following conditions and limitations: \$124,000 of the general fund--state appropriation for fiscal year 2008 and \$132,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008). \$35,036,000
 General Fund--State Appropriation (FY 2009). ~~(\$35,192,000)~~
 \$28,082,000
 TOTAL APPROPRIATION. ~~(\$70,228,000)~~
 \$63,118,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 222. 2008 c 329 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008). \$2,566,000
 General Fund--State Appropriation (FY 2009). ~~(\$2,608,000)~~
 \$2,375,000
 General Fund--Federal Appropriation. \$17,584,000
 General Fund--Private/Local Appropriation. \$20,000
 TOTAL APPROPRIATION. ~~(\$22,778,000)~~
 \$22,545,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the

agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

(2) The department shall not reduce and shall continue to provide funding for contracted services that provide employment support and help with life activities for deaf and blind individuals in King county.

Sec. 223. 2008 c 329 s 226 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2008). \$937,000
 General Fund--State Appropriation (FY 2009). ~~(\$1,233,000)~~
 \$1,151,000
 TOTAL APPROPRIATION. ~~(\$2,170,000)~~
 \$2,088,000

The appropriations in this section are subject to the following conditions and limitations: \$295,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6596 (sex offender policy board). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 224. 2008 c 329 s 227 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2008). \$60,000
 General Fund--State Appropriation (FY 2009). ~~(\$282,000)~~
 \$272,000
 General Fund--Federal Appropriation. ~~(\$265,114,000)~~
 \$264,967,000
 General Fund--Private/Local Appropriation. \$33,578,000
 Unemployment Compensation Administration Account--
 Federal Appropriation. ~~(\$252,925,000)~~
 \$252,907,000
 Administrative Contingency Account--State
 Appropriation. ~~(\$26,131,000)~~
 \$22,802,000
 Employment Service Administrative Account--State
 Appropriation. \$33,843,000
 Family Leave Insurance Account--State Appropriation
 ~~(\$6,218,000)~~
 \$1,764,000
 TOTAL APPROPRIATION. ~~(\$618,151,000)~~
 \$610,193,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) ~~(\$6,218,000)~~ \$1,764,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

(a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:

(i) Eliminating the option for awarding attorney fees and costs for administrative hearings;

(ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;

(iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;

(iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave; and

(v) Not deducting and withholding federal income taxes from benefit payments.

(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:

(i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;

(ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and

(iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.

(12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2008 c 329 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008).	\$524,000
General Fund--State Appropriation (FY 2009).	(\$537,000)
	<u>\$509,000</u>
General Fund--Federal Appropriation.	\$9,000
General Fund--Private/Local Appropriation.	(\$1,045,000)
	<u>\$1,044,000</u>
TOTAL APPROPRIATION.	(\$2,115,000)
	<u>\$2,086,000</u>

Sec. 302. 2008 c 329 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008).	\$50,109,000
General Fund--State Appropriation (FY 2009).	(\$51,827,000)
	<u>\$45,748,000</u>
General Fund--Federal Appropriation.	(\$83,017,000)
	<u>\$83,013,000</u>
General Fund--Private/Local Appropriation.	\$13,618,000
Special Grass Seed Burning Research	
Account--State Appropriation.	\$14,000
Reclamation Account--State Appropriation.	\$4,207,000
Flood Control Assistance Account--State Appropriation	
.	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation	
.	\$400,000
State Emergency Water Projects Revolving	
Account--State Appropriation.	\$390,000
Waste Reduction/Recycling/Litter	
Control--State Appropriation.	(\$19,607,000)
	<u>\$19,588,000</u>
State Drought Preparedness--State Appropriation.	\$115,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation.	\$421,000
Vessel Response Account--State Appropriation.	(\$1,649,000)
	<u>\$1,604,000</u>
Freshwater Aquatic Algae Control Account--State	
Appropriation.	\$509,000
Site Closure Account--State Appropriation.	\$694,000
Water Quality Account--State Appropriation	
(FY 2008).	\$15,137,000
Water Quality Account--State Appropriation	
(FY 2009).	(\$17,086,000)
	<u>\$16,493,000</u>
Wood Stove Education and Enforcement Account--State	

Appropriation.....	\$370,000
Worker and Community Right-to-Know Account--State	
Appropriation.....	\$2,247,000
State Toxics Control Account--State Appropriation	
.....	(\$99,383,000)
	<u>\$99,235,000</u>
State Toxics Control Account--Private/Local	
Appropriation.....	\$381,000
Local Toxics Control Account--State Appropriation	\$20,952,000
Water Quality Permit Account--State Appropriation	
.....	(\$37,101,000)
	<u>\$34,022,000</u>
Underground Storage Tank Account--State	
Appropriation.....	(\$3,750,000)
	<u>\$3,635,000</u>
Biosolids Permit Account--State Appropriation....	\$1,396,000
Hazardous Waste Assistance Account--State	
Appropriation.....	\$5,834,000
Air Pollution Control Account--State Appropriation.	\$6,306,000
Oil Spill Prevention Account--State Appropriation	
.....	(\$12,519,000)
	<u>\$12,205,000</u>
Air Operating Permit Account--State Appropriation	
.....	(\$2,780,000)
	<u>\$2,680,000</u>
Freshwater Aquatic Weeds Account--State Appropriation	
.....	\$1,690,000
Oil Spill Response Account--State Appropriation...	\$7,078,000
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation.....	\$464,000
Water Pollution Control Revolving Account--Federal	
Appropriation.....	\$2,271,000
Columbia River Water Delivery Account--State	
Appropriation.....	\$2,150,000
TOTAL APPROPRIATION. (\$469,637,000)	
	<u>\$459,141,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.
- (3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.
- (4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed

waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$831,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,169,000)~~ \$669,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$313,650 of the general fund--state appropriation for fiscal year 2008 and ~~(\$646,350)~~ \$529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed, study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish).

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$464,000 of the general fund--state appropriation for fiscal year 2008 and \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30,

2007, the amounts provided in this subsection shall lapse.

(24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

~~((28))~~ (27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

~~((29))~~ (28) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

~~((30))~~ (29) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the

following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((34))~~ (31) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

~~((35))~~ (32)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((36))~~ (33) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

~~((38))~~ (34) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

~~((40))~~ (35) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 303. 2008 c 329 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008).	\$48,970,000
General Fund--State Appropriation (FY 2009). ((49,187,000))	
	<u>\$45,503,000</u>
General Fund--Federal Appropriation.	\$5,731,000
General Fund--Private/Local Appropriation.	\$73,000
Winter Recreation Program Account--State	
Appropriation.	\$1,559,000
Off-Road Vehicle Account--State Appropriation.	\$234,000
Snowmobile Account--State Appropriation.	\$4,829,000
Aquatic Lands Enhancement Account--State	
Appropriation.	\$363,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$23,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$24,000
Parks Renewal and Stewardship Account--State	
Appropriation.	((36,534,000))
	<u>\$37,334,000</u>
Parks Renewal and Stewardship Account--Private/Local	
Appropriation.	\$300,000
TOTAL APPROPRIATION. ((147,827,000))	
	<u>\$144,943,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.
- (3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.
- (4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.
- (5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.
- (6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely for replacing vehicles and equipment.
- (7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.
- (8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.
- (9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009. The department shall fully implement this program as intended in this subsection.

(14) \$455,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long- range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

~~((19)) (18) ((\$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for))~~ Funds in this section are sufficient for continued implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 304. 2008 c 329 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION

FUNDING BOARD

General Fund--State Appropriation (FY 2008). . . .	\$1,557,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,592,000)
	<u>\$1,514,000</u>
General Fund--Federal Appropriation.	\$18,382,000
General Fund--Private/Local Appropriation.	\$250,000
Aquatic Lands Enhancement Account--State Appropriation.	\$275,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation.	\$37,000
Recreation Resources Account--State Appropriation	(\$2,773,000)
	<u>\$2,772,000</u>
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation.	\$1,004,000
Boating Activities Account--State Appropriation.	\$2,000,000
TOTAL APPROPRIATION.	(\$28,070,000)
	<u>\$27,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 305. 2008 c 329 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2008). . . .	\$1,144,000
General Fund--State Appropriation (FY 2009). . . .	(\$1,142,000)
	<u>\$1,109,000</u>
TOTAL APPROPRIATION.	(\$2,286,000)
	<u>\$2,253,000</u>

The appropriations in this section are subject to the following condition and limitation: \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for employee retirement buyout costs.

Sec. 306. 2008 c 329 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2008). . . .	\$2,889,000
General Fund--State Appropriation (FY 2009). . . .	(\$3,107,000)
	<u>\$3,063,000</u>
General Fund--Federal Appropriation.	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	\$5,301,000
Water Quality Account--State Appropriation (FY 2009)	(\$5,316,000)
	<u>\$5,315,000</u>

TOTAL APPROPRIATION. . . (~~\$17,791,000~~)
\$17,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.

(4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(5) \$250,000 of the water quality account--state appropriation for fiscal year 2009 is provided solely for livestock nutrient program cost share for the poultry industry.

(6) \$35,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for support of conservation resource management.

(7) \$174,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6805 (conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 307. 2008 c 329 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008). . .	\$56,158,000
General Fund--State Appropriation (FY 2009). ((\$54,319,000))	
	<u>\$49,062,000</u>
General Fund--Federal Appropriation.	((\$52,273,000))
	<u>\$52,270,000</u>
General Fund--Private/Local Appropriation.	((\$37,189,000))
	<u>\$37,184,000</u>
Off-Road Vehicle Account--State Appropriation.	\$413,000
Aquatic Lands Enhancement Account--State	
Appropriation.	\$6,022,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	\$268,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	\$323,000
Recreational Fisheries Enhancement--State	
Appropriation.	\$3,600,000
Warm Water Game Fish Account--State Appropriation	
.	\$2,992,000

Eastern Washington Pheasant Enhancement	
Account--State Appropriation.	\$753,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.	\$204,000
Aquatic Invasive Species Prevention Account--State	
Appropriation.	\$842,000
Wildlife Account--State Appropriation.	((\$63,589,000))
	<u>\$63,549,000</u>
Wildlife Account--Federal Appropriation.	\$34,279,000
Wildlife Account--Private/Local Appropriation.	\$13,187,000
Game Special Wildlife Account--State Appropriation	\$2,478,000
Game Special Wildlife Account--Federal Appropriation	
.	\$8,911,000
Game Special Wildlife Account--Private/Local	
Appropriation.	\$483,000
Water Quality Account--State Appropriation (FY 2008)	
.	\$160,000
Water Quality Account--State Appropriation (FY 2009)	
.	\$160,000
Regional Fisheries Salmonid Recovery Account--Federal	
Appropriation.	\$5,001,000
Oil Spill Prevention Account--State Appropriation. . .	\$1,093,000
Oyster Reserve Land Account--State Appropriation. . .	\$416,000
Wildlife Rehabilitation Account--State Appropriation.	\$270,000
TOTAL APPROPRIATION. ((\$345,383,000))	
	<u>\$340,078,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.

(a) For the purposes of the pilot project:

(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting

the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the

development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(25) \$245,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$245,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((33))~~ (31) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

~~((34))~~ (32) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

~~((35))~~ (33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

~~((36))~~ (34) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.

~~((37))~~ (35) \$75,000 of the general fund--state

appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

~~((38))~~ (36) \$95,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Ebey Island property management costs.

~~((39))~~ (37)(a) A work group on Electron dam salmon passage is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The department of fish and wildlife shall appoint at least one representative from each of the following entities: The department of fish and wildlife, Puyallup Tribe of Indians, and Puget Sound energy.

(b) The department of fish and wildlife shall provide staff support to the work group.

(c) The work group shall study possible enhancements for improving outbound juvenile salmon passage at Electron dam on the Puyallup river.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The expenses of the work group, other than travel expenses of legislative members, shall be paid within existing funds from the department of fish and wildlife.

(f) The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(g) This subsection expires January 1, 2009.

~~((40))~~ (38) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((41))~~ (39) Within the appropriations in this section, specific funding is provided to implement Engrossed Senate Bill No. 6821 (fish and wildlife information).

~~((42))~~ (40) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((43))~~ (41) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 308. 2008 c 329 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008).	\$50,328,000
General Fund--State Appropriation (FY 2009). ((51,345,000))	
	\$48,695,000
General Fund--Federal Appropriation.	\$27,855,000
General Fund--Private/Local Appropriation.	\$1,408,000

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

Forest Development Account--State Appropriation	((\$57,616,000))
	<u>\$57,603,000</u>
Off-Road Vehicle Account--State Appropriation...	\$4,196,000
Surveys and Maps Account--State Appropriation. ((\$2,524,000))	((\$2,524,000))
	<u>\$2,523,000</u>
Aquatic Lands Enhancement Account--State	
Appropriation..... ((\$7,899,000))	((\$7,899,000))
	<u>\$7,897,000</u>
Resources Management Cost Account--State	
Appropriation..... ((\$95,326,000))	((\$95,326,000))
	<u>\$94,633,000</u>
Surface Mining Reclamation Account--State	
Appropriation..... ((\$3,280,000))	((\$3,280,000))
	<u>\$3,279,000</u>
Disaster Response Account--State Appropriation...	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$7,000,000
Water Quality Account--State Appropriation (FY 2008)	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	((\$1,349,000))
	<u>\$1,348,000</u>
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation.	\$1,335,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation.	\$34,000
State Toxics Control Account--State Appropriation. . .	\$80,000
Air Pollution Control Account--State Appropriation..	\$567,000
Nonhighway and Off-Road Vehicle Activities Program	
Account--State Appropriation.	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$3,650,000
Agricultural College Trust Management Account--State	
Appropriation..... ((\$2,047,000))	((\$2,047,000))
	<u>\$2,046,000</u>
TOTAL APPROPRIATION. ((\$325,169,000))	((\$325,169,000))
	<u>\$321,807,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$13,920,000 of the general fund--state appropriation for fiscal year 2008, \$13,542,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account-- state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed

according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$34,000 of the general fund--state appropriation for fiscal year 2008 and \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the

following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

~~((29))~~ (28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((30))~~ (29) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, and other storm-related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

~~((3+))~~ (30) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

Sec. 309. 2008 c 329 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2008).	\$14,073,000
General Fund--State Appropriation (FY 2009). ((14,555,000))	<u>\$12,798,000</u>
General Fund--Federal Appropriation.	((11,329,000))
	<u>\$11,325,000</u>
General Fund--Private/Local Appropriation.	\$420,000
Aquatic Lands Enhancement Account--State	
Appropriation.	((2,052,000))
	<u>\$2,051,000</u>
Energy Freedom Account--State Appropriation.	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
.	\$604,000
Water Quality Account--State Appropriation (FY 2009)	
.	((605,000))
	<u>\$604,000</u>
State Toxics Control Account--State Appropriation	
.	((4,100,000))
	<u>\$4,098,000</u>
Water Quality Permit Account--State Appropriation.	\$59,000
TOTAL APPROPRIATION.	((48,297,000))
	<u>\$46,532,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, during fiscal year 2009 the department is further authorized to increase the apple pest certification assessment by up to \$0.015 per hundredweight of fruit.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~((250,000))~~ \$225,000 of the general

fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~((250,000))~~ \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

(8) \$65,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the aquatic lands enhancement account appropriation are provided solely for funding to the Pacific county noxious weed control board to continue its planning and implementation of spartina eradication activities.

(9) ~~((290,000))~~ \$148,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) ~~((57,000))~~ \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gases emissions). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) In addition to other reductions, the reduced appropriations in this section reflect an additional \$222,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 310. 2008 c 329 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust	
Account--State Appropriation.	((737,000))
	<u>\$707,000</u>

Sec. 311. 2008 c 329 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008).	\$370,000
General Fund--State Appropriation (FY 2009).	((654,000))
	<u>\$560,000</u>
General Fund--Federal Appropriation.	\$2,655,000
General Fund--Private/Local Appropriation.	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation	
.	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
.	\$3,660,000
Water Quality Account--State Appropriation (FY 2009)	
.	\$4,098,000
State Toxics Account--State Appropriation.	((1,710,000))
	<u>\$1,510,000</u>
TOTAL APPROPRIATION.	((16,147,000))
	<u>\$15,853,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the water quality account--state

appropriation for fiscal year 2008, \$1,400,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$370,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$630,000)~~ \$560,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 and \$305,000 of the general fund--federal appropriation are provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

~~((6))~~ (5) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

(End of part)

**PART IV
TRANSPORTATION**

Sec. 401. 2008 c 329 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008).	\$1,730,000
General Fund--State Appropriation (FY 2009).	(\$2,055,000)
	<u>\$1,686,000</u>
Architects' License Account--State Appropriation.	\$754,000
Cemetery Account--State Appropriation.	\$237,000
Professional Engineers' Account--State Appropriation	
.....	\$3,457,000
Real Estate Commission Account--State Appropriation	
.....	\$9,163,000

Master License Account--State Appropriation.	\$14,311,000
Uniform Commercial Code Account--State Appropriation	
.....	\$3,063,000
Real Estate Education Account--State Appropriation.	\$276,000
Real Estate Appraiser Commission Account--State	
Appropriation.....	\$1,667,000
Business and Professions Account--State Appropriation	
.....	(\$11,680,000)
	<u>\$11,201,000</u>
Real Estate Research Account--State Appropriation. . .	\$320,000
Funeral Directors And Embalmers Account--State	
Appropriation.....	\$588,000
Geologists' Account--State Appropriation.	\$56,000
Data Processing Revolving Account--State Appropriation	
.....	\$29,000
Derelict Vessel Removal Account--State Appropriation.	\$31,000
TOTAL APPROPRIATION.	(\$49,417,000)
	<u>\$48,569,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs. Pursuant to RCW 43.135.055 and 43.24.086, the department is further authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Real estate appraiser certification, by not more than \$30 in fiscal year 2009; real estate appraiser certification, original via reciprocity, by not more than \$30 in fiscal year 2009; security guard license, original, by not more than \$30 in fiscal year 2009; security guard license, renewal, by not more than \$30 in 2009; and skills testing fee, a new fee may be established of not more than \$100 for most drivers and \$75 for nonprofit ECEAP or head start program.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$64,000 of the business and professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6437 (bail bond agents). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) \$210,000 of the business and professions account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6606 (home inspectors). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$87,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of labor and industries shall report their findings to the appropriate committees of the legislature.

(6) The department of licensing and the department of health

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(7) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 402. 2008 c 329 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008).	... \$38,968,000
General Fund--State Appropriation (FY 2009).	(\$31,262,000)
	<u>\$28,334,000</u>
General Fund--Federal Appropriation.	..... \$5,629,000
General Fund--Private/Local Appropriation.	..... \$1,223,000
Death Investigations Account--State Appropriation.	\$5,680,000
Public Safety and Education Account--State	
Appropriation (FY 2008).	..... \$1,476,000
Public Safety and Education Account--State	
Appropriation (FY 2009).	..... \$2,687,000
Enhanced 911 Account--State Appropriation.	..... \$572,000
County Criminal Justice Assistance Account--State	
Appropriation.	..... \$3,133,000
Municipal Criminal Justice Assistance	
Account--State Appropriation.	..... \$1,222,000
Fire Service Trust Account--State Appropriation.	..... \$131,000
Disaster Response Account--State Appropriation.	..... \$2,000
Fire Service Training Account--State Appropriation.	\$8,010,000
Aquatic Invasive Species Enforcement	
Account--State Appropriation.	..... \$54,000
State Toxics Control Account--State Appropriation.	.. \$495,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008).	..... \$3,007,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009).	..... \$4,429,000
Fingerprint Identification Account--State	
Appropriation.	..... \$10,057,000
TOTAL APPROPRIATION.	(\$118,037,000)
	<u>\$115,109,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.

(6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

(End of part)

**PART V
EDUCATION**

Sec. 501. 2008 c 329 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION**

(((STATE AGENCY OPERATIONS)))	
General Fund--State Appropriation (FY 2008).	(\$22,161,000)
	<u>\$36,444,000</u>
General Fund--State Appropriation (FY 2009).	(\$25,223,000)
	<u>\$38,605,000</u>
General Fund--Federal Appropriation.	..... (\$21,292,000)
	<u>\$77,182,000</u>
TOTAL APPROPRIATION.	(\$68,676,000)
	<u>\$152,231,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(((a)))~~ (1) A maximum of \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$12,019,000 of the general fund--state appropriation for fiscal year 2009 are ~~(provided solely)~~ for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

~~(((b)))~~ (2) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including:
~~(((a)))~~ (a) Develop a comprehensive set of recommendations for an accountability system;
~~(((b)))~~ (b) adopt high school

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and ~~((iii))~~ (c) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

~~((e))~~ (3) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and \$6,248,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

~~((f))~~ (a) \$930,000 in fiscal year 2008 and ~~(((\$1,284,000))~~ \$1,257,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection ~~((((1)(d)(i)))~~ (3)(a), the professional educator standards board shall: ~~((((A))~~ (i) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; ~~((((B))~~ (ii) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; ~~((((C))~~ (iii) create a new professional level teacher assessment; ~~((((D))~~ (iv) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; ~~((((E))~~ (v) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and ~~((((F))~~ (vi) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

~~((((i))~~ (b) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$4,289,000))~~ \$3,966,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection ~~((((1)(d)(ii)))~~ (3)(b):

~~((((A))~~ (i) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

~~((((B))~~ (ii) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education (as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas);

~~((((C))~~ (iii) Remaining amounts in this subsection ~~((((1)(d)(iii)))~~ (3)(b) shall be used to continue existing alternative routes to certification programs; and

~~((((D))~~ (iv) Candidates seeking math and science endorsements under ~~((((A))~~ (i) and ~~((((B))~~ (ii) of this subsection (3)(b) shall receive priority for funding;

~~((((iii))~~ (c) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation);

~~((((iv))~~ (d) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$200,000))~~ \$110,000 of the general

fund--state appropriation for fiscal year 2009 provided in this subsection ~~((((1)(d))~~ (3) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

~~((((v))~~ (e) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

~~((((d))~~ \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$867,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased attorney general fees related to education litigation.

~~((c))~~ \$67,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) (4) Within the amounts appropriated in this section, funding is for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((((f))~~ (5) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are ~~((provided solely))~~ for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

~~((((g))~~ \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide) (6) Within the amounts appropriated in this section, funding is for direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

~~((((h))~~ \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (7) Within the amounts appropriated in this section, funding is for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

~~((((i))~~ \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (8) Within the amounts appropriated in this section, funding is for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

~~((((j))~~ \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (9) Within the amounts appropriated in this section, funding is to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

partnership.

~~((k) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (10) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). ((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(l) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (11) Within the amounts appropriated in this section, funding is for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((m) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (12) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). ((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(n) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (13) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((o) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (14) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). ((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(p) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.~~

~~—(q) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (15) Within the amounts appropriated in this section, funding is ((to support)) for a program to recognize the work of outstanding classified staff in school districts throughout the state.~~

~~((r) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (16) Within the amounts appropriated in this section, funding is ((to support)) for a full-time director of skills centers within the office of the superintendent of public instruction.~~

~~((s) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (17) Within the amounts appropriated in this section, funding is ((to)) for the office of the superintendent of public instruction to~~

contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

~~((f)) (a) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and~~

~~((f)) (b) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.~~

~~((t) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (18) Within the amounts appropriated in this section, funding is ((to)) for the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:~~

~~((f)) (a) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: ((A)) (i) Whether the policies have been developed and implemented in all elementary, middle, and high schools; ((B)) (ii) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; ((C)) (iii) whether there are still issues that need to be addressed in light of the original intent of the legislation; and ((D)) (iv) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.~~

~~((f)) (b) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.~~

~~((u) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (19) Within the amounts appropriated in this section, funding is for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.~~

~~((v)) (20) During the 2007-09 biennium, to the maximum~~

extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

~~((w)) \$142,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (21) Within the amounts appropriated in this section, funding is for ~~((the conducting of))~~ a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: ~~((t))~~ (a) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; ~~((tt))~~ (b) projected demand information by detailing the number of K- 12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; ~~((ttt))~~ (c) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and ~~((ttv))~~ (d) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

~~((x)) \$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (22) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((y)) \$44,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (23) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism). ~~((If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((z))~~ (24) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

~~((aa)) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (25) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15,

2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature. ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((bb))~~ (26) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

~~((cc))~~ (27) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

~~((cd))~~ (28) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

~~((ce)) \$136,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (29) Within the amounts appropriated in this section, funding is for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

~~((2)) STATEWIDE PROGRAMS~~

General Fund--State Appropriation (FY 2008).....	\$14,283,000
General Fund--State Appropriation (FY 2009).....	\$16,128,000
General Fund--Federal Appropriation.....	\$55,890,000
-----	-----
TOTAL APPROPRIATION.....	\$86,301,000

~~-----~~The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

~~((a)) HEALTH AND SAFETY~~

~~((i)) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (30) Within the amounts appropriated in this section, funding is for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

~~((ii)) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (31) Within the amounts appropriated in this section, funding is for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

~~((A))~~ (a) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

~~((B))~~ (b) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

~~((iii)) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (32) Within the amounts appropriated in this section, funding is for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

the effective date of this section.

~~((iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (33)~~ Within the amounts appropriated in this section, funding is for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

~~((v) \$10,344,000)) (34)~~ \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

~~((vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (35)~~ Within the amounts appropriated in this section, funding is for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

~~((vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (36)~~ Within the amounts appropriated in this section, funding is for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

~~((viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (37)~~ Within the amounts appropriated in this section, funding is for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools ~~((A))~~ (a) conduct at least one lockdown and one shelter in place safety drill each school year, and ~~((B))~~ (b) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

~~((ix) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (38)~~ Within the amounts appropriated in this section, funding is for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.

~~((b) TECHNOLOGY~~

~~((i) \$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (39)~~ Within the amounts appropriated in this section, funding is for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in

school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

~~((iii)) (40)~~ The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.

~~((c) GRANTS AND ALLOCATIONS~~

~~((i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (41)~~ Within the amounts appropriated in this section, funding is to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016. ~~((Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.~~

~~((ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (42)~~ Within the amounts appropriated in this section, funding is for operation of the Cispus environmental learning center.

~~((iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (43)~~ Within the amounts appropriated in this section, funding is ~~((to support))~~ for vocational student leadership organizations.

~~((iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (44)~~ Within the amounts appropriated in this section, funding is for the Washington civil liberties education program.

~~((v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (45)~~ Within the amounts appropriated in this section, funding is for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

~~((vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (46)~~ Within the amounts appropriated in this section, funding is for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

~~((vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (47)~~ Within the amounts appropriated in this section, funding is for developing and disseminating curriculum and other materials documenting women's role in World War II.

~~((viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (48) Within the amounts appropriated in this section, funding is for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.~~

~~((ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (49) Within the amounts appropriated in this section, funding is for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.~~

~~((x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (50) Within the amounts appropriated in this section, funding is for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.~~

~~((xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (51) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~~~

~~((xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (52) Within the amounts appropriated in this section, funding is for the communities in school program in Pierce county.~~

~~((xiii) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (53) Within the amounts appropriated in this section, funding is ~~((to))~~ for support and ~~((expand))~~ expansion of the mentoring advanced placement program in current operation in southwest Washington.~~

~~((xiv) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (54) Within the amounts appropriated in this section, funding is for program initiatives to address the educational needs of Latino students and families. ~~((Using the full amounts of the appropriations under this subsection;))~~ The office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: ~~((A))~~ (a) Early childhood education; ~~((B))~~ (b) parent leadership training; and ~~((C))~~ (c) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high~~

school drop-out rates and college readiness rates, for Latino students.

~~((xvii) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (55) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((xix) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (56) Within the amounts appropriated in this section, funding is for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. ~~((Using the full amounts of the appropriation under this subsection;))~~ The office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.~~

~~(57) In addition to other reductions, the reduced appropriations in this section reflect an additional \$225,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.~~

Sec. 502. 2008 c 329 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008).	\$4,436,719,000
General Fund--State Appropriation (FY 2009).	\$4,477,998,000
Education Legacy Trust Account--State	
Appropriation.....	\$9,373,000
Pension Funding Stabilization Account Appropriation	
.....	\$341,624,000
TOTAL APPROPRIATION.	\$9,265,714,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
 - (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:
 - (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
 - (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;
 - (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
 - (iv) An additional 4.2 certificated instructional staff units for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state

funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.94 certificated staff units

THIRTY-THIRD DAY, FEBRUARY 13, 2009

allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.11 percent in the 2007-08 school year and 16.75 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.04 percent in the 2007-08 school year and 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$10,178 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). ~~((If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.))~~

(10) The superintendent may distribute a maximum of \$16,620,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$9,373,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

~~(f) ((\$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). ((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

Sec. 503. 2008 c 329 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION--FOR EDUCATIONAL SERVICE
DISTRICTS**

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

General Fund--State Appropriation (FY 2008). . . .	\$7,519,000
General Fund--State Appropriation (FY 2009). ((\$10,248,000))	
	<u>\$8,530,000</u>
TOTAL APPROPRIATION. . ((\$17,767,000))	
	<u>\$16,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 504. 2008 c 329 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008). . . .	\$66,272,000
General Fund--State Appropriation (FY 2009). ((\$89,985,000))	
	<u>\$84,636,000</u>
Education Legacy Trust Account--State	
Appropriation..... ((\$120,790,000))	
	<u>\$117,890,000</u>
General Fund--Federal Appropriation.	\$152,568,000
TOTAL APPROPRIATION. ((\$429,615,000))	
	<u>\$421,366,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,716,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$21,996,000)~~) \$20,948,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the

progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and (~~(\$4,400,000)~~) \$1,630,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) (~~(\$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for ((the)) second grade assessments.

(5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,414,000 of the general fund--state appropriation for fiscal year 2009 are)~~) is provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(6) (~~(\$2,267,000)~~) \$1,966,000 of the general fund--state appropriation for fiscal year 2009 and (~~(\$2,367,000)~~) \$2,337,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(7) \$8,950,000 of the education legacy trust account appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(8) \$13,058,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be

formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(9) \$17,491,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(10) \$5,376,000 of the education legacy trust account-- state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(11) \$1,133,000 of the general fund--state appropriation for

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

fiscal year 2008 and \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~ The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(12) ~~(((\$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) ~~(((\$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and

other funding formulas unless specifically stated.

(15) ~~(((\$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is ~~((to))~~ for support of a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) ~~(((\$3,047,000 of the education legacy trust account--state appropriation is provided solely))~~ Within the amounts appropriated in this section, funding is for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) ~~(((\$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) ~~(((\$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely))~~ Within the amounts appropriated in this section, funding is for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) ~~(((\$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

~~((21) (\$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for the leadership internship program for superintendents, principals, and program administrators.

(22) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((23)((a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: ((††)) (a) Development of an individualized professional growth plan for a new principal or principal candidate; and ((††)) (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

~~((b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (24) Within the amounts appropriated in this section, funding is ((††)) for the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

~~((24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (25) Within the amounts appropriated in this section, funding is for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

~~((25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (26) Within the amounts appropriated in this section, funding is for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and

2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

~~((26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (27) Within the amounts appropriated in this section, funding is for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

~~((27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (28) Within the amounts appropriated in this section, funding is for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

~~((28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (29) Within the amounts appropriated in this section, funding is for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

development modules and web-based materials.

~~((29))~~ (30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

~~((28))~~ (31) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

~~((27))~~ (a) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

~~((26))~~ (b) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

~~((25))~~ (c) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

~~((30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (32) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((31) \$1,643,000 of the general fund--state appropriation for fiscal year 2008 and \$1,667,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (33) Within the amounts appropriated in this section, funding is ~~((to eliminate))~~ for the elimination of the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

~~((32) \$400,000 of the education legacy trust account--state appropriation is provided solely))~~ (34) Within the amounts appropriated in this section, funding is for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

~~((33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and \$5,285,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (35) Within the amounts appropriated in this section, funding is for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

~~((34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (36) Within the amounts appropriated in this section, funding is for the Washington reading corps. The superintendent shall allocate

reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

~~((35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (37) Within the amounts appropriated in this section, funding is for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (38) Within the amounts appropriated in this section, funding is for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

~~((37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (39) Within the amounts appropriated in this section, funding is for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

~~((38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (40) Within the amounts appropriated in this section, funding is for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

~~((39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely))~~ (41) Within the amounts appropriated in this section, funding is for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

~~((40) \$250,000 of the education legacy trust account--state appropriation is provided solely))~~ (42) Within the amounts appropriated in this section, funding is for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second

THIRTY-THIRD DAY, FEBRUARY 13, 2009

Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~—(41)(a) \$9,747,000 of the general fund--state appropriation for fiscal year 2008 and \$16,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (43)(a) Within the amounts appropriated in this section, funding is for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:~~

~~(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;~~

~~(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and~~

~~(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.~~

~~(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).~~

~~(c) For purposes of this subsection, "the percent of the student headcount enrollment eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008- 09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.~~

~~(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.~~

~~((42) \$2,750,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (44) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~~~

~~—(43) \$4,000,000)) (45) \$3,900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and~~

services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

~~((44) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (46) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities). ~~((Of the amount provided in subsection, up to \$30,000 is provided for administrative costs associated with implementing the legislation and at least \$570,000 is provided for grants to school districts associated with implementing the legislation. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~~~

~~—(45) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (47) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English. ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~~~

~~—(47) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (48) Within the amounts appropriated in this section, funding is for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.~~

~~(49) ~~(((\$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) Within the amounts appropriated in this section, funding is ~~((to))~~ for support of public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and schools starting up robotics programs shall be given priority in funding.~~~~

~~(50) In addition to other reductions, the reduced appropriations in this section reflect an additional \$499,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.~~

Sec. 505. 2008 c 329 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008).	\$68,381,000
General Fund--State Appropriation (FY 2009).	\$84,654,000
General Fund--Federal Appropriation.	\$360,660,000
Education Legacy Trust Account--State Appropriation.	45,953,000
TOTAL APPROPRIATION.	\$559,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.34 per funded student for the 2007-08 school year and \$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008- 2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) The general fund--federal appropriation in this section is

provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) ~~(\$15,065,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act. ~~(If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.)~~

Sec. 506. 2008 c 329 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation (FY 2008)..	\$423,369,000
Student Achievement Account--State Appropriation (FY 2009)..	(\$444,970,000)
	\$436,910,000
TOTAL APPROPRIATION. (\$868,339,000)	\$860,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day

kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly (~~apportionment~~) schedule defined in RCW (~~28A.510.250~~) 28A.505.220.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2008 c 329 s 604 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 609 of this act, (~~and~~) sections 605 through 611 of this 2008 act, and sections 602 through 608 of this 2009 act, provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
<u>University of Washington</u>		
<u>Main campus</u>	33,782	34,197
<u>Bothell campus</u>	1,760	1,980
<u>Tacoma campus</u>	2,109	2,349
<u>Washington State University</u>		
<u>Main campus</u>	19,112	19,272
<u>Tri-Cities campus</u>	800	865
<u>Vancouver campus</u>	1,888	2,113
<u>Central Washington University</u>	8,952	9,322
<u>Eastern Washington University</u>	8,996	9,184
<u>The Evergreen State College</u>	4,165	4,213
<u>Western Washington University</u>	12,022	12,175
<u>State Board for Community and Technical Colleges</u>	136, 102	139, 237

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying

data needed by the forecast division for tracking and monitoring state-supported college enrollment.

Sec. 602. 2008 c 329 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2008).	\$617,805,000
General Fund--State Appropriation (FY 2009). ((\$665,052,000))	<u>\$631,586,000</u>
Education Legacy Trust Account--State	
Appropriation..... ((\$105,432,000))	<u>\$105,429,000</u>
Pension Funding Stabilization Account	
Appropriation.....	\$49,800,000
Administrative Contingencies Account--State	
Appropriation.....	\$2,950,000
TOTAL APPROPRIATION. ((\$1,441,039,000))	<u>\$1,407,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) (~~(\$5,720,000)~~) \$21,678,000 of the education legacy trust account--state appropriation and (~~(\$11,440,000)~~) \$19,569,000 of the general fund--state appropriation for fiscal year 2009 are to expand (~~(high-demand)~~) targeted enrollments by ((650)) 1,775 student FTEs in fiscal year 2008 and by an additional (~~(650))~~ 1,905 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics (~~and~~); health sciences; early childhood education programs with a focus on early math awareness; basic skills education; integrated basic education, skills and language program (IBEST); apprenticeship training programs; and the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) (~~(\$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.~~)

(~~(4))~~) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(~~((5))~~) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

~~enrollment levels shall increase by 625 student FTEs each year.~~

~~—(6)) (4) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.~~

~~((7)) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.~~

~~—(8)) (5) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.~~

~~((9)) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.~~

~~—(10)) (6) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.~~

~~((11)) (7)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.~~

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

~~((12)) (8) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.~~

~~((13)) (9) \$2,502,000 of the general fund--state~~

appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

~~((14)) (10) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.~~

~~((15)) (11) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the ((general fund--state appropriation)) administrative contingency account for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.~~

~~((16)) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.~~

~~—(17)) (12) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry- defined occupations with a need for skilled employees.~~

~~((18)) (13) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of 3.9 percent effective July 1, 2008.~~

~~((19)) (14) \$1,717,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for employees who are subject to the provisions of Initiative Measure No. 732 by an average of one-half of one percent effective July 1, 2008.~~

~~((20)) (15) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective September 1, 2007, and by an average of 2.0 percent effective September 1, 2008.~~

~~((21)) (16) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for~~

competitive grants to labor, management, and college partnerships to develop or expand and evaluate innovative training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care fields. The board shall report to appropriate policy and fiscal committees of the legislature by November 1, 2008, on the initial implementation of the program, including components of the program created, the program sites, and program enrollments including student background and early progress. By November 2009, the board shall provide a follow up report that additionally includes information on student progress and outcomes.

~~((22))~~ (17) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the gateway center pilot project at Highline community college for coaching and managing student participants in the pilot program. The coach will be responsible for credentials interpretation, evaluating prior learning experience, ensuring licensure guidance, providing academic advising and translation services, and helping establish employer relationships.

~~((25))~~ (18) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the design, development, training, and related expenses associated with a joint labor/management apprenticeship program established under the auspices of an international union representing aerospace workers, which will include but not be limited to training in composite technology. Of this amount, \$2,150,000 may be used for program development, curriculum development and equipment, training, and related expenses; and \$850,000 shall be used to support 130 enrollment slots at no more than three community and technical colleges with at least one college being located east of the Cascade mountains, for related supplemental instruction and related expenses. The state board for community and technical colleges shall select the colleges using a joint selection process between the state board and the joint labor/management apprenticeship program.

~~((26))~~ (19) \$1,178,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to Edmonds community college for operating expenses related to leasing the employment resource center.

~~((27))~~ (20) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Renton technical college to implement workplace-based instructional programs that will enable low- wage working immigrants to improve their English language and work- related skills.

~~((28))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convert classes taught by faculty employed in part-time positions to classes taught by faculty employed in full-time, tenure-track positions. Particular emphasis shall be placed upon increasing the number of full-time faculty in the departments of mathematics, science, adult basic education, early childhood education, and English. The state board shall determine the distribution of these funds among the colleges in consultation with representatives of faculty unions.

~~((29))~~ (22) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5104 (applied baccalaureate degrees).

(23) When implementing reductions in fiscal year 2009, the state board for community and technical colleges shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 603. 2008 c 329 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008).	\$373,726,000
General Fund--State Appropriation (FY 2009).	(\$375,998,000)
	<u>\$358,727,000</u>
General Fund--Private/Local Appropriation.....	\$300,000
Education Legacy Trust Account--State	
Appropriation.....	\$43,181,000
Accident Account--State Appropriation.....	\$6,513,000
Medical Aid Account--State Appropriation.....	\$6,371,000
TOTAL APPROPRIATION.	(\$806,089,000)
	<u>\$788,818,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;

(f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students

of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

(i) Variable costs such as fuel, etc;

(ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct

fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

- (i) A financial summary of the endowment program;
- (ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;
- (iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and
- (iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (23) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

~~((28))~~ (24) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

(25) When implementing reductions in fiscal year 2009, the

University of Washington shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 604. 2008 c 329 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2008).	.. \$232,201,000
General Fund--State Appropriation (FY 2009).	(\$235,108,000)
	<u>\$223,819,000</u>
Education Legacy Trust Account--State	
Appropriation.....	\$33,884,000
Pension Funding Stabilization Account	
Appropriation.....	\$2,450,000
TOTAL APPROPRIATION.	(\$503,643,000)
	<u>\$492,354,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high- demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;

(d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;

(f) Improve the freshman retention rate to 84.8 percent;

(g) Improve time to degree for baccalaureate students to 92

percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(18) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((20))~~ (19) \$160,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for administrative resources and personnel necessary for the implementation of Substitute House Bill No. 2963 (WSU collective bargaining). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement a teacher preparation program at Washington State University-Vancouver that will prepare currently-licensed teachers to more effectively educate K-12 students who are deaf or hearing-impaired. The program will use a variety of distance learning instructional methods and delivery formats in order to reach teachers throughout the state.

~~((24))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of section 6 of Senate Bill No. 6438 (high speed internet deployment). If section 6 of Senate Bill No. 6438 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (22) The appropriations in this section include specific funding to implement Senate Bill No. 6187 (food animal veterinarians).

(23) When implementing reductions in fiscal year 2009, Washington State University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 605. 2008 c 329 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008).	\$48,911,000
General Fund--State Appropriation (FY 2009). ((48,959,000))	
	<u>\$45,771,000</u>
Education Legacy Trust Account--State	
Appropriation.....	((14,753,000))
	<u>\$14,748,000</u>
Pension Funding Stabilization Account	
Appropriation.....	\$4,758,000
TOTAL APPROPRIATION. ((117,381,000))	
	<u>\$114,188,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board

shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2035;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;

(c) Increase the number of advanced degrees conferred per year at all campuses to 550;

(d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;

(f) Improve the freshman retention rate to 76.0 percent;

(g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

~~((8))~~ (7) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the institute for public policy and economic analysis to conduct an assessment of the likely medical, health care delivery, and economic consequences of the proposed sale of a major eastern Washington health care delivery system.

~~((9))~~ (8) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest autism center to increase child diagnostic services and teacher training services.

(9) When implementing reductions in fiscal year 2009, Eastern Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 606. 2008 c 329 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008).	\$47,691,000
General Fund--State Appropriation (FY 2009). ((47,978,000))	
	<u>\$45,272,000</u>
Education Legacy Trust Account--State	
Appropriation.....	\$16,219,000
Pension Funding Stabilization Account	
Appropriation.....	\$4,330,000
TOTAL APPROPRIATION. ((116,218,000))	
	<u>\$113,512,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to

the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) When implementing reductions in fiscal year 2009, Central Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 607. 2008 c 329 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2008). . . .	\$29,747,000
General Fund--State Appropriation (FY 2009). ((\$29,403,000))	
	<u>\$27,973,000</u>
Education Legacy Trust Account--State	
Appropriation.....	((\$4,758,000))
	<u>\$4,725,000</u>
TOTAL APPROPRIATION. . . .	((\$63,908,000))
	<u>\$62,445,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

year at all campuses to 92;

(c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;

(d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;

(e) Improve the freshman retention rate to 73.9 percent;

(f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. The task force on basic education as created in chapter 399, Laws of 2007 shall consider the ruling of the King County Superior Court in the matter of *Federal Way School District v. The State of Washington* in developing recommendations for a new basic education school finance formula. The recommendations should include proposals that directly address the issue of equity in salary allocations in the new school finance formula.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

(12) \$19,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) to (a) conduct a national

review of state programs for youth transitioning out of foster care and analyze state policies on eligibility requirements for continued foster care, age thresholds for transition services, types of services provided, and use of state funds to supplement federal moneys; and (b) survey foster youth and foster parents in Washington regarding how well current services are meeting the needs of youth transitioning out of foster care to independence. The institute shall issue a preliminary report by September 1, 2008, with a final report by December 31, 2008.

~~((+4))~~ (13) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((+5))~~ (14) \$69,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to study the status of adult literacy education in Washington. The study shall include an analysis of literacy rates by county; a review of the research literature; a description of literacy-related services provided by state agencies and community-based organizations; and an analysis of the characteristics of persons receiving those services. The institute shall report its findings to the governor, appropriate committees of the legislature, and to the state board for community and technical colleges by December 1, 2008.

~~((+6))~~ (15) \$23,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the evaluation required by Senate Bill No. 6665 (crisis response programs). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to conduct a review of research on service and support programs for children and adults with developmental disabilities, excluding special education, and an economic analysis of net program costs and benefits. The institute shall submit a preliminary report of findings by January 1, 2009, and a final report by June 30, 2009.

~~((+9))~~ (17) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to analyze local practices regarding RCW 28A.225.020, 28A.225.025, and 28A.225.030.

(a) The institute shall: (i) Sample school districts' and superior courts' expenditures in fiscal years 2005, 2006, 2007, and 2008 used to comply with RCW 28A.225.020, 28A.225.025, and 28A.225.030; (ii) evaluate evidence-based, research-based, promising, and consensus-based truancy intervention and prevention programs and report on local practices that could be designated as such; (iii) survey school district truancy petition and intervention programs and services currently available and report on any gaps in accessing services; (iv) survey the districts' definitions of "absence" and "unexcused absence"; (v) survey the courts' frequency of use of contempt proceedings and barriers to the use of proceedings; and (vi) analyze the academic impact of RCW 28A.225.030 by sampling school districts' student academic records to ascertain the students' post-petition attendance rate, grade progression, and high school graduation for students where the school district filed a truancy petition in superior court.

(b) In conducting its analysis, the institute may consult with employees and access data systems of the office of the superintendent of public instruction and any educational service district or school district and the administrative office of the courts, each of which shall provide the institute with access to necessary data and administrative systems.

(18) When implementing reductions in fiscal year 2009, The Evergreen State College shall minimize impacts on academic

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 608. 2008 c 329 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008). . . .	\$66,774,000
General Fund--State Appropriation (FY 2009). ((\$68,085,000))	
	<u>\$64,450,000</u>
Education Legacy Trust Account--State	
Appropriation.	\$11,845,000
TOTAL APPROPRIATION. ((\$146,704,000))	
	<u>\$143,069,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2,968;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;

(c) Increase the number of advanced degrees conferred per year at all campuses to 375;

(d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;

(f) Improve the freshman retention rate to 85.0 percent;

(g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

(9) When implementing reductions in fiscal year 2009, Western Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 609. 2008 c 329 s 612 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008). . . .	\$7,008,000
General Fund--State Appropriation (FY 2009). . ((\$7,231,000))	
	<u>\$6,533,000</u>
General Fund--Federal Appropriation.	\$4,333,000
TOTAL APPROPRIATION. . ((\$18,572,000))	
	<u>\$17,874,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The higher education coordinating board shall:

(a) Develop the study in collaboration with the state board for community and technical colleges, four-year universities, and the Washington independent colleges;

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

(c) Estimate operational and capital costs of the additional capacity; and

(d) Report findings to the legislature on October 1, 2008.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs; recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

~~((+0))~~ (8) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((+1))~~ (9) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty

are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((+2))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.

Sec. 610. 2008 c 329 s 613 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008).	\$163,286,000
General Fund--State Appropriation (FY 2009).	(\$188,998,000)
	\$188,498,000
General Fund--Federal Appropriation.	\$13,113,000
Education Legacy Trust Account--State	
Appropriation.	\$108,188,000
TOTAL APPROPRIATION.	(\$473,585,000)
	\$473,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

Sec. 611. 2008 c 329 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2008). . . .	\$1,757,000
General Fund--State Appropriation (FY 2009). . .	(\$1,736,000)
	<u>\$1,698,000</u>
General Fund--Federal Appropriation.	(\$53,996,000)
	<u>\$53,995,000</u>
TOTAL APPROPRIATION. . .	(\$57,489,000)
	<u>\$57,450,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

(3) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5254 (industry skills panels) and Substitute Senate Bill No. 6261 (adult youth).

(4) The appropriations in this section include sufficient funds to implement section 2 of Engrossed Substitute Senate Bill No. 6295 (workplace e-learning).

Sec. 612. 2008 c 329 s 615 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2008). . . .	\$1,718,000
General Fund--State Appropriation (FY 2009). . .	(\$1,745,000)
	<u>\$1,668,000</u>
TOTAL APPROPRIATION. . .	(\$3,463,000)
	<u>\$3,386,000</u>

Sec. 613. 2008 c 329 s 616 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008). . . .	\$62,362,000
General Fund--State Appropriation (FY 2009). . .	(\$76,304,000)
	<u>\$69,120,000</u>
General Fund--Federal Appropriation.	\$192,192,000
General Fund--Private/Local Appropriation.	\$6,000
TOTAL APPROPRIATION. . .	(\$330,864,000)
	<u>\$323,680,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot

THIRTY-THIRD DAY, FEBRUARY 13, 2009

payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$4,225,000)~~ \$1,825,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning

information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

~~(11) ((\$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 3168 (Washington head start program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(12))~~ The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

~~((13))~~ (12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

~~((14))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

(a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;

(b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;

(c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;

(d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;

(e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;

(f) Identify the costs of the assessment, including the time required to administer the assessment; and

(g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.

~~((15))~~ (14) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

following:

- (a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;
- (b) Involve parents in their children's education;
- (c) Enhance coordination between the early childhood and K-12 system; or
- (d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

Sec. 614. 2008 c 329 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008).	\$5,969,000
General Fund--State Appropriation (FY 2009).	(\$6,105,000)
	<u>\$6,069,000</u>
General Fund--Private/Local Appropriation.	\$1,561,000
TOTAL APPROPRIATION.	(\$13,635,000)
	<u>\$13,599,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.
- (2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 615. 2008 c 329 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008).	\$8,858,000
General Fund--State Appropriation (FY 2009).	(\$8,915,000)
	<u>\$8,764,000</u>
General Fund--Private/Local Appropriation.	\$316,000
TOTAL APPROPRIATION.	(\$18,089,000)
	<u>\$17,938,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.
- (2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 616. 2008 c 329 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008).	\$2,548,000
General Fund--State Appropriation (FY 2009).	(\$2,541,000)
	<u>\$2,454,000</u>
General Fund--Federal Appropriation.	\$1,382,000
General Fund--Private/Local Appropriation.	\$154,000
TOTAL APPROPRIATION.	(\$6,625,000)
	<u>\$6,538,000</u>

Sec. 617. 2008 c 329 s 620 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008).	\$3,558,000
General Fund--State Appropriation (FY 2009).	(\$3,798,000)
	<u>\$3,696,000</u>
TOTAL APPROPRIATION.	(\$7,356,000)
	<u>\$7,254,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state Holocaust education resource center for the purposes of preserving Washington's historical connection to the Holocaust and expanding understanding of the Holocaust and genocide. Grant moneys may be used to develop and disseminate education and multimedia curriculum resources; provide teacher training; acquire and maintain primary source materials and Holocaust artifacts; collect and preserve oral accounts from Washington state Holocaust survivors, liberators, and witnesses; and build organizational capacity.

Sec. 618. 2008 c 329 s 621 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008).	\$1,918,000
General Fund--State Appropriation (FY 2009).	(\$2,069,000)
	<u>\$2,016,000</u>
TOTAL APPROPRIATION.	(\$3,987,000)
	<u>\$3,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to catalog the American Indian collection.

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2007 c 522 s 709 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
SEX OFFENDER SENTENCING IMPACT**

General Fund--State Appropriation (FY 2008).	\$1,188,000
(General Fund--State Appropriation (FY 2009).	\$1,509,000
TOTAL APPROPRIATION.	\$2,697,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

Sec. 702. 2007 c 522 s 715 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--
READING ACHIEVEMENT ACCOUNT**

General Fund--State Appropriation (FY 2008).	\$525,000
(General Fund--State Appropriation (FY 2009).	\$525,000
TOTAL APPROPRIATION.	\$1,050,000)

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations: The appropriation((s-are)) is provided solely for expenditure into the reading achievement account.

Sec. 703. 2008 c 329 s 708 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER QUALITY CAPITAL ACCOUNT

Table with 2 columns: Description and Amount. Includes Water Quality Account--State Appropriation (FY 2008) \$19,274,000 and TOTAL APPROPRIATION \$21,274,000.

The appropriations in this section ((ts)) are subject to the following conditions and limitations: The appropriations ((ts)) are provided solely for expenditure into the water quality capital account.

Sec. 704. 2008 c 3 s 4 (uncodified) is amended to read as follows:

(1) The sum of seven hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

(2) The sum of ((eight hundred)) seven hundred eighty-two thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2009, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

NEW SECTION. Sec. 705.AGENCY ALLOTMENT REDUCTIONS IN OTHER FUNDS. The office of financial management shall reduce allotments for all agencies for salaries, wages, fringe benefits, personal service contracts, equipment, travel, and training by \$13,305,000 from 2007-09 biennial appropriations or allotments to reflect the elimination of expenditures required by sections 1 through 9 of Engrossed Substitute Senate Bill No. 5460 (administrative cost of state government) as identified in LEAP document BT2-2009, a computerized tabulation developed by the legislative evaluation and accountability program committee on February 11, 2009. After notifying the legislative fiscal committees, the office of financial management may adjust on an exceptional basis the reduction amounts for particular agencies if required for the critically necessary work of any agency. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

(End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2008 c 329 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table with 2 columns: Description and Amount. Includes General Fund Appropriation for fire insurance premium distributions \$7,654,000 and General Fund Appropriation for prosecuting attorney distributions \$47,557,000.

Table with 2 columns: Description and Amount. Includes General Fund Appropriation for boating safety and education distributions \$4,400,000 and General Fund Appropriation for other tax distributions \$48,000. Also includes various account appropriations like Death Investigations Account and Aquatic Lands Enhancement Account.

TOTAL APPROPRIATION. (((\$431,697,000)) \$423,077,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2008 c 329 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

~~(\$21,000,000)~~ \$31,000,000 for fiscal year 2009. ~~(\$31,000,000)~~
\$41,000,000

Education Legacy Trust Account: For transfer to the state general fund for fiscal year 2009. . . . \$67,000,000

Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009. \$10,000,000

Economic Development Strategic Reserve Account: For transfer to the state general fund for fiscal year 2009. \$4,000,000

State Convention and Trade Center Operations Account: For transfer to the state general fund on June 30, 2009. \$5,000,000

State Convention and Trade Center Capital Account: For transfer to the state general fund on June 30, 2009. \$52,000,000

After the transfers in this section are made from the state convention and trade center operations and capital accounts, these accounts will have sufficient funds for: (1) A ten million dollar requirement for the retrofit of the museum of history and industry; (2) the requirements of RCW 67.40.040(5) and 67.40.040(6); and (3) a sufficient capital reserve. After the transfer is made, the capital reserve may be applicable for payment of debt service or operating shortfalls.

Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2009. ~~(\$5,000,000)~~
\$11,200,000

General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009. \$24,401,000

Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009. \$90,800,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed. \$25,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009. \$10,800,000

Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009. \$50,000,000

State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009. \$2,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account. \$168,111,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account. \$70,000,000

Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009. \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009. \$6,932,000

Health Services Account: For transfer to the tobacco prevention and control account, \$10,523,000 for fiscal year 2008 and \$10,168,000 for fiscal year 2009. \$20,691,000

General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009. . . \$31,600,000

General Fund: For transfer to the health services account for fiscal year 2009. \$53,000,000

Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008. . . \$3,000,000

Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009. \$6,000,000

Reading Achievement Account: For transfer to the state general fund, an amount not to exceed the actual balance of the reading achievement account. This transfer is intended to liquidate the reading achievement account. \$1,691,000

Family Leave Insurance Account: For transfer to the state general fund, an amount not to exceed the actual balance of the family leave insurance account on the effective date of this section. . . . \$4,458,000

Streamline Sales Tax Account: For transfer to the state general fund on June 30, 2009, an amount not to exceed the actual balance of the streamline sales tax account. \$8,620,000

Savings Incentive Account: For transfer to the state general fund for fiscal year 2009. \$9,204,000

Education Savings Account: For transfer to the state general fund for fiscal year 2009. \$51,088,000

(End of part)

**PART IX
 MISCELLANEOUS**

Sec. 901. RCW 28A.505.220 and 2008 c 170 s 401 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

(5) However, during the 2008-09 school year, the school district annual amounts as defined in this section shall be distributed as follows:

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

September:	9.0 percent;
October:	9.0 percent;
November:	5.5 percent;
December:	9.0 percent;
January:	9.0 percent;
February:	9.0 percent;
March:	9.0 percent;
April:	9.0 percent;
May:	5.5 percent;
June:	4.2 percent;
July:	11.8 percent; and
August:	10.0 percent.

Sec. 902. RCW 43.79.460 and 1998 c 302 s 1 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of (~~fiscal~~ ~~financial~~) financial management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, 1998, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account. The office of financial management is relieved from having to submit a report by December 1, 2008.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 903. RCW 43.79.465 and 2004 c 275 s 64 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, (~~and~~) (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions, and (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 904. RCW 43.79.485 and 2006 c 120 s 1 are each amended to read as follows:

(1) The reading achievement account is created in the custody of the state treasurer. The purposes of the account are to establish a depository for state and other funds made available for reading achievement, and to ensure that unspent amounts appropriated for reading achievement continue to be available for that purpose in future biennia.

(2) The director of early learning shall deposit in the account all appropriations to the department and nonstate moneys received by the department for reading achievement, including reading foundations and implementation of research-based reading models.

Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the director may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account may be used only for reading achievement, including reading foundations, implementation of research-based reading models, and grants to school districts. During the 2007- 2009 fiscal biennium, the legislature may transfer from the reading achievement account to the state general fund such amounts as reflect the excess fund balance of the account.

(4) Only the director of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 905. RCW 49.86.170 and 2007 c 357 s 19 are each amended to read as follows:

The family leave insurance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the family leave insurance program. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments. During the 2007-2009 fiscal biennium, the legislature may transfer from the family leave insurance account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 906. RCW 50.16.010 and 2008 c 329 s 915 are each amended to read as follows:

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which

compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 907. RCW 82.14.495 and 2007 c 6 s 902 are each amended to read as follows:

(1) The streamlined sales and use tax mitigation account is created in the state treasury. The state treasurer shall transfer into the account from the general fund amounts as directed in RCW 82.14.500. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. During the 2007-2009 fiscal biennium, the legislature may transfer from the streamlined sales and use tax mitigation account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) Beginning July 1, 2008, the state treasurer, as directed by the department, shall distribute the funds in the streamlined sales and use tax mitigation account to local taxing jurisdictions in accordance with RCW 82.14.500.

(3) The definitions in this subsection apply throughout this section and RCW 82.14.390 and 82.14.500.

(a) "Agreement" means the same as in RCW 82.32.020.

(b) "Local taxing jurisdiction" means counties, cities, transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transit authorities under chapter 81.112 RCW, that impose a sales and use tax.

(c) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW ~~((82.14.020))~~ 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020.

(d) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(f) "Working day" has the same meaning as in RCW 82.45.180.

Sec. 908. RCW 84.52.0531 and 2006 c 119 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the

THIRTY-THIRD DAY, FEBRUARY 13, 2009

nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

- (i) Pupil transportation;
- (ii) Special education;
- (iii) Education of highly capable students;
- (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
- (v) Food services; and
- (vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2011, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 84.52.068. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. The office of the superintendent of public instruction shall offset the amount added to a district's

levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 909. Section 908 of this act expires January 1, 2012.

NEW SECTION. Sec. 910. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 911. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

INDEX	PAGE #
ADMINISTRATOR FOR THE COURTS	9
AGENCY ALLOTMENT REDUCTIONS IN OTHER FUNDS	302
ATTORNEY GENERAL	24
BOARD FOR VOLUNTEER FIREFIGHTERS	65

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

BOARD OF ACCOUNTANCY	64	JOINT LEGISLATIVE SYSTEMS COMMITTEE	2
BOARD OF INDUSTRIAL INSURANCE APPEALS	132	LAW LIBRARY	8
BOARD OF TAX APPEALS	60	LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	6
CASELOAD FORECAST COUNCIL	27	LIEUTENANT GOVERNOR	17
CENTRAL WASHINGTON UNIVERSITY	277	LIQUOR CONTROL BOARD	65
CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS	24	MILITARY DEPARTMENT	67
COLUMBIA RIVER GORGE COMMISSION	165	MUNICIPAL RESEARCH COUNCIL	60
COMMISSION ON AFRICAN-AMERICAN AFFAIRS	53	OFFICE OF ADMINISTRATIVE HEARINGS	51
COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS	22	OFFICE OF CIVIL LEGAL AID	16
COMMISSION ON HISPANIC AFFAIRS	53	OFFICE OF FINANCIAL MANAGEMENT	47
COMMISSION ON JUDICIAL CONDUCT	8	READING ACHIEVEMENT ACCOUNT	301
CONSERVATION COMMISSION	179	SEX OFFENDER SENTENCING IMPACT	301
COURT OF APPEALS	8	WATER QUALITY CAPITAL ACCOUNT	301
CRIMINAL JUSTICE TRAINING COMMISSION	132	OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES	60
DEPARTMENT OF AGRICULTURE	196	OFFICE OF PUBLIC DEFENSE	14
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	70	OFFICE OF THE GOVERNOR	17
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT	27	OFFICE OF THE STATE ACTUARY	6
DEPARTMENT OF CORRECTIONS	154	PUBLIC DISCLOSURE COMMISSION	18
DEPARTMENT OF EARLY LEARNING	294	PUBLIC EMPLOYMENT RELATIONS COMMISSION	70
DEPARTMENT OF ECOLOGY	165	PUGET SOUND PARTNERSHIP	199
DEPARTMENT OF FISH AND WILDLIFE	180	RECREATION AND CONSERVATION FUNDING BOARD	178
DEPARTMENT OF GENERAL ADMINISTRATION	61	SECRETARY OF STATE	18
DEPARTMENT OF HEALTH	142	SENATE	2
DEPARTMENT OF INFORMATION SERVICES	62	SENTENCING GUIDELINES COMMISSION	161
DEPARTMENT OF LABOR AND INDUSTRIES	135	SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE	293
DEPARTMENT OF LICENSING	201	STATE AUDITOR	23
DEPARTMENT OF NATURAL RESOURCES	189	STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES	256
DEPARTMENT OF PERSONNEL	52	STATE HEALTH CARE AUTHORITY	128
DEPARTMENT OF RETIREMENT SYSTEMS OPERATIONS	53	STATE INVESTMENT BOARD	59
DEPARTMENT OF REVENUE	56	STATE PARKS AND RECREATION COMMISSION	174
DEPARTMENT OF SERVICES FOR THE BLIND	160	STATE PATROL	203
DEPARTMENT OF SOCIAL AND HEALTH SERVICES ADMINISTRATION AND SUPPORTING SERVICES PROGRAM	125	STATE SCHOOL FOR THE BLIND	298
AGING AND ADULT SERVICES PROGRAM	99	STATE SCHOOL FOR THE DEAF	298
ALCOHOL AND SUBSTANCE ABUSE PROGRAM	110	STATE TREASURER	23
CHILDREN AND FAMILY SERVICES PROGRAM	72	STATE REVENUES FOR DISTRIBUTION	303
DEVELOPMENTAL DISABILITIES PROGRAM	92	TRANSFERS	305
ECONOMIC SERVICES PROGRAM	106	STATUTE LAW COMMITTEE	7
JUVENILE REHABILITATION PROGRAM	78	SUPERINTENDENT OF PUBLIC INSTRUCTION	206
MEDICAL ASSISTANCE PROGRAM	113	EDUCATION REFORM PROGRAMS	231
MENTAL HEALTH PROGRAM	82	EDUCATIONAL SERVICE DISTRICTS	230
PAYMENTS TO OTHER AGENCIES PROGRAM	128	GENERAL APPORTIONMENT	223
SPECIAL COMMITMENT PROGRAM	125	LEARNING ASSISTANCE PROGRAM	251
VOCATIONAL REHABILITATION PROGRAM	124	STUDENT ACHIEVEMENT PROGRAM	253
DEPARTMENT OF VETERANS AFFAIRS	141	SUPREME COURT	7
EASTERN WASHINGTON STATE HISTORICAL SOCIETY	300	THE EVERGREEN STATE COLLEGE	279
EASTERN WASHINGTON UNIVERSITY	274	UNIVERSITY OF WASHINGTON	262
ECONOMIC AND REVENUE FORECAST COUNCIL	46	UTILITIES AND TRANSPORTATION COMMISSION	66
EMPLOYMENT SECURITY DEPARTMENT	161	WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM	198
ENVIRONMENTAL HEARINGS OFFICE	179	WASHINGTON STATE ARTS COMMISSION	299
GOVERNOR'S OFFICE OF INDIAN AFFAIRS	21	WASHINGTON STATE HISTORICAL SOCIETY	299
GROWTH MANAGEMENT HEARINGS BOARD	71	WASHINGTON STATE LOTTERY	52
HIGHER EDUCATION COORDINATING BOARD FINANCIAL AID AND GRANT PROGRAMS	290	WASHINGTON STATE UNIVERSITY	269
HOME CARE QUALITY AUTHORITY	142	WESTERN WASHINGTON UNIVERSITY	284
HORSE RACING COMMISSION	64	WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD	292"
HOUSE OF REPRESENTATIVES	1		
HUMAN RIGHTS COMMISSION	132		
INDETERMINATE SENTENCE REVIEW BOARD	140		
INSURANCE COMMISSIONER	63		
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE			

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 302, after line 29 of the Ways & Means Committee

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

Amendment, insert the following:

"NEW SECTION. Sec. 706. AGENCY ALLOTMENT REDUCTIONS. The office of financial management shall reduce allotments from fiscal year 2009 state general fund and related funds appropriations for state agencies and institutions by \$99,710,000 to reflect the elimination of expenditures as specified in this section. The allotment reductions required by this section shall be placed in unallotted status and remain unexpended. The allotment reductions shall reflect the following expenditure reductions, restrictions, and eliminations:

(1) No new enrollments in the basic health plan as of the effective date of this section;

(2) Termination of any expenditures for tobacco prevention or smoking cessation programs in the department of health;

(3) A freeze of all salary increases for state employees pursuant to a declaration of a significant revenue shortfall pursuant to RCW 41.80.010(6), which the legislature hereby declares;

(4) Limiting enrollments in the children's health program to families whose income do not exceed 250 percent of the federal poverty level;

(5) In institutions of higher education, a reduction of state support of tuition waivers by ten percent;

(6) Verification of medical assistance eligibility at least once every six months;

(7) Limiting children's health program benefits for undocumented children to the level provided under the basic health plan;

(8) Elimination of noncitizen coverage under the basic health plan;

(9) Elimination of expenditures from the auto theft prevention authority account by the criminal justice training commission;

(10) Elimination of the 2007 and 2008 enhancements in state funding for family planning programs;

(11) Elimination of the 2007 vendor rate increases for behavioral rehabilitation services, crisis residential services, and secure crisis residential centers;

(12) Health care authority termination of dual medicaid and basic health plan enrollments;

(13) Elimination by the department of health of universal coverage of the five most-costly vaccines and phase-in discontinuation of the universal vaccine program by January 2010;

(14) Reduction of department of social and health services reimbursement for non-medicare prescription drugs to the average wholesale price, less sixteen percent;

(15) Modification of the superintendent of public instruction's exit criteria for the transitional bilingual program that allows exiting the program as a result of passing the Washington language proficiency test or the Washington assessment of student learning;

(16) In institutions of higher education, eliminating state subsidy for the instruction of students who have earned more than 125 percent of the credits required for a baccalaureate degree;

(17) Elimination of cash benefits to workfirst recipients who have participated longer than sixty months;

(18) Elimination of the 2007 increased child-support pass-through option made available through the federal deficit reduction act;

(19) Immediate deportation by the department of corrections of all non-citizen drug and property offenders;

(20) Reduced employer contributions to state retirement systems reflecting a change in the actuarial salary growth assumption from 4.25 percent to 4 percent; and

(21) Termination of any transfers to the life sciences discovery fund authority."

Senator Zarelli spoke in favor of adoption of the amendment

to the committee striking amendment.

Senator Tom spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 302, after line 29 to the committee striking amendment to Engrossed Substitute House Bill No. 1694.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1694.

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

MOTION

There being no objection the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "biennium;" strike the remainder of the title and insert "amending RCW 28A.505.220, 43.79.460, 43.79.465, 43.79.485, 49.86.170, 50.16.010, 82.14.495, and 84.52.0531; amending 2008 c 329 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 507, 511, 513, 515, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 708, 801, and 802 (uncodified); amending 2008 c 3 s 4 (uncodified); amending 2007 c 522 ss 115, 709, and 715 (uncodified); making appropriations; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute House Bill No. 1694 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1694 as amended by the Senate.

Senators Tom, Brown, Keiser and Marr spoke in favor of passage of the bill.

Senators Zarelli, Pflug, Brandland, Parlette and Schoesler spoke against passage of the bill.

Senator Zarelli again spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kastama was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1694 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Kastama

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Hewitt and Holmquist were excused.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 1694 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5288, by Senators Hargrove, Stevens, Regala and Shin

Reducing the categories of offenders supervised by the department of corrections.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Carrell, Brandland, Stevens, Regala and Kauffman be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.501 and 2005 c 362 s 1 are each amended to read as follows:

(1) ~~((When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories:~~

~~—(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:~~

~~—(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~—(b) Regardless of the offender's or probationer's risk category if:~~

~~—(i) The offender's or probationer's current conviction is for:~~

~~—(A) A sex offense;~~

~~—(B) A violent offense;~~

~~—(C) A crime against persons as defined in RCW 9.94A.411;~~

~~—(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~—(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~—(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~—(G) A violation of, or an attempt, solicitation, or conspiracy~~

~~to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~—(ii) The offender or probationer has a prior conviction for:~~

~~—(A) A sex offense;~~

~~—(B) A violent offense;~~

~~—(C) A crime against persons as defined in RCW 9.94A.411;~~

~~—(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~—(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~—(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~—(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~—(iii) The conditions of the offender's community custody, community placement, or community supervision or the probationer's supervision include chemical dependency treatment;~~

~~—(iv) The offender) The department shall supervise every offender sentenced to community custody:~~

~~—(a) Whose risk assessment, conducted pursuant to subsection (4) of this section, places the offender in one of the two highest risk categories; or~~

~~—(b)(i) Who is not classified in one of the two highest risk categories and:~~

~~—(A) Has a current felony conviction for a violent offense or a crime against persons as provided in RCW 9.94A.411; or~~

~~—(B) Is required to participate in chemical dependency treatment as a condition of community custody;~~

~~—(ii) The department shall terminate supervision for an offender supervised pursuant to this subsection (1)(b) six months after the date of release if the offender, after conducting a new risk assessment, is still not classified in one of the two highest risk categories.~~

~~(2) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~—(a) Has a current conviction for a sex offense that is not a failure to register;~~

~~—(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~—(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~—(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((~~(v) The offender~~)) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

~~(3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision ((or any probationer)) unless the offender ((or probationer)) is one for whom supervision is required under ((subsection (2) of)) this section.~~

~~(4) ((This section expires July 1, 2010)) The department shall conduct a risk assessment for every offender sentenced to a term of community custody, community placement, or community supervision who may be subject to supervision under this section.~~

Sec. 2. RCW 9.94A.501 and 2008 c 231 s 24 are each amended to read as follows:

(1) ((When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories:

—(2) The department shall supervise every offender sentenced to a term of community custody and every misdemeanor and gross misdemeanor probationer ordered by a superior court to

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

~~(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~(b) Regardless of the offender's or probationer's risk category if:~~

~~(i) The offender's or probationer's current conviction is for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(ii) The offender or probationer has a prior conviction for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(iii) The conditions of the offender's community custody or the probationer's supervision include chemical dependency treatment;~~

~~(iv) The offender)) The department shall supervise every offender sentenced to community custody:~~

~~(a) Whose risk assessment, conducted pursuant to subsection (4) of this section, classifies the offender as one who is at a high risk to reoffend; or~~

~~(b)(i) Who is classified at a low or moderate risk to reoffend and:~~

~~(A) Has a current felony conviction for a violent offense or a crime against persons as provided in RCW 9.94A.411; or~~

~~(B) Is required to participate in chemical dependency treatment as a condition of community custody;~~

~~(ii) The department shall terminate supervision for an offender supervised pursuant to this subsection (1)(b) six months after the date of release if the offender, after conducting a new risk assessment, remains at a low or moderate risk to reoffend.~~

~~(2) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~(a) Has a current conviction for a sex offense that is not a failure to register;~~

~~(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((+ The offender)) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

(3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody ~~((or any probationer))~~ unless the offender ~~((or probationer))~~ is one for whom supervision is required under ~~((subsection (2) of))~~ this section.

(4) ~~((This section expires July 1, 2010))~~ The department shall conduct a risk assessment for every offender sentenced to a term of community custody who may be subject to supervision under this section.

Sec. 3. RCW 9.94A.030 and 2008 c 276 s 309, 2008 c 231 s 23, 2008 c 230 s 2, and 2008 c 7 s 1 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW ~~((9.94A.715))~~ 9.94A.701, as established by the commission or the legislature under RCW 9.94A.850.

(7) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Confinement" means total or partial confinement.

(10) "Conviction" means an adjudication of guilt pursuant to Title~~((s))~~ 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(13) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(14) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(15) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(16) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(17) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(18) "Department" means the department of corrections.

(19) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(20) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or

insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age

fourteen;

- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(31) "Nonviolent offense" means an offense which is not a violent offense.

(32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized

under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in RCW 9.94A.030, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by RCW 9.94A.030, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(38) "Public school" has the same meaning as in RCW 28A.150.010.

(39) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(40) "Risk assessment" means the application of ~~((an objective))~~ the risk instrument ~~((supported by research and adopted by))~~ recommended to the department ~~((for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations))~~ by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(41) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would

be classified as a serious traffic offense under (a) of this subsection.

(42) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(43) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(44) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(45) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(46) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(47) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(48) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(49) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(50) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(51) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;
 (vi) Kidnapping in the second degree;
 (vii) Arson in the second degree;
 (viii) Assault in the second degree;
 (ix) Assault of a child in the second degree;
 (x) Extortion in the first degree;
 (xi) Robbery in the second degree;
 (xii) Drive-by shooting;
 (xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
 (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(52) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(53) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(54) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 4. RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are each reenacted and amended to read as follows:

(1) ~~((When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.~~

~~(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.~~

~~(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.~~

~~(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:~~

~~(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;~~

~~(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;~~

~~(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;~~

~~(d) The amount of funds available from the department of corrections to the county for supervision of superior court~~

~~misdemeanant probationers, calculated according to a formula established by the department of corrections;~~

~~(c) A method for the payment of funds by the department of corrections to the county;~~

~~(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;~~

~~(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;~~

~~(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and~~

~~(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.~~

~~(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.~~

~~(6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.~~

~~(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and)) A county legislative authority may authorize a probation program for the supervision of defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and who may be sentenced to probation by a superior court.~~

~~(2) To the extent the county legislative authority has authorized a superior court misdemeanor probation program pursuant to subsection (1) of this section, a superior court may place a defendant convicted of a misdemeanor or gross misdemeanor on probation and order supervision under RCW 9.92.060 or 9.95.210.~~

~~(3) The state of Washington is not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. The state of Washington and a county are not liable for any harm caused by the actions of a misdemeanor or gross misdemeanor defendant who has been sentenced to a term of probation by a superior court but who is not being supervised pursuant to a duly authorized superior court misdemeanor probation program.~~

~~(4) The state of Washington, a county, its probation department and employees, probations officers, and volunteers who assist probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.~~

~~((8) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.~~

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

~~(9)) (5)(a) If a misdemeanant probationer requests permission to travel or transfer to another state, the assigned probation officer employed ((or contracted for)) by the county shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:~~

~~(i) ((Notify the department of corrections of the probationer's request;~~

~~(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;~~

~~(iii) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;~~

~~(iv)) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;~~

~~((v) Resume supervision if the probationer returns to this state before the term of probation expires.~~

~~(b) The probationer shall receive credit for time served while being supervised by another state)) (ii) Resume supervision if the probationer returns to this state before the term of probation expires.~~

~~(b) The probationer shall receive credit for time served while being supervised by another state.~~

Sec. 5 RCW 9.95.210 and 2005 c 362 s 4 are each amended to read as follows:

(1) In granting probation, the superior court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the superior court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. The superior court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required; (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation; (e) to contribute to a county or interlocal drug fund; and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The superior court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the superior court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the superior court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a

petition from the department of labor and industries, the superior court shall hold a restitution hearing and shall enter a restitution order.

(4) ~~((In granting probation, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary.))~~ If the county legislative authority has ~~((elected to assume responsibility for the supervision of))~~ authorized a superior court misdemeanant ~~((probationers))~~ probation program within its jurisdiction, the superior court misdemeanant probationer shall report to a probation officer employed ~~((or contracted for))~~ by the county. In cases where a superior court misdemeanant probationer is sentenced in one county, but resides within another county, there must be provisions for the probationer to report to the agency having supervision responsibility for the probationer's county of residence.

(5) If the probationer has been ordered to make restitution and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the superior court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. ~~((The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation.))~~ For defendants found guilty in district court, ~~((like))~~ functions ~~((as the secretary performs))~~ in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

~~((6) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.))~~

Sec. 6 RCW 9.95.214 and 2005 c 400 s 3 are each amended to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by ~~((the department of corrections or))~~ a county probation department, the ~~((department or))~~ county probation department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the agency supervising the defendant and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant. The ~~((department or))~~ county probation department shall suspend such assessment while the defendant is being supervised by another state pursuant to RCW 9.94A.745, the interstate compact for adult offender supervision.

Sec. 7 RCW 9.95.220 and 1957 c 227 s 5 are each amended to read as follows:

Whenever the ~~((state parole officer or other))~~ officer under whose supervision the probationer has been placed shall have reason to believe such probationer is violating the terms of his probation, or engaging in criminal practices, or is abandoned to improper associates, or living a vicious life, he shall cause the probationer to be brought before the court wherein the probation was granted. For this purpose any peace officer or ~~((state))~~ parole officer may rearrest any such person without warrant or other process. The court may thereupon in its discretion without notice revoke and terminate such probation. In the event the judgment has been pronounced by the court and the execution thereof suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory as the case may be. If the judgment has not been pronounced, the court shall pronounce

THIRTY-THIRD DAY, FEBRUARY 13, 2009

2009 REGULAR SESSION

judgment after such revocation of probation and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory, in accordance with the sentence imposed.

Sec. 8. RCW 9.92.060 and 2005 c 362 s 2 are each amended to read as follows:

(1) Whenever any person is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, rape of a child, or rape, the superior court may, in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by the superior court ~~((and that the sentenced person be placed under the charge of a community corrections officer employed by the department of corrections, or if the county elects to assume responsibility for the supervision of all superior court misdemeanor probationers a probation officer employed or contracted for)).~~

(2) If the county has authorized a superior court misdemeanor probation program for the supervision of persons with suspended sentences as provided in subsection (1) of this section, the sentenced person shall be placed under the charge of a probation officer employed by the county, upon such terms as the superior court may determine.

~~((2))~~ (3) As a condition to suspension of sentence, the superior court shall require the payment of the penalty assessment required by RCW 7.68.035. In addition, the superior court may require the convicted person to make such monetary payments, on such terms as the superior court deems appropriate under the circumstances, as are necessary: (a) To comply with any order of the court for the payment of family support; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement; (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required; and (d) to contribute to a county or interlocal drug fund.

~~((3)) As a condition of the suspended sentence, the superior court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary. If the county legislative authority has elected to assume responsibility for the supervision of superior court misdemeanor probationers within its jurisdiction, the superior court misdemeanor probationer shall report to a probation officer employed or contracted for by the county.)~~

(4) In cases where a superior court misdemeanor probationer is sentenced in one county, but resides within another county, ~~((there must be provisions for))~~ the superior court may require that the probationer ((to)) report to the ((agency having supervision responsibility for the)) probationer's county of residence if the probationer's county of residence has a superior court misdemeanor program.

~~((4))~~ (5) If restitution to the victim has been ordered under subsection ~~((2))~~ (3)(b) of this section and the superior court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If the superior court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

~~((5)) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.)~~

Sec. 9. 2008 c 231 s 6 (uncodified) is amended to read as follows:

The existing sentencing reform act contains numerous provisions for supervision of different types of offenders. This duplication has caused great confusion for judges, lawyers, offenders, and the department of corrections, and often results in inaccurate sentences. The clarifications in this act are intended to support continued discussions by the sentencing guidelines commission with the courts and the criminal justice community to identify and propose policy changes that will further simplify and improve the sentencing reform act relating to the supervision of offenders. The sentencing guidelines commission shall submit policy change proposals to the legislature on or before December 1, 2008.

Sections 7 through 58 of this act are intended to simplify the supervision provisions of the sentencing reform act and increase the uniformity of its application. These sections are not intended to either increase or decrease the authority of sentencing courts or the department relating to supervision, except for those provisions instructing the court to apply the provisions of the current community custody law to offenders sentenced after July 1, 2009, but who committed their crime prior to August 1, 2009, to the extent that such application is constitutionally permissible.

This will effect a change for offenders who committed their crimes prior to the offender accountability act, chapter 196, Laws of 1999. These offenders will be ordered to a term of community custody rather than community placement or community supervision. To the extent constitutionally permissible, the terms of the offender's supervision will be as provided in current law. With the exception of this change, the legislature does not intend to make, and no provision of sections 7 through 58 of this act may be construed as making, a substantive change to the supervision provisions of the sentencing reform act.

~~((It is the intent of the legislature to reaffirm that section 3, chapter 379, Laws of 2003, expires July 1, 2010.))~~

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 9.95.206 (Misdemeanor probation services--Offender classification system--Supervision standards) and 1996 c 298 s 2; and

(2) RCW 9.95.212 (Standards for supervision of misdemeanor probationers) and 1998 c 245 s 2 & 1995 1st sp.s. c 19 s 31.

NEW SECTION. Sec. 11. 2008 c 231 s 60 (uncodified) is repealed.

NEW SECTION. Sec. 12. (1) Sections 1, 4 through 8, 10, 11, and 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 2, 3, and 9 of this act take effect August 1, 2009.

NEW SECTION. Sec. 13 Section 1 of this act expires August 1, 2009.

NEW SECTION. Sec. 14. This act applies retroactively and prospectively regardless of whether the offender is currently on community custody or probation with the department, currently incarcerated with a term of community custody or probation with the department, or sentenced after the effective date of this section."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Carrell, Brandland, Stevens, Regala and Kauffman to Substitute Senate Bill No. 5288.

The motion by Senator Hargrove carried and the striking

THIRTY-THIRD DAY, FEBRUARY 13, 2009
amendment was adopted by voice vote.

2009 REGULAR SESSION

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the supervision of offenders; amending RCW 9.94A.501, 9.94A.501, 9.95.210, 9.95.214, 9.95.220, and 9.92.060; amending 2008 c 231 s 6 (uncodified); reenacting and amending RCW 9.94A.030 and 9.95.204; creating a new section; repealing RCW 9.95.206 and 9.95.212; repealing 2008 c 231 s 60 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Carrell, Kaufmann and Brandland spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

MOTION

On motion of Senator Zarelli, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kauffman, Keiser, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Hobbs, Honeyford, Kilmer, Marr, Roach, Schoesler and Sheldon

Excused: Senators Hewitt, Holmquist and Kastama

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President announced that a Joins Session memorializing deceased members of the Legislature would be held on Monday.

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. I just wanted to add on to what you said about the memorial service. I was calling you to take a look at the amount of people who has left us this last two years. It's amazing, many of us served with those folks. This is a great opportunity to not honor them but their families will be here so I urge people to put it on your agenda to make sure that you try to be here."

MOTION

At 12:20 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:06 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The House has concurred in Senate amendment to the following bill and passed the bill as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1001,
HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1036,
HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1048,
HOUSE BILL NO. 1063,
SUBSTITUTE HOUSE BILL NO. 1071,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906,

MOTION

At 2:08 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Monday, February 16, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 16, 2009

The Senate was called to order at 9:30 a.m. by President Owen.

MOTION

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

MOTION

At 9:31 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of a Memorial Service in Joint Session in the senate.

The Senate was called to order at 10:31 a.m. by President Owen.

JOINT SESSION

The Sergeant at Arms announced the arrival of the House has arrived. The President requested that the Sergeant at Arms of the Senate and the Sergeant at Arms of the House escort Speaker Frank Chopp, Speaker Pro Tempore Jeff Morris, Majority Leader Lynn Kessler and Minority Leader Richard DeBolt to their seats on the Rostrum. The Representatives were invited to seats within the Chamber.

The President called the joint session to order. The Secretary called the roll of the members of the Senate and House and announced a quorum was present.

The Secretary called the roll of former members who were present in the chamber: Del Bausch, Mike Cooper, Wayne Ehler, Stuart Halson, Joan Houchen, Dick King, Bill Kiskaddon, R. H. "Bob" Lewis, Gary Neslon, Lena Swanson, Sid Snyder and Joe Taller.

REMARKS BY THE PRESIDENT

President Owen: "Are there any other former members here today that we may have missed and did not call? Senator Mark Doumit."

The President introduced the statewide elected officials: Sam Reed, Secretary of State and Randy Dorn, Superintendent of Public Instruction.

The Flags were escorted to the Rostrum by the color guard of the Washington State Patrol, the Olympia Detachment of the Marine Corps League and the Veterans of Foreign Wars. The President led the Chamber in the Pledge of Allegiance.

The President introduced former Representative David Buri and former Secretary of State, Ralph Monro who also were seated in the Gallery.

REMARKS BY THE PRESIDENT

President Owen: "Honored members of the Legislature, ladies and gentlemen: The purpose of this joint session is to conduct a memorial service in memory of departed former members of the legislature. This has been our longstanding

custom. For more than a century the Senate and House have met as we meet today to pay special and fitting tribute to the lives and service of these valued public servants and to express our sympathies to their families and friends. On behalf of the Senate and the House of Representatives, I would like to extend a warm welcome to the family members, friends and colleagues who are with us today."

The President called upon the Speaker Pro Tempore Morris to preside over the Joint Session.

Pastor Sandra Kreis of Shelton offered the Invocation: "We gather this day to honor and remember legislators of Washington State who have served these august bodies. We grieve their passing, but we honor them for their service and give thanks for all they have given to the state and to us personally. I believe they may have been familiar with this passage from the Prophet Micah in the Old Testament: 'God has told you O mortal, what is good; and what does the Lord require of you, but to do justice, love kindness, and walk humbly with your God?'"

Holding the position of lawmaker in this place means that one would be about doing justice, living and acting with compassion and certainly realizing their place as a part of a larger body. We praise these men and women who served in this way understanding that respect and compromise were their greatest gifts.

As we continue to live on this earth, we are reminded by the Old Testament writer of the book of Ecclesiastes that our time here is a gift from our creator and has its season:

'A time to be born and a time to die;
A time to plant and a time to pluck what is planted;
A time to break down and a time to build up;
A time to weep and a time to laugh'
A time to mourn and a time to dance;
For everything there is a season,
And a time for every matter under heaven'"

So we gather to remember these your servants:

Let us pray: Gracious God, we give thanks for these persons who have toiled with care and diligence in this place of governance. We thank you for guiding them with the love of justice and compassion for all. May their example encourage those gathered here who continue their legacy. May they too find ways to show compassion for those in need and serve the people of this great state with honor. Comfort and bless those here who have lost a colleague, a friend, a family member, may their lives be richer for knowing your child. May we continue to live lives of service and sacrifice emulating those we have lost. May their example encourage and strengthen us in our daily walk. And now o God we ask that you bless these moments as we remember and honor those who have left our side....Help us to learn from their lives. Thanks be to God. Amen"

Sergeant Patty Lankford of the Washington State Patrol performed "Ave Maria."

REMARKS BY THE SPEAKER

Mr. Speaker (Representative Morris presiding): "We gather here today to pay tribute to the contributions of the distinguished former members of the Washington State Senate and House of Representatives who have passed from among us. The people of our state are grateful for their service. The Sixty-First Legislature conveys its respects to these deceased legislators. They once sat in these chambers, answered roll calls on critical bills, attended committee meetings and throughout it always sought to make our state a better place to live. While their journey in this life is complete, their achievements, public

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

2009 REGULAR SESSION

record and valued service are recorded in the journals of the Senate and the House and are forever a permanent part of our state's history. We express our sympathies to their families, friends and colleagues of these public servants. We also share with them on this memorable occasion, the fond and happy memories of these legislators. They leave a legacy of dedicated service that remains always in our hearts, our memories and the history of our state."

Speaker Pro Tempore Morris and the President called the roll of the deceased former members of the Senate and House of Representatives assisted by candle lighters, Pages Adam Archer and Katherine Hinderlie.

<u>Member</u>	<u>District and Years served</u>
Robert F. Brachtenbach	14 th District House 1963-67 Memorialized by Senator King
Virginia Clocksin	24 th District House 1967-69 Memorialized by Representative Van de Wege
Paul H. Conner	24 th District House 1959-77, Senate 1977-93 Memorialized by Senator Franklin
Floyd Conway	22 nd District House 1969-73 Memorialized by Senator Fraser
Ellen Craswell	23 rd District House 1977-81, Senate 1981-93 Memorialized by Senator Rockefeller
Lyle J. Dickie	15 th District House 1980-85 Memorialized by Senator Honeyford
Jeff Douthwaite	32 nd & 43 rd District House 1971-79 Memorialized by Representative White
Don Eldridge	40 th District House 1953-70 Memorialized by Representative Quall
Harold A. "Barney" Goltz	42 nd District House 1973-75, Senate 1975-87 Memorialized by Representative Linville
William A. "Bill" Grant	16 th District House 1987-2009 Memorialized by Representative Chopp and Walsh
Steve Hailey	9 th District House 2007-08 Memorialized by Representative Cox
Fred O. May	41 st District House 1985-93 Memorialized by Senator Jarrett
Jack Metcalf	2 nd Congressional District Congress 1995-2001 10 th , 21 st , 38 th Legislative District House 1961-65, Senate 1967-75; 1981-93 Memorialized by Senator McAuliffe
Don Miles	22 nd District House 1963-65

Memorialized by Representative Alexander

John S. Murray 36th District
Senate 1971-79
Memorialized by Senator Kohl-Welles

John L. O'Brien 33rd, 35th, 37th District
House 1939-47, 1949-73, 1973-83, 1983-93
Memorialized by Representative Sharon Tomiko Santos

Bob Oke 26th District
Senate 1991-2007
Memorialized by Senator Shin

Eugene A. Prince 9th District
House 1981-93, Senate 1993-99
Memorialized by Senator Schoesler

Dr. Robert W. Randall 23rd District
House 1969-77
Memorialized by Representative Rolfes

David M. Roderick 35th District
House 1949-53
Memorialized by Representative Finn

Michael K. Ross 37th District
House 1971-73
Memorialized by Representative Pettigrew

Gerald L. "Jerry" Saling 5th District
House 1965-71, Senate 1985-93
Memorialized by Senator Marr

Mary Skinner 14th District
House 1995-2008
Memorialized by Representative Johnson

Nat W. Washington 13th District
House, 1949-51, Senate 1951-75
Memorialized by Representative Warnick

Simeon R. "Sim" Wilson 10th District
House 1973-93
Memorialized by Senator Haugen

Rabbi Cheski Edelman of the Chabad Jewish Discovery Center in Olympia gave the Memorial Prayer:

Rabbi Edelman: A fascinating exchange between two rabbis is recorded in the Talmud, the Jewish book of law and lore.

Rabbi Nachman said to Rabbi Yitzchak: "So said Rabbi Yochanan: The patriarch Jacob did not die."

Asked Rabbi Yitzchak: "Was it for no reason that the eulogizers eulogized, the embalmers embalmed and the buriers buried?"

The conversation continues, examining the nature of life, teaching us an important lesson about our time here on earth. Life cannot die. Only existence can die. To exist means one takes up space, and does not allow a focus on others, as two things cannot exist in the same space. Existence is selfish. Life is not about existence, it is about purpose. Life is about making a contribution to the world.

In other words, for a person to whom life means the pursuit and attainment of material gains, life indeed ceases when the soul departs from the body. But one for whom life is defined in terms of what he does for others, is no less alive after physical death, for their influence continues to uplift and benefit others. Today we honor the lives, not merely the existence, of the Washington State Legislators who selflessly dedicated

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

themselves to the service of the citizens of this State. These great men and women were not satisfied with merely existing and bettering themselves, but they chose to live and to contribute to the world, dedicating themselves to serving others. Existence can die but life is eternal. Life is growth and these remarkable men and women sacrificed of themselves to ensure the growth of others. Our gathering here today is testimony to the lives they have lived, and we honor them by following in their footsteps, and living to help others and make this world a better place.

Dear G-d and G-d of our fathers, today as we reflect upon the lives of these leaders of our communities, their accomplishments and the lessons in life they passed on, we pray for the strength to emulate their good deeds and their legacy of concern for the welfare of others. May we perpetuate the legacies of the departed and ensure that they also live on through our actions. May their memories be for a blessing and a guiding light for us all. Amen."

Lieutenant Keith Huntley of the Washington State Patrol performed "Amazing Grace" on Scottish bagpipes.

The V. F. W. honor guard of Olympia and Marine Corps League, Olympia Detachment arrived at the bar of the Senate, ceremonially folded the national flag and placed in on the rostrum.

Gilman Pilkey, Marine Corps League, Olympia Detachment performed Taps.

Reverend Aaron Williams of Mt. Zion Baptist Church, Seattle gave the closing prayer: "Most gracious and everlasting God, we thank you for this day and we thank you for this hour. As we honor those who have gone before us, public servants who have served this country and served you. May they serve Father as a beacon of light a beacon of hope which we will pursue in light of what they have done. We thank you Father for what they've done and may we continue their legacy and move forward in the same spirit. In the name of the Father, Son and Holy Spirit. Amen.

Speaker Pro Tempore Morris returned the gavel to President Owen.

The President acknowledged Representative Karen Schmidt-Wilson who was present in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "Thank you Mr. Speaker and thank you to the members of our Memorial Committee, you did a great job. Special thanks to the members of the State Patrol, the Veterans of Foreign Wars and Marine Corps League, our participating clergy as well. The President hopes that the loved ones of those being honored today would draw comfort from today's observance."

MOTION

On motion of Senator Eide, the Joint Session was dissolved.

The President asked the Sergeant at Arms of the Senate and Sergeant at Arms of the House to escort Speaker Pro Tempore Jeff Morris, Majority Leader Lynn Kessler, Minority Leader Richard DeBolt and the members of the Washington State House of Representatives from the Senate Chamber.

MOTION

At 11:28 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:31 a.m. by President Owen.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 12, 2009

SB 5270 Prime Sponsor, Senator McDermott: Modifying voter registration provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Ways & Means.

February 12, 2009

SB 5327 Prime Sponsor, Senator Oemig: Making technical corrections to election provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5374 Prime Sponsor, Senator Fairley: Regarding the board of directors of an air pollution control authority. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5394 Prime Sponsor, Senator Berkey: Requiring a state route number 2 route development plan. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 12, 2009

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

2009 REGULAR SESSION

SB 5396 Prime Sponsor, Senator Rockefeller: Regarding retainage of funds on public works projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5397 Prime Sponsor, Senator Rockefeller: Regarding alternative public works contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5398 Prime Sponsor, Senator Rockefeller: Expanding the ability to negotiate an adjustment to a bid price on public works to municipalities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5412 Prime Sponsor, Senator Eide: Controlling saltwater algae. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Marr; Morton and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5441 Prime Sponsor, Senator Eide: Creating incentives for the use of biomass in renewable energy production. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore,

Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 13, 2009

SB 5442 Prime Sponsor, Senator Hargrove: Providing excise tax exemptions for hog fuel used for production of electricity, steam, heat, or biofuel. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 12, 2009

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

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Benton; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5645 Prime Sponsor, Senator Parlette: Designating counties, cities, and towns as bona fide nonprofit organizations under certain terms and conditions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5688 Prime Sponsor, Senator Murray: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Ways & Means.

February 13, 2009

SB 5717 Prime Sponsor, Senator Schoesler: Modifying provisions related to the distribution of tax proceeds from thermal electric generating facilities. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5797 Prime Sponsor, Senator Haugen: Regarding exemptions from solid waste handling permit requirements. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5989 Prime Sponsor, Senator Sheldon: Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 13, 2009

SGA 9083 ANDREA MCNAMARA DOYLE, reappointed on July 1, 2008, for the term ending June 30, 2014, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5688 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The Speaker has signed the following:
HOUSE BILL NO. 1066,
HOUSE BILL NO. 1113,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

PRESIDENT SIGNED

The President signed:
HOUSE BILL NO. 1066,
HOUSE BILL NO. 1113,

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6021 by Senator Haugen

AN ACT Relating to the certification of a driver's visual acuity by an ophthalmologist or optometrist; amending RCW 46.20.041 and 46.20.305; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 6022 by Senators King and Marr

AN ACT Relating to allocating responsibility for court-related costs related to certain civil commitment proceedings under chapter 71.05 RCW; and amending RCW 71.05.100.

Referred to Committee on Human Services & Corrections.

SB 6023 by Senator Jacobsen

AN ACT Relating to accessing lands for outdoor recreation; and amending RCW 77.32.380.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6024 by Senators Brandland, Hargrove, McAuliffe, Stevens and Carrell

AN ACT Relating to applications for public assistance from persons currently ineligible to receive assistance; and amending RCW 74.08.060.

Referred to Committee on Human Services & Corrections.

SB 6025 by Senator McCaslin

AN ACT Relating to transferring all mandatory, regulatory, licensing, and disciplinary functions of the Washington state bar association to the Washington state supreme court; adding new sections to chapter 2.04 RCW; repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030, 2.48.035, 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090, 2.48.100, 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.165, 2.48.166, 2.48.170, 2.48.180, 2.48.190, 2.48.200, 2.48.210, 2.48.220, and 2.48.230; and providing an effective date.

Referred to Committee on Judiciary.

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

2009 REGULAR SESSION

SB 6026 by Senator Keiser

AN ACT Relating to the health technology clinical committee's review process; and amending RCW 70.14.100 and 70.14.110.

Referred to Committee on Health & Long-Term Care.

SB 6027 by Senators Hewitt, Kohl-Welles and Holmquist

AN ACT Relating to the work of the joint select committee on beer and wine regulation; amending RCW 66.28.180; adding new sections to chapter 66.28 RCW; creating a new section; and repealing RCW 66.28.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6028 by Senators Haugen, Kilmer, Hobbs and Marr

AN ACT Relating to increasing property tax relief for senior citizens and persons retired by reason of physical disability to qualify for property tax relief; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6029 by Senators Pridemore, Kline, Oemig, Regala, Fraser and Shin

AN ACT Relating to modifying tax incentives; amending RCW 82.08.02565, 82.08.02567, 82.12.02567, 82.16.055, 82.60.020, and 82.04.4493; repealing RCW 84.36.487, 82.08.811, and 82.12.811; repealing 2008 c 284 s 4 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6030 by Senators Swecker, McCaslin and Stevens

AN ACT Relating to fully contained communities under the growth management act; amending RCW 36.70A.350; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6031 by Senators Stevens, Swecker, Morton, McCaslin and Benton

AN ACT Relating to the provision of family and children's services; amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.030, 13.34.065, 13.34.067, 13.34.069, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590,

74.13.600, 74.13.650, 74.13.670, 43.17.010, 43.17.020, 26.44.020, 13.34.025, 13.34.050, 13.70.010, and 74.13.640; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, 74.13.280, and 42.17.2401; adding new sections to chapter 74.13 RCW; adding a new section to chapter 26.44 RCW; adding new sections to chapter 43.215 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 74 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6032 by Senators Berkey and Hobbs

AN ACT Relating to exchange facilitators; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6033 by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

AN ACT Relating to creating the prevent or reduce owner-occupied foreclosure program; and amending RCW 43.320.160, 43.320.165, and 43.320.170.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6034 by Senators Kilmer, Becker, Jarrett and Shin

AN ACT Relating to exempting institutions of higher education that do not use archives and records management services from payment for those services; and amending RCW 40.14.025.

Referred to Committee on Higher Education & Workforce Development.

SB 6035 by Senators Kohl-Welles, McDermott, Franklin, Keiser, Jacobsen, Fraser, Regala, Haugen, Murray, Kline and McAuliffe

AN ACT Relating to retrospective rating plans; amending RCW 51.18.030 and 51.18.040; adding new sections to chapter 51.18 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6036 by Senators Fraser, Ranker and Shin

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

2009 REGULAR SESSION

AN ACT Relating to water cleanup planning and implementation; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environment, Water & Energy.

SJR 8214 by Senators Holmquist, King, Honeyford, Swecker, Roach, Benton, Stevens, McCaslin, Brandland and Morton

Guaranteeing a secret ballot.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1000 by Representatives Halder, Klippert and Wood

AN ACT Relating to state route number 397; and amending RCW 47.17.577.

Referred to Committee on Transportation.

SHB 1001 by House Committee on Judiciary (originally sponsored by Representatives Parker, Hurst, McCune, Moeller, Ross, Kelley, Morrell, Chase, Green, Schmick, Sullivan, Conway, Dickerson, Kenney, Campbell, Kristiansen, Driscoll, Van De Wege, Orwall, O'Brien, Roach, Wallace, Simpson, Bailey, Kretz and Warnick)

AN ACT Relating to veterans' burials; and amending RCW 68.50.230.

Referred to Committee on Government Operations & Elections.

HB 1028 by Representative Armstrong

AN ACT Relating to services provided by television reception improvement districts; and amending RCW 36.95.010 and 36.95.140.

Referred to Committee on Government Operations & Elections.

SHB 1036 by House Committee on Judiciary (originally sponsored by Representatives Kelley, Morrell, Moeller, Rodne, Seaquist, McCoy, Green, Goodman, Kirby, McCune, Hurst, Miloscia, Hunt, Appleton, Chase, Conway, Williams, Campbell, Ross and Bailey)

AN ACT Relating to the Washington code of military justice; amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW.

Referred to Committee on Government Operations & Elections.

HB 1037 by Representatives Hurst, Sullivan, Roach and Simpson

AN ACT Relating to designating state route number 164 as

a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SHB 1041 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Warnick, O'Brien, McCune, Liias, Kagi, Kenney and Wallace)

AN ACT Relating to the authority of occupational therapists to purchase, store, and administer medications; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1042 by Representatives O'Brien, Warnick, Goodman, Rodne, Kelley and Williams

AN ACT Relating to notices of dishonor; and amending RCW 62A.3-540.

Referred to Committee on Judiciary.

HB 1048 by Representatives Simpson, Hudgins, Nelson, Santos, Chase and Kenney

AN ACT Relating to the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand; and repealing RCW 35.87.010, 35.87.020, 35.87.030, and 35.87.040.

Referred to Committee on Government Operations & Elections.

HB 1063 by Representatives Takko, Simpson and Moeller

AN ACT Relating to the termination date for a salmon and steelhead recovery program; and amending RCW 77.85.200.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1071 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Morrell, Dickerson and Kenney)

AN ACT Relating to advanced registered nurse practitioners; and amending RCW 71.05.210, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.05.390, 71.05.420, 71.05.630, 71.05.660, 71.06.040, 71.12.540, 71.32.140, 71.32.250, 71.32.260, 71.34.355, 71.34.720, 71.34.730, 71.34.750, 71.34.770, and 71.05.020.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6029 which was referred to the Committee on Ways & Means.

MOTION

At 11:34 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 17, 2009.

THIRTY-SIXTH DAY, FEBRUARY 16, 2009

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SEVENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 17, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2009

SB 5007 Prime Sponsor, Senator McAuliffe: Allowing public technical colleges to offer associate transfer degrees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5007 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 16, 2009

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

MAJORITY recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 13, 2009

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

MAJORITY recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5146 Prime Sponsor, Senator Kline: Revising the accrual of interest on judgments entered against offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles; Roach and Tom.

Passed to Committee on Ways & Means.

February 13, 2009

SB 5175 Prime Sponsor, Senator Shin: Changing the Washington college promise scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5272 Prime Sponsor, Senator Hatfield: Regarding wildlife interactions. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5272 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Hargrove.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5276 Prime Sponsor, Senator Schoesler: Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 13, 2009

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

THIRTY-SEVENTH DAY, FEBRUARY 17, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5367 Prime Sponsor, Senator Kohl-Welles: Creating a spirits, beer, and wine nightclub license and eliminating the cap on spirits, beer, and wine restaurant licenses. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5367 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5403 Prime Sponsor, Senator Keiser: Concerning the contractual relationships between distributors and producers of malt beverages. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5413 Prime Sponsor, Senator Eide: Concerning the assault of a law enforcement officer or other employee of a law enforcement agency. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 12, 2009

SB 5432 Prime Sponsor, Senator Regala: Adjusting the property tax levy lid limits for certain local services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Swecker.

Passed to Committee on Ways & Means.

February 16, 2009

SB 5443 Prime Sponsor, Senator Kastama: Concerning the reporting requirements of state and local tax programs. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and McCaslin.

Passed to Committee on Ways & Means.

February 16, 2009

SB 5613 Prime Sponsor, Senator Kohl-Welles: Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5617 Prime Sponsor, Senator Kauffman: Changing early learning advisory council provisions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5620 Prime Sponsor, Senator Kauffman: Regarding the voluntary rating system for child care centers and early education programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett; McDermott and Roach.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5688 Prime Sponsor, Senator Murray: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5688 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5699 Prime Sponsor, Senator Franklin: Concerning the office of public guardianship. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 13, 2009

SB 5734 Prime Sponsor, Senator Kilmer: Making certain current higher education tuition-setting practices permanent. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5734 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5763 Prime Sponsor, Senator King: Requiring the adoption of policies for the management of concussion and head injury in youth sports. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5841 Prime Sponsor, Senator Keiser: Delaying the implementation of the health insurance partnership. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Becker; Fairley; Marr and Murray.

Passed to Committee on Ways & Means.

February 16, 2009

SB 5865 Prime Sponsor, Senator Kauffman: Requiring a report on early learning services for low-income families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Ways & Means.

February 16, 2009

SB 5892 Prime Sponsor, Senator Keiser: Concerning prescription drug use in state purchased health care programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Becker; Fairley; Marr and Murray.

Passed to Committee on Ways & Means.

February 16, 2009

SB 5901 Prime Sponsor, Senator Kastama: Modifying provisions of the local infrastructure financing tool program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 6002 Prime Sponsor, Senator Keiser: Abolishing the Washington state quality forum. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Becker; Fairley; Marr and Murray.

Passed to Committee on Ways & Means.

February 16, 2009

SJM 8013 Prime Sponsor, Senator Keiser: Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance. Reported by Committee on Health & Long-Term Care

THIRTY-SEVENTH DAY, FEBRUARY 17, 2009

2009 REGULAR SESSION

February 13, 2009

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Becker; Marr and Murray.

SGA 9128 STEPHEN WARNING, appointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 13, 2009

SCR 8404 Prime Sponsor, Senator Kilmer: Providing for the 2008-2018 state comprehensive plan for workforce training. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8404 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 13, 2009

SGA 9147 PAUL A PASTOR, appointed on January 13, 2009, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 13, 2009

SGA 9045 ANN C HEATH, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5044 which was referred to the Committee on Rules and Senate Bill No. 5146 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 13, 2009

SGA 9097 LYNDA J RING ERICKSON, appointed on March 16, 2007, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 16, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FAWN SHARP-MALVINI, reappointed October 1, 2008, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator McDermott, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

February 13, 2009

SGA 9105 DAN SATTERBERG, appointed on October 27, 2008, for the term ending August 2, 2010, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6037 by Senators Fairley and Pridemore

AN ACT Relating to removing oversight of the department of licensing from specific businesses and professions; amending RCW 19.31.020, 19.31.030, 19.31.070, 19.31.090, 19.31.160, 19.31.180, 19.31.190, 19.31.250, 79A.60.400, 79A.60.420, 79A.60.430, 79A.60.440, 79A.60.450, 19.138.010, 19.138.021, 19.138.140, 19.138.160, 19.138.270, 19.158.020, 19.158.040, 19.158.070, 19.158.090, 19.158.110, 19.158.120, 19.105.300, 19.105.336, 19.105.340, 19.105.370, 19.105.390, 19.105.400, 19.105.470, 19.105.480, 19.105.490, 19.105.500, 18.11.050, 18.11.070, 18.11.100, 18.11.121, 18.11.130, 18.11.140, 18.11.220, 18.11.240, 18.11.260, 18.235.020, 43.24.150, 7.60.025, 7.60.025, 36.71.070, 46.70.011, 46.70.051, and 50.04.232; adding a new section to chapter 19.31 RCW; creating a new section; repealing RCW 19.31.050, 19.31.080, 19.31.100, 19.31.110, 19.31.120, 19.31.130, 19.31.140, 19.31.210, 19.31.245, 19.31.270, 19.31.910, 79A.60.410, 79A.60.480, 79A.60.485, 79A.60.490, 79A.60.498, 18.145.005, 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.070, 18.145.080, 18.145.090, 18.145.100, 18.145.110, 18.145.120, 18.145.125, 18.145.127, 18.145.130, 18.145.140, 18.145.900, 18.145.910, 18.145.911, 19.138.100, 19.138.110, 19.138.120, 19.138.130, 19.138.170, 19.138.1701, 19.138.180, 19.138.200, 19.138.240, 19.138.250, 19.138.260, 19.138.310, 19.138.330, 19.138.904, 19.158.050, 19.158.080, 19.158.150, 19.158.170, 19.158.901, 19.105.310, 19.105.320, 19.105.325, 19.105.330, 19.105.333, 19.105.345, 19.105.350, 19.105.360, 19.105.365, 19.105.380, 19.105.411, 19.105.420, 19.105.430, 19.105.440, 19.105.450, 19.105.520, 19.105.530, 19.105.540, 19.105.550, 19.105.560, 19.105.930, 18.11.060, 18.11.075, 18.11.085, 18.11.095, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, 18.11.205, 18.11.210, 18.11.270, 18.11.280, 18.11.901, 18.11.903, and 35.21.690; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6038 by Senators Keiser and Kohl-Welles

AN ACT Relating to the basic health plan; amending RCW 70.47.020, 70.47.030, 70.47.060, 70.47.100, and 50.20.210; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6039 by Senators Hatfield, Schoesler, Carrell, Delvin, Honeyford and Stevens

AN ACT Relating to creating a sentence for treatment program for juvenile offenders; amending RCW 13.40.0357; reenacting and amending RCW 13.40.0357; adding a new section to chapter 13.40 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6040 by Senators Benton, Swecker, Zarelli, Roach, McCaslin, Morton, Stevens, Delvin, Parlette, Honeyford, Schoesler and King

AN ACT Relating to the expenditure of funds for the Interstate 5/Columbia river crossing/Vancouver project; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6041 by Senators Pflug, Keiser and Shin

AN ACT Relating to improving data on childhood immunizations; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6042 by Senators Pflug, Keiser, McCaslin and Shin

AN ACT Relating to reporting contaminated food products; and amending RCW 43.70.170.

Referred to Committee on Health & Long-Term Care.

SB 6043 by Senator Tom

AN ACT Relating to requiring wood framing used in residential construction be tested for maximum allowable moisture content prior to enclosing the framing; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6044 by Senators Kilmer, Jarrett, Shin and McAuliffe

AN ACT Relating to revitalizing student financial aid; amending RCW 28B.92.060, 28B.92.030, 28B.15.543, 28B.76.660, 28B.76.665, 28B.15.0681, 28B.76.500, 28B.15.820, and 28B.12.030; adding a new section to chapter 28B.101 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.15 RCW; creating a new section; repealing RCW 28B.101.005, 28B.101.010, 28B.101.020, and 28B.101.040; providing effective dates; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1002 by House Committee on Judiciary (originally sponsored by Representatives Appleton and Hasegawa)

AN ACT Relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location; amending RCW 9.94A.637 and 26.50.110; and creating a new section.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

THIRTY-SEVENTH DAY, FEBRUARY 17, 2009

2009 REGULAR SESSION

8631

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8626

By Senators Shin, McAuliffe, Jacobsen, Kilmer, Jarrett, Hobbs, Kastama, Stevens, and Kohl-Welles

WHEREAS, Charles H. Mitchell had served as president of Seattle Central Community College from 1987 to 2003 and Chancellor of Seattle Community Colleges from 2003 to 2008; and

WHEREAS, Dr. Charles H. Mitchell is a nationally recognized leader in higher education who is also distinguished by his long career of service in the Seattle region; and

WHEREAS, Under Dr. Mitchell, Seattle Central Community College was transformed and received national acclaim including being named Time magazine's 2001 "Community College of the Year"; and

WHEREAS, Dr. Mitchell has received numerous awards recognizing his educational leadership nationally and statewide such as the University of Washington Charles E. Odegaard Award and Earl Norman Leadership Award for Outstanding Community College Administrator; and

WHEREAS, Dr. Mitchell was named "Father of the Year" in 2002 by the American Diabetes Association; and

WHEREAS, Dr. Mitchell has served as a mentor and role model for untold numbers of students, colleagues, and members of the community; and

WHEREAS, Dr. Mitchell helped create one of the nation's most expansive programs of "learning communities"; and

WHEREAS, Dr. Mitchell was instrumental in obtaining funding for major construction such as the Student Activity Center and Seattle Vocational Institute; and

WHEREAS, Dr. Mitchell's leadership and vision has led to many new educational training partnerships with businesses and industries in the greater Seattle area; and

WHEREAS, While Chancellor of Seattle Community Colleges, Dr. Mitchell has created a diverse environment for the 57,000 students each year at North, South, and Seattle Central Community Colleges;

NOW, THEREFORE, BE IT RESOLVED, That the Senate acknowledge the lasting impression of Charles Mitchell's leadership in higher education in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Mitchell and to the Board of Trustees of the Seattle Community College District Board.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8626.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Charles Mitchell and wife Nancy who were seated in the gallery.

MOTION

Senator Marr moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Marr, Kohl-Welles, Eide, Jarrett, Kauffman, Hobbs, McDermott, Kastama, Prentice, Franklin, Berkey, Kline, Kilmer, Fraser, Tom, McAuliffe, Keiser, Brown, Murray, Regala, Shin, Sheldon, Oemig, Ranker, and Hargrove

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment, caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, On August 10, 1988, President Ronald Reagan signed H.R. 442, the Civil Liberties Act, which recognized the injustice of the relocation and internment of American citizens of Japanese ancestry and provided token monetary redress; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate along with the people of Washington, pause to acknowledge the sixty-seventh anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and World War II veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Nisei Veterans Committee, the Military Intelligence Service-Northwest Association, the Japanese-American Citizens

THIRTY-SEVENTH DAY, FEBRUARY 17, 2009

League, and the Japanese-American Cultural & Community Center.

Senators Marr and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

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

POINT OF PERSONAL PRIVILEGE

Senator McDermott: "I see that Mrs. Owen has joined us on the rostrum today and I'd like to extend our thanks as the Senate for our Valentine's Day cookies that she baked. I'm sure with your able assistance in chopping the nuts."

REPLY BY THE PRESIDENT

President Owen: "My able assistance in testing."

MOTION

At 12:12 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, February 18, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 18, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Thu Bui and Derek Hanson, presented the Colors. Pastor Orv Jacobson of the First Lutheran Community Church offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2009

SB 5262 Prime Sponsor, Senator Kline: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove and Tom.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5375 Prime Sponsor, Senator Fairley: Adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5417 Prime Sponsor, Senator Berkey: Requiring the disclosure of information on flood insurance coverage. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5417 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5451 Prime Sponsor, Senator Oemig: Changing the date for setting the amount of pipeline safety fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5451 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5513 Prime Sponsor, Senator Jarrett: Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5518 Prime Sponsor, Senator Pridemore: Reducing the amount of petroleum pollution in storm water. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 17, 2009

SB 5544 Prime Sponsor, Senator McDermott: Concerning affordable housing incentive programs. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5574 Prime Sponsor, Senator Kauffman: Protecting consumer data in motor vehicles. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

February 16, 2009
SB 5610 Prime Sponsor, Senator Haugen: Authorizing the release of driving record abstracts for employment and risk management purposes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Kastama and Kauffman.

Passed to Committee on Rules for second reading.

February 17, 2009
SB 5855 Prime Sponsor, Senator Haugen: Providing excise tax exemptions for water services provided by small water systems. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 17, 2009
SB 5906 Prime Sponsor, Senator Pridemore: Modifying the business and occupation tax rate on wholesalers of solar energy systems and including semiconductor materials. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 16, 2009
SJM 8007 Prime Sponsor, Senator Tom: Naming the NE 116th Street overcrossing of Interstate 405 in Kirkland the Kollin Nielsen Memorial Bridge. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8007 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 13, 2009
SGA 9007 IDA BALLASIOTES, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be

confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

February 13, 2009
SGA 9043 RUSSELL D HAUGE, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

February 16, 2009
SGA 9048 LATISHA D HILL, appointed on September 3, 2008, for the term ending June 30, 2014, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 13, 2009
SGA 9089 LENELL NUSSBAUM, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 18, 2009
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

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

DAN NEWHOUSE, appointed February 18, 2009, for the term ending at the governor's pleasure, as a Director of the Department of Agriculture.

Sincerely,
 CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Agriculture & Rural Economic Development.

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6045 by Senator Zarelli

AN ACT Relating to developing a defined contribution retirement system for public employees, teachers, and school employees; and creating new sections.

Referred to Committee on Ways & Means.

SB 6046 by Senator Zarelli

AN ACT Relating to preserving the fully funded status of certain closed plans within the state retirement systems; amending RCW 43.33A.110; and adding a new section to chapter 41.45 RCW.

Referred to Committee on Ways & Means.

SB 6047 by Senators Prentice and Swecker

AN ACT Relating to authorizing a property tax levy to reimburse taxing districts for property taxes refunded under chapter 84.69 RCW and property taxes abated under RCW 84.70.010; amending RCW 84.55.070; adding a new section to chapter 84.69 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6048 by Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen

AN ACT Relating to education; and adding a new section to chapter 28A.150 RCW.

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

SB 6049 by Senator McCaslin

AN ACT Relating to vessel fees and surcharges; amending RCW 88.02.050, 88.02.050, and 88.02.270; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

SB 6050 by Senators Roach, Hobbs, Stevens, Delvin, Honeyford and Benton

AN ACT Relating to exempting vehicles from the sales and use tax that are sold or used by qualifying disabled veterans or surviving spouses; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 6051 by Senators Murray, Pflug, Kohl-Welles, McAuliffe, Jarrett, Eide, Kline, Fairley, Jacobsen and McDermott

AN ACT Relating to removing an expiration date applicable to heritage and arts program funding; amending RCW 67.28.180; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6052 by Senator Pflug

AN ACT Relating to health benefit plans offering coverage for surgical treatment of morbid obesity; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6053 by Senators Fraser and Keiser

AN ACT Relating to providing personal hygiene and cleaning products to low-income people; creating new sections; and making appropriations.

Referred to Committee on Health & Long-Term Care.

SB 6054 by Senators Fraser, Fairley and Tom

AN ACT Relating to homeowners' associations; amending RCW 64.38.005, 64.38.010, 64.38.015, 64.38.020, 64.38.025, 64.38.030, 64.38.035, 64.38.040, and 64.38.050; adding new sections to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6055 by Senator Fraser

AN ACT Relating to the creation of a state homeowners' association ombudsman office; amending RCW 64.38.010; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6056 by Senators Kauffman and Marr

AN ACT Relating to the use of the local infrastructure financing tool for downtown development and redevelopment; repealing RCW 82.14.475, 39.102.020, 39.102.040, 39.102.070, and 39.102.904; repealing 2008 c 209 s 2 (uncodified); repealing 2007 c 229 s 17 (uncodified); and providing expiration dates.

Referred to Committee on Economic Development, Trade & Innovation.

SCR 8406 by Senators Kastama, Shin, Jarrett and Kilmer

Resolving to adopt "The Washington Innovation Economy" as the state's economic development policy.

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION
8619

By Senators Becker, Holmquist, Hatfield, Ranker, Brandland, Delvin, Stevens, Swecker, Honeyford, Morton, McCaslin, Parlette, Hewitt, Schoesler, King, Carrell, Benton, Pflug, Kastama, Kilmer, Rockefeller, Jacobsen, Franklin, Haugen, Roach, and Fraser

WHEREAS, It is the tradition of the Washington State Senate to honor the great entrepreneurs and family businesses that have uniquely shaped the Northwest; and

WHEREAS, Wilcox Farms is celebrating its centennial anniversary this year; and

WHEREAS, Judson and Elizabeth Wilcox started Wilcox Farms in 1909 on a 240-acre farm in Roy, Washington; and

WHEREAS, In 1931, Judson's son Truman decided to stay on the farm and joined into a partnership; and

WHEREAS, Wilcox Farms entered the dairy business in 1961, when Truman's son Jim returned from the University of Puget Sound, and son Barrie joined the farm four years later; and

WHEREAS, The farm began processing and packaging its own eggs in 1969; and

WHEREAS, In the 1970s, the farm began marketing their own products; and

WHEREAS, The feed mill was later built in 1975, making the farm self-sufficient in feed manufacturing; and

WHEREAS, The farm has grown to 1,600 acres at the original Roy, Washington location; and

WHEREAS, The Roy location is home to over 800,000 laying hens, several hundred thousand pullets, a shell egg processing plant, and a liquid egg processing plant; and

WHEREAS, The feed division handles approximately 90 train cars per year, and Wilcox products are distributed in Wilcox trucks from the California border to the North Slope of Alaska; and

WHEREAS, Wilcox Farms has won numerous awards for its commitment to environmental protection; and

WHEREAS, Wilcox Farms remains family owned and operated, with Andy, Brent, and Chris Wilcox still involved in the day-to-day management;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor Wilcox Farms in celebration of its 100th year in operation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Wilcox Family Farm.

Senators Becker, Franklin and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Wilcox Family Farms who were seated in the gallery.

MOTION

At 10:14 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:10 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5460 with the following amendment: 5460-S.E AMH WAYS H1916.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.06.070 and 2002 c 354 s 209 are each amended to read as follows:

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

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

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

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

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

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

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

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

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

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

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

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

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

(j) Assistant attorneys general;

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

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

(m) The public printer or to any employees of or positions in the state printing plant;

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

(o) Officers and employees of the Washington ((state)) apple ((advertising)) commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

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

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

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

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

For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

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

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

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

Sec. 2. RCW 41.06.133 and 2002 c 354 s 204 are each amended to read as follows:

The director shall adopt rules, consistent with the purposes

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Training and career development;

(3) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(4) Transfers;

(5) Promotional preferences;

(6) Sick leaves and vacations;

(7) Hours of work;

(8) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(9) The number of names to be certified for vacancies;

(10) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(11) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any exempt position under this chapter;

(12) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(13) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military

service and whose military retirement pay is in excess of five hundred dollars per month.

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

Sec. 3. RCW 41.06.500 and 2002 c 354 s 243 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 4. RCW 43.03.030 and 1965 c 8 s 43.03.030 are each amended to read as follows:

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 5. RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. ~~((Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993-))~~ For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

NEW SECTION. Sec. 6. STATE EMPLOYMENT. (1) From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not establish new staff positions or fill vacant existing staff positions except as specifically authorized by this section.

(2) The following activities of state agencies are exempt from subsection (1) of this section:

(a) Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the schools for the blind and the deaf;

(b) Direct protective services to children and other vulnerable populations in the department of social and health services;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response and emergency cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, and the department of natural resources;

(i) Park rangers at the parks and recreation commission;

(j) Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;

(k) Seasonal employment in the department of transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;

(l) Employees hired on a seasonal basis by the department of agriculture for inspection and certification of agricultural products and for insect detection;

(m) Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;

(n) In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition;

(o) Operations of the state lottery and liquor control board business enterprises;

(p) The unemployment insurance program of the employment security department; and

(q) Activities that are necessary to receive or maintain federal funds by the state.

(3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant existing staff positions in the activities specified.

(4) Exceptions to this section may be granted under section 10 of this act.

NEW SECTION. Sec. 7. PERSONAL SERVICES CONTRACTS. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of personal services not related to an emergency or other catastrophic event that requires government action to protect life or public safety. This section does not apply to personal services contracts or other agreements for the acquisition of personal services where the costs are funded exclusively from private or federal grants, where the costs are for tax and fee collection, where the costs are for revenue generation and auditing activities, where the costs are necessary to receive or maintain federal funds by the state, or, in institutions of higher education, where the costs are not funded from state funds or tuition. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department.

NEW SECTION. Sec. 8. EQUIPMENT PURCHASES. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of any item of equipment the cost of which exceeds five thousand dollars and is not related to an emergency or other catastrophic event that requires government action to protect life or public safety. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state funds or tuition.

NEW SECTION. Sec. 9. STATE EMPLOYEE TRAVEL AND TRAINING. Consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not make expenditures for the cost or reimbursement of out-of-state travel or out-of-state training by state employees where the travel or training is not related to (1) an emergency or other catastrophic event that requires government action to protect life or public safety, or (2) direct service delivery, and the travel or training occurs after the effective date of this section and before July 1, 2009. This section does not apply to travel expenditures when the costs are funded exclusively from private or federal grants. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

funds or tuition.

NEW SECTION. **Sec. 10. EXCEPTIONS.** (1) Exceptions to sections 6 through 9 of this act may be granted for the critically necessary work of an agency as provided in this section.

(2) For agencies of the executive branch, the exceptions shall be subject to approval by the director of financial management. For agencies of the judicial branch, the exceptions shall be subject to approval of the chief justice of the supreme court. For the house of representatives and the senate, the exceptions shall be subject to approval of the chief clerk of the house of representatives and the secretary of the senate, respectively, under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives. For other legislative agencies, the exceptions shall be subject to approval of both the chief clerk of the house of representatives and the secretary of the senate under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives.

(3) Exceptions approved under subsection (2) of this section shall take effect no sooner than five business days following notification of the chair and ranking minority member of the ways and means committees in the house of representatives and the senate. The person approving exceptions under subsection (2) of this section shall send the exceptions to the legislature for consideration every thirty days from the effective date of this section, or earlier should volume or circumstances so necessitate.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460.

POINT OF INQUIRY

Senator Prentice: "Would Senator Tom yield to a question? Senator Tom, Engrossed Substitute Senate Bill No. 5460 is intended to reduce the administrative cost of state government by among other items restricting the authority of state agencies to enter into contracts for personal services and equipment purchases prior to July 1, 2009 the end of the 2007-09 fiscal biennium. Is this bill intended to restrict the ability or the authority of state agencies to enter into agreement for these

kinds of purchases if the actual expenditures occur in the 2009-11 biennium and no expenditures occur in the current biennium?"

Senator Tom: "No, sections 7 & 8 of Engrossed Substitute Senate Bill No. 5460 are not intended to restrict the ability of state agencies to enter into contracts or expenditures in the 2009-11 fiscal biennium subject to legislative appropriation."

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5048, by Senators Kilmer, Kastama, Schoesler, Shin, Delvin, Kauffman, King and Pridemore

Providing for coordination of workforce and economic development.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5048.

ROLL CALL

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Delvin

SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5043, by Senators Kilmer, Kauffman, Shin, Rockefeller, Kastama, Kohl-Welles, Jarrett, Tom and McAuliffe

Convening a work group to develop a single, coordinated student access portal for college information.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5043 was substituted for Senate Bill No. 5043 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5043.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5043 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 5043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Marr: "Thank you Mr. President. Mr. President, yesterday the Senate unanimously adopted Senate Joint Resolution No. 8631. How this resolution memorializes a chapter in American history that began sixty-seven years ago with the signing with the Executive Order 9066 by President Franklin Roosevelt. It's a chapter that can have no closure as long as there are those who value human dignity and the Constitution that all of us in this chamber are sworn to uphold.

For many, as much as many would like to forget the tragedy of the internment of so many loyal Japanese Americans, and that includes those who stood by as it happened, as well as those who suffered the indignity of relocation. We cannot and we will not forget Mr. President. It's a story of one hundred twenty thousand lives forever shaped by relocation to internment camps with names like Topaz, Heart Mountain, Minidoka and Manzanar. Over sixty thousand of those were infants, children and young adults who had not reached voting age. Twelve thousand were fellow Washingtonians like you or I. We've all been touched by stories, and I know many of us have them, of families uprooted over night, forced to sell homes and farms in a matter of days usually suffering significant financial loss, family heirlooms and belongings placed in government storage or left with friends that were either destroyed or not returned when those families returned home. Camps, and by the way, I had a chance to visit with my wife, the Buddhist Temple in Wapato that's in Senator King's District. It's a beautiful altar there, and it's there because a local farmer put it in his barn and hid it under hay. They went to camps, they were surrounded by desert and barbed wire. These were tar-papered covered barracks without plumbing or cooking facilities. Coal was hard to come by so basically the people there huddled under the blankets they were provided. The food was rationed. It was prepared by internees, served by internees and served in mess halls of two-hundred fifty and three hundred people. It was a bleak existence that was endured only by the love of friends and family and the same sense of hope that brought many of those Japanese Americans to these shores generations before. There are also stories however, that reinforce our belief in human decency and compassion. Friends back home that wrote on a regular basis, books provided for kids in the camps, neighbors who took care of belongings, pets, property and return them after these people returned home. Many of them with only the one hundred dollars they were given to relocate back to their homes. Also, there are many stories of the heroism of the 442nd regimental combat team, the sons and brothers of those back home in camps, the most highly decorated military unit in the history of the United States Armed Forces with twenty-one medal of honor winners. Now, if giving your life for your country while your parents sit behind barb wire in the desert is not a definition of selfishness and love of country Mr. President, I don't know what is, but sadly the sum total of these acts cannot undo the wrong of putting innocent, loyal Japanese Americans behind barb wire for years. The phrase, Mr. President, '*shikata-ganai*' is often used to describe the internment experience by generations, older generations. One translation is, 'literally it cannot be helped,' but I do not prefer this translation because number one, it implies that an honest assessment of what democracy stands for could not have avoided this tragedy, and the second thing, that it implies a sense of helplessness and resignation. To me a better definition, a better translation is that a person has to endure what cannot be changed. This implies that at an end of a time of darkness and suffering, there will be an opportunity to change the causes and conditions that brought so much pain on to so many people and that's why we're here Mr. President. To acknowledge that the experience of putting one hundred twenty thousand fellow Americans in internment camps is one we all here, share collectively in one way or another. It serves to diminish us all as human beings and believers in principles upon our democracy was founded, that so many, including Japanese Americans gave their lives to defend and it really causes us to recommit, not to repeat the same mistakes by succumbing to fear, bigotry or prejudice. As a Japanese American, Mr. President, I'm honored to have been given the honor of serving in this chamber and forever grateful that I'm guided by the lessons that come from the sacrifices of those we honored with that resolution. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Hobbs: “Mr. President I like to follow up with the previous speaker. We talked about the darkness and the tragedy of the internment. I’d like to move on from that and talk about the light. The light in the darkness of this tragedy where we have men who fight for the freedom of our country yet at the same time, at the same time, when their battling an enemy that’s trying to defeat us that there seventy year old grandmother and their ten year old sister are considered enemies of the state. I don’t how they did it. We know the history of these great men and I’m talking about the men of the 100th Battalion and the M. I. S and the 442nd. A little bit of the history, thirty three thousand answered the call, answered the call to fight even though their families were in interned. Six thousand were part of the M. I. S. Military Intelligent Service. Boy, I don’t know how they did it. These people fought in the Pacific theater against people they would consider their brothers, their ancestors. But they were fighting on the wrong side, the imperial Japanese, and they were there fighting them and they were there in Iwo Jima and Okinawa. They were critical in every command, but on the other side, in the Atlantic, we had the 100th Battalion and we had the 442nd and I wanted to name off some of the battles, some of the important battles and sacrifices they did. The first one is at Casino. Thirteen hundred men of the 100th battalion. There was this old monastery on top of a hill and they had to take it. They were German observers calling fire upon the allied forces down below and the thirteen hundred men in that action over a course of a few days only five hundred twenty-one we able to muster after the combat. Still unable to take it, it took five more divisions and aerial bombing before that place was able to be taken. Several months later, the 442nd, the rest of them, linked up with them and there they did something that the Army is very proud of, we have a saying, ‘We leave no one behind.’ There was a battalion, now famously called The Lost Battalion, that was the first battalion, 141st Infantry of the 36th Infantry Division. Two hundred eleven men surrounded by German forces in a force, in mountains. They went in there and rescued them at the cost of half their soldiers. They went on to liberate parts of France and went into Germany, 522nd Artillery Unit was one of units that liberated the Dachau concentration camp. If you don’t mind Mr. President, I would like read a little bit here? The 442nd became most decorated unit in the United States Military history for the size and the length of service with it’s component 100th infantry battalion earning the nick name ‘The Purple Heart battalion’. The 442nd received seven presidential unit citations and eighteen thousand one-hundred forty-three awards including twenty-one medals of honor, fifty-two distinguished service crosses, nineteen upgraded to medals of honor, one distinguished service medal, five hundred sixty silver stars, twenty-two legends of merit medals, fifteen soldiers medals, four thousand bronze stars and nine thousand four hundred eighty-six purple hearts. If you were to do a statistical analysis of this battalion in terms of casualty rates. To include killed in action, wounded and missing in action, they would have a stunning three hundred fourteen percent casualty rate, incredible. Incredible that these men took on amazing odds and their families own were interned. I remember I was visiting the Nisei Vet Hall and my son was saying, ‘He’s a little guy over there.’ One of the former Nisei vets, I go, ‘You know Gavin, that little guy, that little guy carried probably about fifty-five pounds on his back ammunition, a rifle up hill to take on a determined enemy.’ You know, he may be a little guy but he’s the biggest hero in my book. We should always remember his sacrifices and the sacrifices of others. You know I can never hold a candle to those men of the 442nd and the M. I. S. and I’m Nisei veteran. I fought in Iraq, but I tell you what I’m proud, I’m proud to be a Nisei veteran and thank you so much for what you’ve done for me.”

PERSONAL PRIVILEGE

Senator Rockefeller: “Thank you Mr. President. Back in 1971 I moved to Bainbridge Island. I didn’t know it’s history at the time but I found out soon enough that I had neighbors, to my east was a former Island garden nursery owned by a gentleman named Junkoh Harui who recently passed away and to the south of my home was ten acre raspberry farm which was farmed by Mrs. Shigeko Kitamoto. Now, I had seen this iconic picture of a young Japanese American carrying a baby waiting for the deportation and removal from the Island and for years I thought it was Mrs. Kitamoto but she never talked about her story and she too was relocated from Bainbridge Island. She was among some two hundred forty citizens who were relocated by the U. S. Army and taken away. Part of that thirteen thousand of the one hundred twenty thousand, the Senator from the Sixth District referenced earlier. For years Mrs. Kitamoto would not talk about this, it was a source of humiliation that this had even occurred to her and never occurred, I think, to think about the injustice. She was struggling to make a life for her four children. She was a widow. She farmed those ten acres. I would hear her at five o’clock in the morning with her hoe scrabbling through some stony soil, hooking up irrigation pipes and picking the raspberries which my daughters found irresistible. They couldn’t help but go down into the raspberry field and run up and down and Mrs. Kitamoto pretended that she didn’t see them. Gradually we became acquainted and she became our friend and someone we loved and then eventually she began to talk about her experience and it was like that of so many others. A denial of civil rights, a loss of the opportunity to make a living for several years, coming back home to a place which had changed where their opportunities were largely gone and they had to rebuild their lives and they have done that with great courage and dignity and they are now a thriving part of our community. We owe so much to them, we owe so much to the veterans who performed so magnificently so I am happy here today to join in support of this resolution. Thank you.”

PERSONAL PRIVILEGE

Senator Shin: “As a former professor of history every time I think about this the 442nd regiment and Executive 9066, used to bring tears to my eyes because how could a democratic nation such as the United States would do? But today, as I stand before you, a nation that committed a wrong and to say, ‘I’m sorry’ and we are sorry the nation civilization would thrive. I think America epitomizes that example. The young nation trials and tribulations went through and we rectified. For example, Executive 9066, it was issued and one hundred twenty thousand Japanese Americans interned. One of the Washington residents whose name was Gordon Hirabayashi, was a University Washington student. He questioned and challenged the legitimacy of such a law and he not go to internment camp but he was arrested but accordingly to constitutionality he was not guilty. He sent or made a time peacefully in Arizona and released after World War II and but Japanese Americans in the United States all their suffering not withstanding, they’re obedient and faithful to this country. They claimed this land is the land of the United States of American which I applaud for them and one of our great senators in the United States, Daniel Induye. He is a recipient of one of the highest medals in the second, World War II. He still in the U. S. Senate in Washington D. C. making a service to this country. As you perhaps know that we actually, I primed sponsored that bill in the year 2001 for Takuji Yamashita. He came to the United States 1897. Went to the University of Washington finished the University of Washington in law school, passed the bar exam in 1904 but he was not allowed to practice law, by he was not

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

given license to practice, so instead he went to fishing. After World War II, 1949 he went back to Japan to die. I read about this article and I present this to you this article to you folks in the Senate and most of you suggested I should put into legislation and give Takuji a post humus title as a lawyer in Washington state and I remember some of you made a speech to the fact we are sorry but I said give this man a title and of such the post humus title is given and we invited Takuji Yamohitea's during the hearing. Japanese Consul General from Seattle area also grandchildren, nine of them came from Japan to participate in the ceremony. It was most emotional ceremony. There wasn't a dry eye in the ceremony and the past, the speech that bill that passed ladies and gentleman that itself Japanese Consul General saw fit to take it to Japan and today that bill hangs in Saiga Ueno National Park in downtown Tokyo, reminder her that the nation live together, they are peacefully and sorry and forgiven and continuing to be friends. This is I think is an important chapter. One of the great things about this country I feel is that yes I am an immigrant myself not knowing much about this country but this country recognize for all. As you know the year 2002 we sponsored legislation changing from 'oriental' to 'Asian.' It passed unanimously passed the House and Governor signed. We became the first state in the country to pass the legislation changing from Oriental to Asians and, surprisingly, the year 2004 United States Congress accepts that and made official change the title from Oriental to Asian. We got a letter from Singapore, India, Pakistan, 'What is this about,' They didn't even understand. We send them the bill. They didn't know that and they all changed. Now it has a global affect and another great thing about this country. After the pass of the bill, I was invited by the Martin Luther King III. He said 'Would you come to Kansas City, Missouri to speak to Southern Christian Conference. Which I did and he was waiting at the airport. He says 'If my father was alive, he would be the first one to thank you for such a bill.' In the speech my conclusion of the speech was this ladies and gentlemen. Many people see America as a different metaphor. Some says, America is like a apple pie, baseball and Chevrolet, some call it Marilyn Monroe but to me America is a beautiful, my metaphor for America is a beautiful piece of tapestry. Some call the melting pot. What does that mean. Does it mean we're melting into the same color. I don't think so. It's a beautiful piece of tapestry. There's a white thread, black, brown, yellow different colored threads. Single thread is there is weak but together make a strong and beautiful tapestry. This is what America is all about. We came a long ways. Is America perfect. I don't think so yet. We have a long ways to go yet, so much work to do but I am so grateful to serve in a country, live in a country, that understands the justice and love for all. For this reason, thank you very much Mr. President."

PERSONAL PRIVILEGE

Senator Jacobsen: "I was born in Nebraska and I haven't been back there in a long but I go back for visits but I have a lot of relatives back there and they send me Cornhuskers paraphernalia from the University of Nebraska football team and I had a sweatshirt on one day and I went into Burger Master and this Japanese American woman said to me, 'Now I know why I like you. You're from Nebraska.' Then she told me the story that in World War II the University of Nebraska said all the Japanese Americans that are college age that were going to be relocated that they would accept them at the University of Nebraska so they have a large Nisei contingent of alumni. She said what they told her when she got back there to go to University, and Nebraska's a mixture of ethnic group, every towns a different groups. But anyway what they told her was, you know in World War I we didn't treat our Germans very well and we're not going to make that mistake again and then I

thought about it and 911 it helped me from yielding to the passions of the moment and saying you know we have a lot of good citizens here and they're loyal to this country and we shouldn't panic just because of what happened. So, I think that's a lesson I learned from it and I'm proud to be from Nebraska."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Having read the article in the Seattle Post Intellegencer late last month I was particularly moved by the story of Miss. Hayashida and for many years in teaching college classes on sociology and covering information on prejudice and discrimination, one of the most alarming really is devastating facts unfortunately that I had uncovered, and I don't think this is very well known by the public, but at the time of these transportations of individuals to internment camps, the United States Congress came just short of passing legislation that would of required sterilization of all Japanese Americans. It's horrifying to think about that. I absolutely certain that would not happen today and did not happen then but it is just extremely difficulty even comprehend that at that time except for very close margin that would have been the reality. So, I think it's important to note that and I appreciate this debate on the floor today, this discussion. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Fumiko Hayashida, Ruthann Kurose, members of the American Citizens League and Veterans Committee who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5044, by Senators Kilmer, Berkey, Kastama, Schoesler, Marr, Shin, Rockefeller, Eide, Jarrett, Keiser, Tom and Kohl-Welles

Changing work-study provisions.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:47 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 19, 2009.

MOTION

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

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:19 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460,

MOTION

At 12:20 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:45 p.m. by President Owen.

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694,

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

THIRTY-NINTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, February 19, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 17, 2009

SB 5023 Prime Sponsor, Senator Honeyford: Regulating fire suppression. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5023 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5025 Prime Sponsor, Senator Kline: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5067 Prime Sponsor, Senator Jacobsen: Expanding hunter access to certain private lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5075 Prime Sponsor, Senator Hatfield: Concerning the community economic revitalization board's project selection criteria. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 17, 2009

SB 5084 Prime Sponsor, Senator Pridemore: Regarding assessed valuation requirements for the direct petition method of annexation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5149 Prime Sponsor, Senator Kline: Creating the geothermal assessment committee. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5157 Prime Sponsor, Senator Brandland: Modifying the requirements of psychological examinations for peace officer certification. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5228 Prime Sponsor, Senator Haugen: Regarding day labor construction projects and programs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair;

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5296 Prime Sponsor, Senator Delvin: Regarding public facilities district formation and authority. Reported by Committee on Government Operations & Elections

SB 5320 Prime Sponsor, Senator Murray: Modifying the name of and titles within the acupuncture profession. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Murray and Parlette.

MAJORITY recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5303 Prime Sponsor, Senator Hobbs: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

SB 5426 Prime Sponsor, Senator Kastama: Authorizing certain areas in cities or towns to annex to a fire protection district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5311 Prime Sponsor, Senator Fraser: Providing benefits for the survivors of certain firefighters. Reported by Committee on Ways & Means

SB 5430 Prime Sponsor, Senator Fraser: Concerning water discharge fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5430 as recommended by Committee on Environment, Water & Energy be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

SB 5315 Prime Sponsor, Senator Schoesler: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

February 17, 2009

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

SB 5447 Prime Sponsor, Senator Fairley: Changing the county population requirement in order for a county to lease space with an option to purchase. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Swecker.

Passed to Committee on Rules for second reading.

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

February 18, 2009

SB 5449 Prime Sponsor, Senator McAuliffe: Regarding establishing and meeting graduation and reengagement goals. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5461 Prime Sponsor, Senator Haugen: Concerning reserve account and study requirements for condominium associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5461 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5499 Prime Sponsor, Senator Jarrett: Concerning bond amounts for department of transportation highway contracts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5499 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5507 Prime Sponsor, Senator Marr: Protecting sole source aquifers by providing sewer utility service to mobile home parks. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5516 Prime Sponsor, Senator Franklin: Addressing drug overdose prevention. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5526 Prime Sponsor, Senator Fairley: Modifying disclosure requirements for private investment information received by the University of Washington consolidated endowment fund. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5526 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5556 Prime Sponsor, Senator Kilmer: Prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5556 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5566 Prime Sponsor, Senator Regala: Harmonizing excise tax statutes with the streamlined sales and use tax agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5593 Prime Sponsor, Senator McAuliffe: Regarding career and technical student organizations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

February 18, 2009

SB 5598 Prime Sponsor, Senator Jacobsen: Creating the timber recovery fund board to maintain Washington's working forest land base. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5601 Prime Sponsor, Senator Franklin: Regulating speech-language pathology assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5608 Prime Sponsor, Senator Franklin: Concerning genetic counselors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5608 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5615 Prime Sponsor, Senator Kohl-Welles: Reclassifying possession of forty grams or less of marijuana from a misdemeanor to a class 2 civil infraction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5650 Prime Sponsor, Senator Pridemore: Authorizing the transfer of accumulated leave of employees of

the state school for the blind and the school for the deaf. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5665 Prime Sponsor, Senator Berkey: Authorizing a joint self-insurance program for two or more affordable housing entities or nonprofit entities. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5671 Prime Sponsor, Senator Berkey: Requiring annuities sold in Washington to be suitable to the age and financial situation of the purchaser. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5676 Prime Sponsor, Senator McAuliffe: Providing for career and technical education opportunities for middle school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett and McDermott.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5690 Prime Sponsor, Senator Swecker: Assisting small forest landowners to keep their land in active working forestry. Reported by Committee on Natural Resources, Ocean & Recreation

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hatfield and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5691 Prime Sponsor, Senator Brandland: Increasing boating safety. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 17, 2009

SB 5696 Prime Sponsor, Senator Kauffman: Requiring rural county library district boards in counties with populations of one million five hundred thousand or more to have seven appointed members. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5704 Prime Sponsor, Senator Swecker: Concerning creation of a flood district by three or more counties. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5705 Prime Sponsor, Senator Swecker: Regarding voting rights in special districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5705 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5724 Prime Sponsor, Senator Pridemore: Concerning the generation of electricity from biomass energy that is a renewable resource. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5745 Prime Sponsor, Senator Hargrove: Addressing the spread of invasive plant species in Washington. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5770 Prime Sponsor, Senator Kilmer: Requiring public notification of industrial development levies by port districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5795 Prime Sponsor, Senator Kilmer: Modifying the use of funds from the Tacoma Narrows toll bridge account. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5880 Prime Sponsor, Senator McAuliffe: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do

THIRTY-NINTH DAY, FEBRUARY 19, 2009

pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5889 Prime Sponsor, Senator Hobbs: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5916 Prime Sponsor, Senator Kohl-Welles: Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5921 Prime Sponsor, Senator Rockefeller: Creating a clean energy collaborative. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5921 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5924 Prime Sponsor, Senator McAuliffe: Changing Running Start provisions. Reported by Committee on Early Learning & K-12 Education

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5924 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Tom.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5941 Prime Sponsor, Senator Oemig: Regarding comprehensive education data improvement systems. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5941 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Ways & Means.

February 17, 2009

SB 5951 Prime Sponsor, Senator Roach: Protecting the voter's signature and telephone number on envelopes provided for return of voted ballots. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 18, 2009

SGA 9012 AMY BRAGDON, reappointed on January 13, 2009, for the term ending January 12, 2013, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

February 18, 2009

SGA 9020 YANG-SU CHO, appointed on November 20, 2008, for the term ending July 1, 2013, as Member of the State

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

February 18, 2009

SGA 9140 CONNIE NIVA, reappointed on January 16, 2009, for the term ending September 30, 2014, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

February 18, 2009

SGA 9049 REBECCA HILLE, reappointed on January 20, 2008, for the term ending January 19, 2012, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

February 18, 2009

SGA 9145 BERNAL BACA, reappointed on January 13, 2009, for the term ending January 12, 2013, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

February 18, 2009

SGA 9059 ALLIE M JOINER, reappointed on August 30, 2006, for the term ending July 1, 2010, as Member of the Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5601, Senate Bill No. 5608 which were referred to the Committee on Rules and Senate Bill No. 5075 and Senate Bill No. 5924 which were referred to the Committee on Ways & Means.

Passed to Committee on Rules for second reading.

MOTION

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

February 18, 2009

SGA 9061 JUANITA J KAMPHUIS, appointed on September 19, 2008, for the term ending July 1, 2013, as Member of the State School for the Deaf Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

February 18, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TED BASELER, appointed February 9, 2009, for the term ending September 30, 2014, as Member, Board of Regents, Washington State University.

Passed to Committee on Rules for second reading.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

February 18, 2009

SGA 9071 ALBERT J LINGGI, appointed on March 10, 2008, for the term ending January 19, 2012, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

February 18, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

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

PATRICK M. HANNIGAN, reappointed January 22, 2009, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 18, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE L. LACHNEY, appointed February 9, 2009, for the term ending September 30, 2009, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

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

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE JOINT MEMORIAL NO. 4005, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6057 by Senators Zarelli, Honeyford, McCaslin, King, Morton, Hewitt, Stevens, Benton and Holmquist

AN ACT Relating to business and occupation tax exemptions for new businesses; adding a new section to chapter 82.04 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6058 by Senator Swecker

AN ACT Relating to the Lewis county watershed planning and economic development demonstration project; creating a new section; and making appropriations.

Referred to Committee on Environment, Water & Energy.

SB 6059 by Senator Regala

AN ACT Relating to the exclusion of certain vehicles from the definition of "junk vehicle"; and amending RCW 46.79.010.

Referred to Committee on Transportation.

SB 6060 by Senator Jacobsen

AN ACT Relating to hunting and fishing licenses.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6061 by Senators Kilmer, Ranker and Rockefeller

AN ACT Relating to improving Washington state ferry service by modernizing ferry fleet and organization; and creating new sections.

Referred to Committee on Transportation.

SB 6062 by Senators Tom, Prentice, McDermott, Fairley, McAuliffe, Kauffman, Jarrett, Marr, Hobbs, Kline, Fraser, Oemig, Keiser, Shin and Kilmer

AN ACT Relating to exempting certain foreclosure sales from the real estate excise tax; and reenacting and amending RCW 82.45.010.

Referred to Committee on Ways & Means.

SB 6063 by Senators Ranker and Hatfield

AN ACT Relating to eligibility of lands used for equestrian related activities for current use valuation programs; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6064 by Senators Jarrett, Murray, Marr, Swecker, Sheldon, Haugen and Hewitt

AN ACT Relating to regional transportation accountability boards; amending RCW 81.112.040, 47.56.031, 47.56.075, 82.14.430, 82.80.005, 82.80.030, 82.80.100, 82.80.120, 35.21.718, and 82.16.046; reenacting and amending RCW 81.100.060; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 36.120 RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 47.80.060; and declaring an emergency.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HJM 4005 by Representatives Santos, Hasegawa, McCune, Hurst, Campbell, Pedersen, Hunter, Rodne, Warnick, Smith, Anderson, Ross, Angel, Walsh, Bailey, Roach, Shea, Upthegrove, Morrell, Ormsby, Hudgins, Conway, Rolfes, Kelley and Kenney

Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans.

THIRTY-NINTH DAY, FEBRUARY 19, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6062 which was referred to the Committee on Ways & Means and Senate Bill No. 6063 which was referred to the Committee on Agriculture & Rural Economic Development.

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8610

By Senator Honeyford

WHEREAS, The City of Grandview was founded in 1906 and incorporated in 1909, named for its grand view of Mt. Adams and Mt. Rainier, the two highest peaks in the great state of Washington; and

WHEREAS, In the summer of 1909 a caucus was called and nominated John Monroe as Mayor, A. W. Hawn as Treasurer, and W. F. Elser, D. O. Robertson, A. E. Fisk, C. R. Moulton, and F. G. Bennett as Councilmen; and

WHEREAS, The first ordinance was passed September 27, 1909, G. D. Snowden was appointed Clerk, Ed Dawson as Marshall, and Ward Wheeler of Holder, Shumate, and Wheeler was chosen as City Attorney; and

WHEREAS, The current officials for the City of Grandview are Mayor Norm Childress and Councilmembers, Joan Souders, Jan McDonald, Pam Horner, Mike Bren, Bill Moore, Diana Jennings, Jesse Palacios, City Clerk Anita Palacios, City Treasurer John Myers, City Administrator Scott Staples, City Attorney John E. Maxwell, Fire Chief Pat Mason, Police Chief David Charvet, Public Works Director Cus Arteaga, and City Librarian Linda Dunham; and

WHEREAS, The Mayor of Grandview has proudly appointed a volunteer Centennial Committee to coordinate and implement a wealth of commemorative events and activities in 2009; and

WHEREAS, These events and activities will include oral history presentations, historical displays, school art projects, community portrait, centennial projects, a fun run, facility tours, centennial fair and parade, and more; and

WHEREAS, the City Council and Centennial Committee strongly encourage both citizens and visitors to participate in these events and activities to assist Grandview in celebrating its 100th Anniversary;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize and congratulate the City of Grandview and its citizens on the 100th Anniversary of the establishment of the Town of Grandview; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Norm Childress, the Mayor of the City of Grandview; to the City Council Members and City Officials; and to Rob Chandler, Editor of The Grandview Herald.

Senator Honeyford spoke in favor of the resolution.

The President declared the question before the Senate to be

the adoption of Senate Resolution No. 8610.

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8620

By Senator Honeyford

WHEREAS, The town of Granger was incorporated September 28, 1909, when it served as a staging ground for settlers at the confluence of Satus Creek and Yakima River; and

WHEREAS, The town of Granger is named after Walter N. Granger of Buffalo, New York, who had worked for the Northern Pacific Railroad. On December 4, 1889, Mr. Granger organized the Yakima Land and Canal Company, thereby creating the Sunnyside Project, the Yakima Valley's first commercial irrigation project; and

WHEREAS, The town's first officers were Mayor C.W. Mentzer; Councilmen A.P. Peterson, E.B. Johnson, George Oldfield, E.N. Meloy, and A. Rodgers; Clerk Fred R. Hawn; and Treasurer A.C. Snowden; and

WHEREAS, Granger's population in 1910 was 500 people; and

WHEREAS, The present officers are Mayor Ramona Fonseca; Councilmembers Ernie Guerra, Tim Martin, Donna Shipman, Lilia Villarreal, and Natalie Ybarra; City Attorney Robert Noe; Clerk-Treasurer Alice Koerner; Fire Chief Ken Shipman; Police Marshal Robert Perales; and Public Works Director Jack Burnes; and

WHEREAS, In 1958 woolly mammoth bones were discovered at a mine once owned by the Granger Clay Company, and Granger remains a place "Where Dinosaurs Roam," allowing people to see life-sized dinosaurs throughout the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognizes and congratulates the City of Granger and its citizens on the 100th Anniversary of the establishment of the Town of Granger; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ramona Fonseca, the Mayor of Granger; to the City Councilmembers and City Officials; to Bob Story, Editor of The Daily Sun News; and to Fernando Aceves, Editor of The Review Independent.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Mayor of Granger, Ramona Fonseca; Mayor of Grandview, Norm Childress; City Administrator, Scott Staples and City Council Members, Diana Jennings, Bill Moore, Jan McDonald and Jesse Palacios who were seated in the gallery.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8633

By Senator Benton

WHEREAS, Ninety-eight years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people with powerful words such as these: "The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology"; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world; and

WHEREAS, President Ronald Regan provided this nation a great vision for the future and the leadership to advance the cause of democracy and the American dream;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect, that the Washington State Senate remember the work, honor, and excellence of character exemplified by President Ronald Wilson Reagan as we honor his life and Presidency.

Senators Benton and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

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

MOTION

At 12:14 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, February 20, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 20, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Jacobsen.

The Sergeant at Arms Color Guard consisting of Pages Cameron Ford and Kenley O'Hanlon, presented the Colors. Reverend Dr. Donald Mayar, retired Pastor of the Eagle Harbor United Church of Christ of Bainbridge Island offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2009

SB 5189 Prime Sponsor, Senator Kohl-Welles: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Kauffman, Vice Chair, Early Learning.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5193 Prime Sponsor, Senator Delvin: Allowing a nonresident alien to possess weapons when hunting with a Washington-licensed hunter. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5208 Prime Sponsor, Senator Brandland: Ensuring punishment for domestic violence offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5255 Prime Sponsor, Senator Jacobsen: Regarding

aquatic lands lease rates for marinas. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5282 Prime Sponsor, Senator Keiser: Regarding the use of bisphenol A. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5401 Prime Sponsor, Senator Morton: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5415 Prime Sponsor, Senator Benton: Regulating persons selling, soliciting, or negotiating insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5416 Prime Sponsor, Senator Berkey: Expanding the scope of business continuity plans for domestic insurers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5484 Prime Sponsor, Senator Marr: Concerning developmental screening. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5484 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5530 Prime Sponsor, Senator Hobbs: Creating the guaranteed asset protection waiver model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5624 Prime Sponsor, Senator Kauffman: Restricting the use of mechanical restraints and chemical sprays for discipline in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5659 Prime Sponsor, Senator Berkey: Authorizing the consideration of mitigating factors for enforcement actions under the mortgage broker practices act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5661 Prime Sponsor, Senator Pridemore: Exempting the annual parental declaration of intent to home school from the public disclosure act. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early

Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5670 Prime Sponsor, Senator Berkey: Addressing insurance, generally. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5695 Prime Sponsor, Senator Oemig: Authorizing the Washington state patrol to accept donations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5714 Prime Sponsor, Senator Tom: Providing conditional funding for teachers to pursue national board for professional teaching standards certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5719 Prime Sponsor, Senator Swecker: Modifying title and registration requirements for kit vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5725 Prime Sponsor, Senator Keiser: Concerning health benefit plan coverage for organ transplants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5730 Prime Sponsor, Senator Keiser: Enhancing

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

federal financing of health coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5768 Prime Sponsor, Senator Murray: Concerning the state route number 99 Alaskan Way viaduct replacement project. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5802 Prime Sponsor, Senator Oemig: Changing professional educator standards board provisions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5843 Prime Sponsor, Senator Pridemore: Identifying qualified applicants and procedures within the Washington wildlife and recreation program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5883 Prime Sponsor, Senator Kline: Studying the linked deposit program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5890 Prime Sponsor, Senator McDermott: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5893 Prime Sponsor, Senator Berkey: Concerning actions by insurance companies against violators. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5894 Prime Sponsor, Senator Haugen: Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5928 Prime Sponsor, Senator Brown: Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositories. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5957 Prime Sponsor, Senator Jacobsen: Regarding the department of natural resources' authority for transactions involving certain commercial lands, natural resource lands, or forest lands at risk of development. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Ways & Means.

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

with the exception of Senate Bill No. 5714 which was referred to the Committee on Ways & Means.

February 19, 2009
SB 5979 Prime Sponsor, Senator Hargrove: Authorizing the department of natural resources to conduct a forest biomass energy demonstration project. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hatfield and Stevens.

Passed to Committee on Rules for second reading.

February 18, 2009
SB 6033 Prime Sponsor, Senator Berkey: Creating the prevent or reduce owner-occupied foreclosure program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009
SCR 8406 Prime Sponsor, Senator Kastama: Resolving to adopt "The Washington Innovation Economy" as the state's economic development policy. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 19, 2009
SGA 9062 BRUCE KENDALL, appointed on September 15, 2008, for the term ending at the governors pleasure, as Chair of the Economic Development Commission. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and McCaslin.

Passed to Committee on Rules for second reading.

February 19, 2009
SGA 9125 ROBYN TODD, appointed on April 12, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 19, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

JOHN K. MCVAY, reappointed October 20, 2008, for the term ending March 26, 2012, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6065 by Senators Fairley and Shin

AN ACT Relating to the structure and authority of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.022, 66.08.050, 66.08.0501, 66.08.150, and 66.08.166; adding a new section to chapter 66.08 RCW; repealing RCW 66.08.020; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6066 by Senators Marr, Ranker, Jarrett and Brown

AN ACT Relating to studded tires; amending RCW 46.37.420 and 46.37.4216; reenacting and amending RCW 47.36.250; adding new sections to chapter 47.01 RCW; repealing RCW 46.37.4215 and 46.04.272; and providing effective dates.

Referred to Committee on Transportation.

SB 6067 by Senator Kline

AN ACT Relating to delayed sentencing for offenders with a standard range under one year; amending RCW 9.94A.500; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Judiciary.

SB 6068 by Senators Swecker, Haugen, King and Shin

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

AN ACT Relating to the definition of "conviction" for purposes of the uniform commercial driver's license act; amending RCW 46.20.270; and reenacting and amending RCW 46.25.010.

Referred to Committee on Transportation.

SB 6069 by Senators Pridemore and Kline

AN ACT Relating to tax incentives for renewable energy manufacturing facilities; amending RCW 82.32.5351; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 6070 by Senator Hatfield

AN ACT Relating to disposal of dredged riverbed materials from the Mt. St. Helen's eruption; and amending RCW 79.140.120.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6071 by Senator Haugen

AN ACT Relating to foster parent training on autistic children; and amending RCW 74.13.310.

Referred to Committee on Human Services & Corrections.

SB 6072 by Senator Hobbs

AN ACT Relating to a state route number 9 Snohomish river bridge environmental planning process and design; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6073 by Senators Oemig, Shin, Roach, Jarrett and McDermott

AN ACT Relating to profoundly capable divergent students; amending RCW 28A.155.010, 28A.155.020, and 28A.150.390; adding a new section to chapter 28A.155 RCW; and creating a new section.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Marr, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5553, by Senators Kilmer, Delvin, Kastama, Shin, Hobbs, Marr, Tom, McAuliffe, Kohl-Welles and Pridemore

Promoting economic development through promoting innovation and the commercialization of technologies.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators McCaslin and Roach were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Jacobsen

SUBSTITUTE SENATE BILL NO. 5553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5555, by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles

Establishing a lifelong learning account steering committee. Revised for 1st Substitute: Regarding lifelong learning accounts.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senator Kilmer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Lifelong learning accounts are portable employee-owned and employer-matched savings accounts dedicated to covering the cost of tuition, fees, books,

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

supplies, and equipment for working adults seeking education and training to improve their position in the workforce. The legislature finds that lifelong learning accounts allow employers and workers to coinvest in their futures. The legislature further finds that, combined with free career advising, lifelong learning accounts can make a significant difference in the lives of workers and their families, as well as for employers in need of well-trained workers. The legislature intends to facilitate the creating of lifelong learning accounts for workers in the state of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.18 RCW to read as follows:

(1) The board shall establish a state lifelong learning account steering committee. The steering committee shall consist of representatives from: (a) The association of Washington business; (b) the higher education coordinating board; (c) the state board for community and technical colleges; (d) the department of community, trade, and economic development; (e) the Washington state hospital association; (f) the Northwest career colleges federation; (g) the Pacific mountain workforce development council; (h) the state and regional AFL-CIO and SEIU; and (i) other business and labor representatives.

(2) The steering committee shall: (a) Develop a policy framework to establish a statewide lifelong learning account program; (b) identify technical and budget issues along with recommendations on how to resolve them; (c) study methods for continuing outreach to workers, employers, and foundations, willing to participate in and fund lifelong learning accounts; (d) explore career advising options including online tools; and (e) design a performance accountability system.

(3) The steering committee shall receive staff and logistical support from the board.

(4) The steering committee shall report to the appropriate committees of the legislature by September 1, 2010, and every two years thereafter, regarding the numbers and characteristics of participating workers and employers, the status of outreach efforts, and other appropriate performance outcome measures identified by the steering committee.

NEW SECTION. Sec. 3. A new section is added to chapter 28C.18 RCW to read as follows:

The board may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the establishment of the state lifelong learning account program."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer to Substitute Senate Bill No. 5555.

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

MOTION

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

On page 1, beginning on line 1 of the title, after "accounts;" strike the remainder of the title and insert "adding new sections to chapter 28C.18 RCW; and creating a new section."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Voting nay: Senator Zarelli

Absent: Senator Tom

Excused: Senator Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5316, by Senators Jarrett, Kilmer, Delvin, Kastama, Jacobsen, Shin and Pflug

Changing the timeline for the state comprehensive plan for workforce training and education.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Jacobsen

SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

Senator Pridemore: "I just wanted to observe Mr. President that's it's a shame that Senator Kilmer couldn't be on the floor right now. He does a great impression of Senator Jarrett, unfortunately it takes about thirty minutes to do. In the interest of showing Senator Jarrett how to do things I'm going to be quiet now. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Schoesler: "Previous bill, Mr. President. I'm so impressed that such a vital piece of legislation is come before this body. I find it amazing that our Higher Education system has survived for over a hundred years without this type of planning going into it. And I'm really appreciative but, like the previous speaker, it seems to me that the speech might have been longer than the bill. I'm not certain. I haven't timed how long it would take to read the bill out loud but I think it's close. I guess the new member is here. We should welcome him. Observe and note the changes in his career and hope that the one change that doesn't come is allegiance to a different research university. Thank you."

PERSONAL PRIVILEGE

Senator Oemig: "Mr. President, I just want to comment that I sit on a committee with the new Senator and those of us that share that committee we're actually surprised he's finished already. In fact we're also surprised that occasionally on that committee we hear testimony that's a little bit, shall we say, uninteresting and the new Senator makes it even more boring. We think he's really smart but we're not actually quite sure because we can't understand what he says half of the time. It's so bad that members in the House, his former colleagues say that they use to follow him around and translate for him. We were, recently, we were in a joint meeting with members of the lower chamber and one of the members respected the newly minted Senator's new stature and was a bit hesitant but there was a question and the new Senator at great length responded and then the House members said, 'That's Fred's way of saying yes, he agrees with you.' So we all got a chuckle and I thought about it and actually it was right, that was a way to say yes. Anyway, the new Senator replaces a Senator who was, who could talk a lot too, more kind of seat of the pants angry kind of talk but I think the reaction to the current Senator is more likely to put us to sleep but we will benefit from his very analytical and thoughtful treatment of issues after staff explains what the heck he meant."

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President, I would just like to apologize. I came running in here late. I'm really tired. I didn't get to bed until 1 a.m. last night. I ran into Senator Jarrett at the Water Street Cafe at around seven p.m. I said 'Hey Fred, how's it going?' and he told me."

PERSONAL PRIVILEGE

Senator Marr: "Thank you Mr. President. I certainly appreciate Senator Schoesler's remarks, I know he's considering some career moves that Senator Jarrett has made in the past on his own behalf. We calculate by the year 3218 Senator Schoesler may switch parties. We know there are two great mysteries of the world, number one, where elephants go to die and secondly what Fred Jarrett does for fun. It's been suggested that Fred is a man who rotates his tires for laughs. That when he made a bird house I'm told by his wife that he had made four sets of drawings with seven revisions. Any of you that have seen inside his briefcase know that there's a phillips screwdriver, a half eaten peanut butter sandwich and a copy of quantum physics

inside. We are know and greatly fear, in fact many of us quake in our shoes to think of the four worst words a senator could hear, and that's when Fred Jarrett say, 'I read your bill,' because Fred probably has. Mr. President, I will say that I appreciate his passion. He's got a mind like a steel trap as Senator Hobbs knows and doesn't let go and but he's a great addition of the chamber and I appreciate the chance to serve with him."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. Well, I think it's entirely appropriate that our new member's first bill would be on a subject of Higher Ed and those of us who serve with him on the committee are getting a refresher on what it's like to be a student and to attend some of those long lectures that we remember from our own undergraduate education. So, I just think that it is very appropriate for us to welcome the good professor from the forty-first to the body."

PERSONAL PRIVILEGE

Senator Jarrett: "Well, my question for the good President, could you make sure that TVW tapes are destroyed so that there are no repeats that my family can see?"

REPLY BY THE PRESIDENT

President Owen: "No."

PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to just say that I've known Senator Jarrett. We went to China together a couple of years ago when, kind of a mission of senators, house members, both parties. I think he was in the other party at the time. We went to China and on the way back we landed in Vancouver, B. C. and the idea was to work your way to the Vancouver, B. C. port of entry over to get to a flight that would take us back to Seattle. Everybody got off the plane and everybody made it to that portal to go to Seattle but Senator Jarrett and I. So, as smart as you think he is and as smart as some of you think I think I am, we did not get, we waited like five hours for the next flight, we were tired. But, we do have a lot in common and that is we drive the same kind of vehicle and I'm telling you what, we know how to have a good time in the summer. Take care and glad to have you here."

MOTION

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

PERSONAL PRIVILEGE

Senator Jarrett: "Thank you Mr. President. The Sergeant at Arms should be passing out a higher education gift for everyone. It is a memory card with a Power Point presentation explaining why Bellevue Community College should become Bellevue College. I hope that you all enjoy your weekend over a Power Point and a bright cathode ray display screen that keeps you warm in this cold winter."

PERSONAL PRIVILEGE

Senator Delvin: "Well, I just remembered the member that Senator Jarrett and his gift after his first speech was I think I still have it in my office, it was some silly thing about, kind of like this but I think it dealt with commuting traffic or something. Do

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

you remember that Mr. President? I want to know if we can exchange.”

PERSONAL PRIVILEGE

Senator McAuliffe: “Thank you Mr. President. And with your permission I will read this letter, ‘The Thurston County Food Bank would like to extend our gratitude to you and your senate colleagues for the donation of thirty-two dozen eggs to our food bank. Eggs are one of the foods that our clients cherish, they are rarely donated and expensive to buy. Because we are serving more people than before, we need to evaluate every purchase. Your thoughtfulness was a gift to our clients as well as to the food bank. Robert Cult, Executive Director of Thurston County Food Bank.’”

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8634

By Senators Haugen, Swecker, King, Sheldon, Kauffman, Becker, Ranker, Marr, Jarrett, Berkey, Delvin, Eide, Kilmer, and Kastama

WHEREAS, The Washington state patrol is primarily responsible for traffic law enforcement, collision investigation, and motorist assistance on seventeen thousand five hundred twenty-four miles of state and interstate highways in Washington state; and

WHEREAS, The department of transportation, created in 1977, is the single statewide agency responsible for maintaining our state's transportation system; and

WHEREAS, In the first three days of December 2007, western Washington experienced a series of three storms, starting with snow and ending with record or near-record twenty-four hour precipitation totals; and

WHEREAS, Major flooding occurred in Washington, with about ten sites reaching all-time record high flood stage levels; and

WHEREAS, President Bush made a federal disaster declaration for Grays Harbor, Kitsap, Lewis, Mason, Pacific, and Thurston counties; and

WHEREAS, When floodwaters peaked in December 2007, nearly sixty separate locations on roads in southwest Washington were closed due to mud slides, standing water, and downed trees and power lines, including twenty miles of Interstate 5 near Chehalis, which was closed for four days; and

WHEREAS, After the floodwaters peaked, the department of transportation reduced the number of road closures in southwest Washington by two-thirds within about twenty-four hours; and

WHEREAS, The Washington state patrol worked three thousand four hundred sixty-nine regular time hours and one thousand two hundred forty-six overtime hours to assist residents during the floods; and

WHEREAS, Starting December 12, 2008, through early January 2009, record snow levels fell in virtually every part of Washington and many areas experienced record low temperatures; and

WHEREAS, During the 2008-2009 snow event, the department of transportation placed about forty-four thousand tons of liquid and solid deicers and thirty-two thousand tons of sand on state routes throughout Washington; and

WHEREAS, The department of transportation sent ten operators and five plow trucks from the Olympic region to the

Eastern region to assist Spokane county, for which December 2008 is the snowiest month on record; and

WHEREAS, The Washington state patrol worked eight thousand three hundred nineteen regular time hours and two thousand four hundred nineteen overtime hours to assist motorists during the snowstorms; and

WHEREAS, High precipitation totals, with the highest on January 7, 2009, occurring in Mason, Grays Harbor, and Thurston counties, followed the snow in the first week of January 2009, which combined with melting snow to cause significant flooding, avalanches, rock falls, and mud slides around the state, including multiple mud slides in Skagit county; and

WHEREAS, Streamflow in both western and eastern Washington was high, and on January 9, 2009, six rivers in Washington had record or near-record crest levels, including the Stillaguamish river, which flooded Stanwood; and

WHEREAS, In early January 2009, one hundred thirty-nine state highway segments were closed for some period of time while other areas, including Interstate 5 near Fife, had lane restrictions; and Interstate 5 between Centralia and Chehalis, all three major passes, and all state routes through southwest Washington were closed at the same time, effectively isolating the Puget Sound basin; and

WHEREAS, The Washington state patrol rescued motorists stranded by the floods, performed aerial surveys to assist the department of transportation, and worked three thousand ten regular time hours and one thousand thirteen overtime hours during the holiday season; and

WHEREAS, The department of transportation responded to the storms with over one thousand two hundred fifty employees working around the clock during the holiday season, compiling one hundred fifteen thousand hours of regular time and forty-eight thousand hours of overtime; and

WHEREAS, The department of transportation communicated with the freight community through a list serve to minimize the impact on the movement of goods; and

WHEREAS, The department of transportation went to extraordinary efforts to communicate with the public through traffic cameras, variable message signs, highway advisory radio, the world wide web, and telephone; and

WHEREAS, After the peak of the January 2009 flooding, the department of transportation reopened the majority of the closures in southwest Washington in less than two days;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and commend the employees of the Washington state department of transportation on their work to maintain our state's transportation corridors during and after the storms of 2007, 2008, and 2009, and the employees of the Washington state patrol on their efforts to assist our residents during the storms of 2007, 2008, and 2009; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Paula Hammond, Secretary of the Washington State Department of Transportation, and to Chief John R. Batiste, Chief of the Washington State Patrol.

Senators Haugen, King, Swecker, Marr, Parlette, Sheldon, Shin, Brandland and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

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

MOTION

At 11:02 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 23, 2009.

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 23, 2009

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 20, 2009

SB 5026 Prime Sponsor, Senator Regala: Expanding provisions relating to the collection of biological samples for DNA identification analysis. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5027 Prime Sponsor, Senator Haugen: Eliminating the handling loss deduction for the motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5131 Prime Sponsor, Senator Delvin: Concerning crisis referral services for criminal justice and correctional personnel. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5133 Prime Sponsor, Senator Hargrove: Allowing the Washington center for court research and the office of public defense to access juvenile case records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5138 Prime Sponsor, Senator Rockefeller: Creating an integrated climate change response strategy. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 20, 2009

SB 5172 Prime Sponsor, Senator Shin: Establishing a University of Washington center for human rights. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5172 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Hewitt; Kastama; McAuliffe and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Pflug and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5176 Prime Sponsor, Senator Shin: Creating a bi-state partnership for teachers of children with visual impairments. Reported by Committee on Higher Education & Workforce Development

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Kastama; McAuliffe; Shin and Stevens.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 20, 2009

February 20, 2009

SB 5219 Prime Sponsor, Senator Carrell: Creating a legislative task force to address housing for individuals at a high risk of being homeless. Reported by Committee on Human Services & Corrections

SB 5252 Prime Sponsor, Senator Brandland: Addressing correctional facility policies regarding medication management. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 20, 2009

February 20, 2009
SB 5220 Prime Sponsor, Senator Franklin: Regarding the designation of "social worker." Reported by Committee on Human Services & Corrections

SB 5253 Prime Sponsor, Senator Carrell: Concerning criminal defendants who are guilty and mentally ill. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5220 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 20, 2009

February 20, 2009
SB 5231 Prime Sponsor, Senator Regala: Addressing parenting plans and residential schedules in dependency proceedings. Reported by Committee on Human Services & Corrections

SB 5266 Prime Sponsor, Senator Hargrove: Regarding housing services and assistance in dependency and termination matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

MAJORITY recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 19, 2009

February 19, 2009
SB 5238 Prime Sponsor, Senator Keiser: Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems. Reported by Committee on Government Operations & Elections

SB 5270 Prime Sponsor, Senator McDermott: Modifying voter registration provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5238 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MAJORITY recommendation: That Substitute Senate Bill No. 5270 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Wells; McDermott; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5284 Prime Sponsor, Senator Keiser: Concerning truth in music advertising. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5295 Prime Sponsor, Senator Kline: Implementing unanimous recommendations of the public records exemptions accountability committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5344 Prime Sponsor, Senator Ranker: Providing an emergency response system for the Strait of Juan de Fuca. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5344 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5376 Prime Sponsor, Senator Kauffman: Requiring the higher education coordinating board to develop a grant program to encourage training for students studying in the medical field to work with individuals with disabilities. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5376 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5399 Prime Sponsor, Senator Rockefeller: Regarding payment of undisputed claims. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5431 Prime Sponsor, Senator Stevens: Regarding placement of a child returning to out-of-home care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5433 Prime Sponsor, Senator Regala: Modifying provisions of local option taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5433 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Ways & Means.

February 20, 2009

SB 5453 Prime Sponsor, Senator Kastama: Defining "principal residence" for the purpose of relocation of a child. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

SB 5480 Prime Sponsor, Senator Delvin: Creating the Washington health care discount plan organization act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5480 as recommended by Committee on Health & long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Wells; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5482 Prime Sponsor, Senator Haugen: Modifying provisions governing two-wheeled and three-wheeled vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5509 Prime Sponsor, Senator Marr: Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5519 Prime Sponsor, Senator Hargrove: Reforming competency evaluation and restoration procedures. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5519 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5529 Prime Sponsor, Senator Jarrett: Regarding architects. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5529 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5539 Prime Sponsor, Senator Oemig: Regarding investment expenses of counties. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5539 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5546 Prime Sponsor, Senator Haugen: Regarding parental or guardian access to juvenile records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5560 Prime Sponsor, Senator Ranker: Regarding state agency climate leadership. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Morton; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Holmquist.

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

Passed to Committee on Ways & Means.

February 19, 2009

SB 5564 Prime Sponsor, Senator Kohl-Welles: Protecting consumers from breaches of security. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5564 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5611 Prime Sponsor, Senator Hargrove: Concerning facilities to house sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5636 Prime Sponsor, Senator Swecker: Authorizing the civil air patrol to assist the state in homeland security, disaster relief, and search and rescue operations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5636 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5638 Prime Sponsor, Senator Swecker: Concerning fire protection district contracts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5651 Prime Sponsor, Senator Kohl-Welles: Providing humanitarian requirements for certain dog breeding

practices. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5655 Prime Sponsor, Senator Roach: Regarding height restrictions on amateur radio antennas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5681 Prime Sponsor, Senator Hargrove: Updating election laws regarding the top two primary election system. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5687 Prime Sponsor, Senator Marr: Reducing greenhouse gas emissions through land use and transportation requirements. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5687 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5698 Prime Sponsor, Senator Murray: Regulating soil and wetland science professions. Reported by Committee on Labor, Commerce & Consumer Protection

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and King.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5702 Prime Sponsor, Senator Hargrove: Clarifying certain community custody and drug offender sentencing alternative sentencing provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5716 Prime Sponsor, Senator McCaslin: Regarding election requirements for the creation of municipal wards. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5727 Prime Sponsor, Senator McDermott: Prohibiting the providing of false information to voters. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5728 Prime Sponsor, Senator McDermott: Concerning elections to fill the remainder of unexpired terms of office for certain statewide elected officials. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach and McDermott.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5733 Prime Sponsor, Senator Kastama: Modifying tax credits for research and development expenditures. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 20, 2009

SB 5789 Prime Sponsor, Senator King: Authorizing a second health sciences and services authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Ways & Means.

February 20, 2009

SB 5803 Prime Sponsor, Senator Shin: Making changes to the adoption support program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5808 Prime Sponsor, Senator Fairley: Concerning the annexation of unincorporated areas served by fire protection districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5808 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5840 Prime Sponsor, Senator Marr: Modifying the energy independence act. Reported by Committee on Environment, Water & Energy

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5840 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5854 Prime Sponsor, Senator Kilmer: Reducing climate pollution in the built environment. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5903 Prime Sponsor, Senator Keiser: Regarding public works contracts for residential construction. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5904 Prime Sponsor, Senator Kohl-Welles: Defining independent contractor for purposes of prevailing wage. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5904 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5907 Prime Sponsor, Senator Keiser: Limiting mandatory overtime for corrections officers and sergeants. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5907 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and King.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5976 Prime Sponsor, Senator Haugen: Extending tire replacement fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5253 and Senate Bill No. 5560 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM STATE OFFICES

January 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Office of Lieutenant Governor. This report is mandated under RCW 44.04.270.

If you have any questions about the report, please call 360-786-7730.

Sincerely,

Juliette Schindler Kelly, Chief of Staff
The Office of Lieutenant Governor report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 22, 2009

STATE OF WASHINGTON

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Substitute Senate Bill 6400 Oversight Committee "Interim Report to the Legislature on Moral Guidance of Incarcerated Persons".

Sincerely,

Greg Garringer, Chairman

The Substitute Senate Bill 6400 Oversight Committee report "Interim Report to the Legislature on Moral Guidance of Incarcerated Persons" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Workfirst Contract Outcome Measures. This report is mandated under Chapter 58, Laws of 1997, Section 704.

If you have any questions about the report, please call 360-725-4888.

Sincerely,

Robin Arnold-Williams, Secretary

The Department of Social & Health Services report, Workfirst Contract Outcome Measures is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Washington Economic Development Commission, The Washington Innovation Economy. This report is mandated under SB 5995.

If you have any questions about the report, please call 360-586-5662.

The Washington Innovation Economy report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Washington State Department of Community, Trade & Economic Development "Washington New Americans Program: Report on Program Outcomes and Performance Measures." This report is mandated under ESHB 2687, Section 125, 2008 Supplemental Budget.

If you have any questions about the report, please call 360-725-4011.

Sincerely,

Juli Wilkerson, Director

The Washington State Department of Community, Trade & Economic Development report "Washington New Americans Program: Report on Program Outcomes and Performance Measures" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

February 16, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction report "2008 Annual Report on Students in Foster Care". This report is mandated under HB 2679.

If you have any questions about the report, please call 360-725-6346.

Sincerely,

Randy Dorn, State Superintendent of Public Instruction
The Superintendent of Public Instruction report "2008 Annual Report on Students in Foster Care" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

January 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is State of Washington Department of Health report. This report is mandated under 4SHB 1103, Section 12 of Chapter 134, Laws of 2008.

If you have any questions about the report, please call 360-236-4501.

Sincerely,

Mary Selecky, Secretary

The State of Washington Department of Health report is on file in the Office of the Secretary of the Senate.

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

MESSAGES FROM STATE OFFICES

Harold Clarke, Secretary

The Washington State Department of Corrections report, work release is on file in the Office of the Secretary of the Senate.

January 29, 2009

STATE OF WASHINGTON

MESSAGES FROM STATE OFFICES

Olympia, Washington 98504-5000

February 23, 2009

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Dear Mr. Hoemann:

Enclosed is State of Washington Department of Health, "Progress Report to the Legislature on Water System Acquisition and Rehabilitation Program." This report is mandated under SSB 6340.

Enclosed is Washington State Department of Agriculture report "Pesticide Investigation & Enforcement". This report is mandated under RCW 15.58.420 & RCW 17.21.350.

If you have any questions about the report, please call 360-236-3110.

If you have any questions about the report, please call 360-902-2036.

Sincerely,

Sincerely,

Mary Selecky, Secretary

Robert W. Gore, Acting Director

The State of Washington Department of Health, "Progress Report to the Legislature on Water System Acquisition and Rehabilitation Program" is on file in the Office of the Secretary of the Senate.

The Washington State Department of Agriculture report "Pesticide Investigation & Enforcement" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

MOTION

January 29, 2009

STATE OF WASHINGTON

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

Olympia, Washington 98504-5000

MESSAGE FROM THE HOUSE

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

February 20, 2009

Dear Mr. Hoemann:

MR. PRESIDENT:

Enclosed is Washington State Department of Health report "Local Health Compliance Pandemic Influenza Performances Standards". This report is mandated under ESSB 6366.

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1079,
HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1110,
HOUSE BILL NO. 1127,
and the same are herewith transmitted.

If you have any questions about the report, please call 360-236-4033.

Sincerely,

BARBARA BAKER, Chief Clerk

Mary Selecky, Secretary

The Washington State Department of Health report "Local Health Compliance Pandemic Influenza Performances Standards" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

MESSAGES FROM STATE OFFICES

February 20, 2009

February 5, 2009

STATE OF WASHINGTON

MR. PRESIDENT:

Olympia, Washington 98504-5000

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
ENGROSSED HOUSE BILL NO. 1087,
and the same are herewith transmitted.

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

BARBARA BAKER, Chief Clerk

Dear Mr. Hoemann:

MOTION

Enclosed is Washington State Department of Corrections report, work release. This report is mandated under ESSB 6157, Section 301.

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

If you have any questions about the report, please call 360-725-8267.

INTRODUCTION AND FIRST READING

Sincerely,

SB 6074 by Senator Keiser

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

AN ACT Relating to creating public health districts; amending RCW 84.52.052; and adding a new chapter to Title 36 RCW.

refunds; amending RCW 76.04.610; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Ways & Means.

SB 6075 by Senators McCaslin and Parlette

SB 6083 by Senators Pridemore, Tom and Kline

AN ACT Relating to requiring revaluations of real property by county assessors when there is a certain percentage reduction in county median home prices; and amending RCW 84.41.030.

AN ACT Relating to consolidating the growth management hearings boards; amending RCW 36.70A.110, 36.70A.130, 36.70A.172, 36.70A.250, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.302, 36.70A.310, 36.70A.3201, 36.70A.345, 90.58.190, 34.05.518, and 34.12.020; creating a new section; repealing RCW 36.70A.260; and providing an effective date.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Government Operations & Elections.

SB 6076 by Senator Morton

SB 6084 by Senators Pridemore and Tom

AN ACT Relating to water rights for irrigation districts providing municipal water service; and reenacting and amending RCW 90.14.140.

AN ACT Relating to recreational hunting and fishing license fees; amending RCW 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.480, and 77.32.520; and providing an effective date.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6077 by Senator Rockefeller

SB 6085 by Senators Kastama, Zarelli and Shin

AN ACT Relating to improving water management through filing notice of foregone water use and establishing a monitoring system; and creating new sections.

AN ACT Relating to small business loans; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6078 by Senators Prentice and Shin

SB 6086 by Senators Kastama, Kilmer and Shin

AN ACT Relating to death benefits under the law enforcement officers' and firefighters' retirement system, plan 1; and amending RCW 41.26.160 and 41.26.161.

AN ACT Relating to the use of state lottery proceeds for financial aid for higher education purposes; and creating a new section.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SB 6079 by Senators Jacobsen, Shin and Marr

SB 6087 by Senators Kastama and Shin

AN ACT Relating to adding personal rapid transit and magnetic levitation transit systems to the definition of rail fixed guideway system; and amending RCW 81.104.015.

AN ACT Relating to the duties of the Washington economic development commission; amending RCW 43.330.280; and amending 2007 c 232 s 6 (uncodified).

Referred to Committee on Transportation.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6080 by Senators Parlette, Sheldon, Pflug and Haugen

AN ACT Relating to studying the level of uniformity and consistency in the assessment of real property for property tax purposes; and creating new sections.

Referred to Committee on Ways & Means.

SB 6088 by Senators Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin

SB 6081 by Senator Franklin

AN ACT Relating to studying a subtraction method business value added tax as an alternative to the business and occupation tax; and creating a new section.

Referred to Committee on Ways & Means.

AN ACT Relating to commute trip reduction for state agencies; and amending RCW 70.94.541, 70.94.547, and 70.94.551.

Referred to Committee on Transportation.

SB 6082 by Senators Pridemore, Tom and Shin

INTRODUCTION AND FIRST READING OF HOUSE BILLS

AN ACT Relating to forest fire protection assessment

SHB 1079 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Nelson, Springer, White and Moeller)

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

AN ACT Relating to substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury; and amending RCW 36.70A.260 and 36.70A.270.

Referred to Committee on Government Operations & Elections.

HB 1089 by Representatives Hunter and Condotta

AN ACT Relating to harmonizing excise tax statutes with the streamlined sales and use tax agreement; and amending RCW 82.32.730, 82.08.050, 82.02.230, and 82.32.291.

Referred to Committee on Ways & Means.

SHB 1103 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Green, Morrell and Kenney)

AN ACT Relating to the estates of vulnerable adults; amending RCW 11.84.010, 11.84.020, 11.84.025, 11.84.030, 11.84.040, 11.84.050, 11.84.060, 11.84.070, 11.84.080, 11.84.090, 11.84.100, 11.84.110, 11.84.120, 11.84.130, 26.16.120, 41.04.273, and 11.96A.030; and adding new sections to chapter 11.84 RCW.

Referred to Committee on Judiciary.

SHB 1110 by House Committee on Education (originally sponsored by Representatives Sullivan, Liias, Upthegrove, Orwall and Simpson)

AN ACT Relating to prohibiting advertising and marketing to students receiving home-based instruction; and adding a new section to chapter 28A.320 RCW.

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

HB 1127 by Representatives Hurst and Hinkle

AN ACT Relating to financial information; and amending RCW 19.200.010 and 63.14.123.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6086 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION 8637

By Senators Jacobsen, McAuliffe, and Eide

WHEREAS, Dr. Margaret Tudor has been a driving force in Washington and nationally in encouraging schools to utilize the outdoors as laboratories for the study of science; and

WHEREAS, Dr. Tudor noticed an alarming trend in the direction school science education was taking, a direction that emphasized experimental design courses based solely on experiments that could be replicated (physics and chemistry), but which deemphasized field observational (inquiry) activities (biology, botany, and astronomy); and

WHEREAS, This shift in emphasis in science education resulted in more time in a classroom lab, but less time conducting outdoor investigation activities, exacerbating the problem of getting children outside and active, with a host of known detrimental effects; and

WHEREAS, State science standards were shifting toward measurements that favored indoor experiments to the exclusion of standards for outdoor inquiry, accelerating the shift from the school yard to the science lab; and

WHEREAS, Dr. Tudor subsequently was instrumental in developing state standards that measure field investigations and scientific inquiry through a tiered system of systematic collection of data: Descriptive (describe your environment); comparative (compare your environment to another); and correlative (measure or observe two variables and search for relationships); and

WHEREAS, Dr. Tudor was successful in getting these concepts adopted for the kindergarten through twelfth grade Science Education Standards in Washington; and

WHEREAS, She was recruited to lead a national effort to implement these field inquiry standards in other states, with a growing number of Schools of Education and state boards of education adopting them; and

WHEREAS, This is just the latest achievement in Dr. Tudor's eighteen-year career in which she cocreated the pioneering NatureMapping program; led the development of "citizen scientists" (students and adults) to collect valuable data for resource professionals; cocreated the Pacific Education Institute, a public-private consortium of heads of outdoor-oriented state agencies, schools of education, local and state education offices, and businesses and nonprofit organizations to encourage project-based inquiry programs that are grounded in Washington state's educational reform goals; and is leading development efforts to harness the power of eighty thousand high school seniors (annually) to conduct outdoor environmental senior projects; all of which get children into the out-of-doors for health and environmental improvements;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Dr. Margaret Tudor and her associates for their vision in implementing programs that successfully address two downward trends: The acceptance of outdoor inquiry-based learning as valid science; and the health and obesity issues associated with children spending less time outdoors; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Margaret Tudor.

Senators Jacobsen and McAuliffe spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dr. Margaret Tudor who was seated in the gallery.

MOTION

FORTY-THIRD DAY, FEBRUARY 23, 2009

2009 REGULAR SESSION

On motion of Senator Eide, Senate Rule 46 was suspended, for the morning of Tuesday, February 24, 2009 to allow committees to meet during a scheduled caucus.

MOTION

At 12:13 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 24, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 24, 2009

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

On motion of Senator McDermott, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 23, 2009

SB 5105 Prime Sponsor, Senator Jacobsen: Designating the Garry Oak as the state oak tree. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5115 Prime Sponsor, Senator Honeyford: Modifying the judicial conduct commission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5225 Prime Sponsor, Senator Kline: Concerning crimes against property. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5337 Prime Sponsor, Senator Jacobsen: Providing for animal emergency operations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5377 Prime Sponsor, Senator Kilmer: Concerning funding for infrastructure that supports dense, affordable development in transit-oriented areas. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Eide and Kilmer.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and McCaslin.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5391 Prime Sponsor, Senator Kastama: Regulating tattooing and body piercing. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5402 Prime Sponsor, Senator Tom: Regarding the prevention of animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5421 Prime Sponsor, Senator Parlette: Establishing the upper Columbia river recreational salmon and steelhead pilot stamp program. Reported by Committee on Natural Resources, Ocean & Recreation

FORTY-FOURTH DAY, FEBRUARY 24, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hatfield and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Morton and Stevens.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5491 Prime Sponsor, Senator Brandland: Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5491 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Pflug; Becker; Fairley; Murray and Parlette.

MINORITY recommendation: Do not pass. Signed by Senator Marr.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5506 Prime Sponsor, Senator Hatfield: Concerning child care providers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator McAuliffe, Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5545 Prime Sponsor, Senator Regala: Authorizing a local sales and use tax for parks and recreation, trails, and open space allocation. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5572 Prime Sponsor, Senator Marr: Providing collective bargaining for child care center directors and workers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5614 Prime Sponsor, Senator Kohl-Welles: Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5646 Prime Sponsor, Senator McDermott: Changing provisions relating to process servers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5646 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5694 Prime Sponsor, Senator McAuliffe: Modifying provisions relating to record checks using fingerprints. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5738 Prime Sponsor, Senator King: Requiring the office of the superintendent of public instruction to review annual school district compliance reports. Reported by Committee on Early Learning & K-12 Education

FORTY-FOURTH DAY, FEBRUARY 24, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5738 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5775 Prime Sponsor, Senator Keiser: Concerning the eligibility of foreign medical school graduates for licensing as physician assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5775 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5777 Prime Sponsor, Senator Murray: Concerning the Washington state insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5777 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5779 Prime Sponsor, Senator McAuliffe: Regarding adoption of school environmental health and safety rules. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5779 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Oemig, Vice Chair, K-12.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5792 Prime Sponsor, Senator Sheldon: Concerning current use valuation under the property tax open space program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5792 be substituted therefor, and the substitute bill do

pass. Signed by Senators Hatfield, Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5800 Prime Sponsor, Senator Fraser: Regarding shorelines of statewide significance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5801 Prime Sponsor, Senator Kauffman: Regarding basic education allocations for tribal schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5801 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Ways & Means.

February 20, 2009

SB 5832 Prime Sponsor, Senator Kohl-Welles: Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c). Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5917 Prime Sponsor, Senator Kohl-Welles: Conducting an assessment of high-speed internet service in the state. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5917 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

FORTY-FOURTH DAY, FEBRUARY 24, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5931 Prime Sponsor, Senator Murray: Regarding mental health counselor privilege. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5931 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5967 Prime Sponsor, Senator Kohl-Welles: Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5974 Prime Sponsor, Senator Morton: Regarding live nonambulatory livestock. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6004 Prime Sponsor, Senator Ranker: Consolidating certain salmon recovery activities and programs within the recreation and conservation office. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6004 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6023 Prime Sponsor, Senator Jacobsen: Concerning accessing lands for outdoor recreation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do

pass. Signed by Senators Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6048 Prime Sponsor, Senator Oemig: Concerning the state's education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett and McDermott.

MINORITY recommendation: Do not pass. Signed by Senators King and Brandland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6074 Prime Sponsor, Senator Keiser: Creating public health districts. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 23, 2009

SB 6085 Prime Sponsor, Senator Kastama: Creating the Washington small business loan reserve program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6087 Prime Sponsor, Senator Kastama: Regarding the duties of the economic development commission. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

February 20, 2009

SJR 8212 Prime Sponsor, Senator Honeyford: Adding members to and revising procedures for investigation of complaints by the judicial conduct commission. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8212 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 23, 2009

SGA 9144 EDWIN SNOOK, appointed on January 9, 2009, for the term ending July 1, 2013, as Member of the Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5545 and Senate Bill No. 5801 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 1167,
ENGROSSED HOUSE BILL NO. 1461,
ENGROSSED HOUSE BILL NO. 1547,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1060,
HOUSE BILL NO. 1132,
HOUSE BILL NO. 1137,
HOUSE BILL NO. 1139,
HOUSE BILL NO. 1148,
SUBSTITUTE HOUSE BILL NO. 1170,
HOUSE BILL NO. 1204,
HOUSE BILL NO. 1217,
HOUSE BILL NO. 1238,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1030,
SUBSTITUTE HOUSE BILL NO. 1055,
HOUSE BILL NO. 1101,
HOUSE BILL NO. 1120,
HOUSE BILL NO. 1121,
HOUSE BILL NO. 1158,
HOUSE BILL NO. 1171,
HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1221,
HOUSE BILL NO. 1324,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1155,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1271,
SUBSTITUTE HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1295,
SUBSTITUTE HOUSE BILL NO. 1304,
SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
ENGROSSED HOUSE BILL NO. 1568,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1254,
HOUSE BILL NO. 1264,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1280,
HOUSE BILL NO. 1322,
HOUSE BILL NO. 1331,

FORTY-FOURTH DAY, FEBRUARY 24, 2009

2009 REGULAR SESSION

HOUSE BILL NO. 1338,
HOUSE BILL NO. 1567,
HOUSE JOINT MEMORIAL NO. 4000,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1332,
SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1371,
HOUSE BILL NO. 1380,
SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1483,
HOUSE BILL NO. 1506,
HOUSE BILL NO. 1515,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1544,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 1575,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1339,
HOUSE BILL NO. 1366,
HOUSE BILL NO. 1375,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1426,
HOUSE BILL NO. 1433,
HOUSE BILL NO. 1437,
HOUSE BILL NO. 1462,
HOUSE BILL NO. 1478,
SUBSTITUTE HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1589,
HOUSE BILL NO. 1682,
HOUSE BILL NO. 1785,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1852,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1389,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to

the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6089 by Senators Sheldon, Delvin, Honeyford,
Holmquist, Morton and Parlette

AN ACT Relating to the definition of an eligible renewable resource under chapter 19.285 RCW; and amending RCW 19.285.030.

Referred to Committee on Environment, Water & Energy.

SB 6090 by Senator Pridemore

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.010, 80.80.040, and 80.80.060.

Referred to Committee on Environment, Water & Energy.

SB 6091 by Senators Keiser and Franklin

AN ACT Relating to expanding the college board worker retraining program; amending RCW 28C.04.390 and 28C.04.410; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 74.39A RCW; and adding a new section to chapter 18.88B RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 6092 by Senators Hatfield, Swecker, Haugen and Holmquist

AN ACT Relating to milk pricing; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SJR 8215 by Senators Benton, Roach, Honeyford, McCaslin and Schoesler

Amending the state Constitution to require toll revenue to be used exclusively for highway purposes under Article II, section 40.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1004 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Morrell, Upthegrove, Hudgins and Moeller)

AN ACT Relating to adding products to the energy efficiency code; and amending RCW 19.260.030, 19.260.040, and 19.260.050.

Referred to Committee on Environment, Water & Energy.

ESHB 1033 by House Committee on Environmental Health (originally sponsored by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood and Dickerson)

AN ACT Relating to requiring the use of alternatives to lead wheel weights that reduce environmental health impacts;

FORTY-FOURTH DAY, FEBRUARY 24, 2009

2009 REGULAR SESSION

adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

EHB 1087 by Representatives Kenney, Pettigrew, Hasegawa, Darneille, Chase, Nelson, Sullivan, Dickerson, Hudgins, White and Uptegrove

AN ACT Relating to improving the effectiveness of the office of minority and women's business enterprises; amending RCW 39.19.041; and adding new sections to chapter 39.19 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed House Bill No. 1087 which was referred to the Committee on Economic Development, Trade & Innovation.

MOTION

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

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION
8630

By Senator Pflug

WHEREAS, The students of Tahoma Senior High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen, and Constitution," have exhibited that they have learned well the lessons of our forefathers who wrote the Constitution of the United States. The students were first runner-up in the state competition; and

WHEREAS, This masters level knowledge of the U.S. Constitution will enhance the lives of the students and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty for all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will prepare the students to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a legislator, governor, senator, member of Congress, or perhaps a future President; and

WHEREAS, Their dedicated and talented teacher, Gretchen Wulfing of Tahoma Senior High School, can take pride in knowing that the students enrolled in this program have the knowledge to deliver an expert level performance against university students in every topic; and

WHEREAS, Studies have shown that eighty percent of seniors in high school participating in this program have registered to vote compared to an average of thirty-seven percent among other high school seniors, thereby proving that this program has increased the interest in politics and in participation in government; and

WHEREAS, Tahoma Senior High School has won the first place title at the state championship thirteen times and first runner up at least twice by answering questions using only their knowledge, memory, and reasoning. This skill has enabled its members to represent the whole State of Washington when they compete at the national competition in Washington, D.C. and act as first runner-up for this competition in April; and

WHEREAS, In 2000, Tahoma Senior High School was fourth in the nation, in 2002 and 2008 they won the Western Regional Award, and in 2003 the We The People Team won the top Unit Two in the Nation Award;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the participants in this program from Tahoma High School's exceptional team: Danny Bauer, Orin Bayer, Rachael Bowers, Tony Buhr, Jayson Clem, Matthew Cookman, Jimmy Creek, Erin Day, Sophie DiDonato, Jordan Heintz, Sydney Hobson, Riana Hull, Ann Layman, Kelly Lehigh, Richard Myers, Sean Peerenboom, Kyla Potter, Jeanny Rhee, Kelton Sears, Taylor Shiroma, Brenna Stroup, Hannah Stumpp, Nishanth Sukasi, Charles Tilander, Hanna Vander Woude, Kayla Warr, Haley Williams, and Kyle Zemek.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the We The People Team, their teacher Gretchen Wulfing, and the principal of Tahoma Senior High School, Terry Duty, to further show the respect of this body for a job well done and wish them success in their endeavors.

Senator Pflug spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

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

MOTION

At 12:15 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, February 25, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 25, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Cole Schilling and Brianna Ross, presented the Colors. Senator Kline offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2009

SB 5004 Prime Sponsor, Senator Jacobsen: Creating a mobile custom farm slaughtering unit loan program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5005 Prime Sponsor, Senator Jacobsen: Creating a program to certify and market certain cattle from Washington as either "natural beef cattle" or "natural grass-fed beef cattle." Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5005 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 20, 2009

SB 5245 Prime Sponsor, Senator Carrell: Concerning evidence in administrative hearings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5285 Prime Sponsor, Senator Regala: Revising procedures for appointment of guardians ad litem. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5301 Prime Sponsor, Senator Hargrove: Concerning permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Kauffman and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5318 Prime Sponsor, Senator Kauffman: Adding additional appropriate locations for the transfer of newborn children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5343 Prime Sponsor, Senator Regala: Exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5360 Prime Sponsor, Senator Keiser: Establishing a community health care collaborative grant program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5380 Prime Sponsor, Senator McCaslin: Addressing the statute of limitations for certain crimes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5446 Prime Sponsor, Senator Prentice: Prohibiting certain employer communications about political or religious matters. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5446 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5479 Prime Sponsor, Senator Hargrove: Concerning the transfer of juveniles to adult court. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5479 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5495 Prime Sponsor, Senator Hobbs: Providing limitations on rental housing inspections. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; Parlette and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator McDermott.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5510 Prime Sponsor, Senator Stevens: Regarding notification in dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5510 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5525 Prime Sponsor, Senator Carrell: Concerning rental vouchers to allow release from state institutions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5528 Prime Sponsor, Senator Hargrove: Making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5531 Prime Sponsor, Senator Regala: Modifying provisions relating to consumer protection act violations. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5550 Prime Sponsor, Senator McAuliffe: Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5550 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 24, 2009

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SB 5563 Prime Sponsor, Senator Franklin: Regarding hours of labor for health care employees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5577 Prime Sponsor, Senator Jarrett: Concerning standard forms for dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5577 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Kauffman.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5585 Prime Sponsor, Senator Jacobsen: Concerning tax relief to promote employer-assisted housing. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5588 Prime Sponsor, Senator Pridemore: Administering, suspending, and eliminating boards and commissions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5589 Prime Sponsor, Senator Pridemore: Consolidating certain councils, boards, committees, and commissions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5595 Prime Sponsor, Senator Keiser: Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5595 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5599 Prime Sponsor, Senator McDermott: Approving the entry of Washington into the agreement among the states to elect the president by national popular vote. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5612 Prime Sponsor, Senator Hargrove: Concerning medical support obligations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5633 Prime Sponsor, Senator Swecker: Concerning amusement parks. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and Honeyford.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5639 Prime Sponsor, Senator Hargrove: Expanding provisions relating to vulnerable adults. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5639 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5649 Prime Sponsor, Senator Rockefeller: Regarding energy efficiency in buildings. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5649 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5700 Prime Sponsor, Senator Hargrove: Establishing search and arrest authority provisions of offenders by department of corrections personnel. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5701 Prime Sponsor, Senator Regala: Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5703 Prime Sponsor, Senator Hargrove: Including domestic violence court order violations to the list of offenses eligible for notification. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5708 Prime Sponsor, Senator Eide: Authorizing a mileage-based motor vehicle liability policy. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5708 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5718 Prime Sponsor, Senator Regala: Concerning the commitment of sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5735 Prime Sponsor, Senator Rockefeller: Reducing greenhouse gas emissions. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist; Morton and Sheldon.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5742 Prime Sponsor, Senator Hargrove: Concerning local government crime-free rental housing programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Carrell.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5746 Prime Sponsor, Senator Hargrove: Modifying sentencing provisions for juveniles adjudicated of certain crimes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5757 Prime Sponsor, Senator Marr: Requiring the appointment of nonvoting labor members to public transportation governing boards. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5758 Prime Sponsor, Senator Hargrove: Requiring notification of the duties and responsibilities of the department of social and health services to dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5758 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5810 Prime Sponsor, Senator Kauffman: Concerning foreclosures on deeds of trust. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5811 Prime Sponsor, Senator Hargrove: Concerning the placement of foster children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5812 Prime Sponsor, Senator Marr: Establishing the composition of a local health board in counties without a home rule charter. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5812 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5833 Prime Sponsor, Senator Regala: Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5833 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5839 Prime Sponsor, Senator Schoesler: Regarding the administration of irrigation districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Schoesler; Becker; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5844 Prime Sponsor, Senator Tom: Changing public works bid limits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5850 Prime Sponsor, Senator Kohl-Welles: Protecting workers from human trafficking violations. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5868 Prime Sponsor, Senator Pridemore: Consolidating the cemetery board and the board of funeral directors and embalmers. Reported by Committee on Government Operations & Elections

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5873 Prime Sponsor, Senator Kline: Regarding apprenticeship utilization. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5874 Prime Sponsor, Senator Marr: Addressing the authority of the board of directors of a public facilities district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5876 Prime Sponsor, Senator Kohl-Welles: Concerning the incentive in the motion picture competitiveness programs. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5881 Prime Sponsor, Senator McAuliffe: Changing provisions involving truancy. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5882 Prime Sponsor, Senator Kauffman: Ordering an evaluation of recommendations made by the racial disproportionality advisory committee. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5886 Prime Sponsor, Senator Kline: Regulating legal proceedings involving public hazards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5908 Prime Sponsor, Senator Kohl-Welles: Providing interest arbitration for employees of juvenile court services administered under RCW 13.20.060. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5915 Prime Sponsor, Senator Prentice: Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5920 Prime Sponsor, Senator Franklin: Restricting the underwriting of small loans by financial institutions holding a check cashers license and small loan endorsement by including a cap of thirty percent of the borrower's gross monthly income on the combined outstanding principal balances of all small loans. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5920 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5934 Prime Sponsor, Senator Kohl-Welles: Concerning conveyances used in prostitution-related offenses. Reported by Committee on Judiciary

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5934 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5939 Prime Sponsor, Senator Hobbs: Concerning personnel practices regarding exempt employment. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5939 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5943 Prime Sponsor, Senator Hargrove: Requiring performance-based contracts for the provision of child welfare services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5948 Prime Sponsor, Senator Shin: Regarding water conservation appliances. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Morton and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Holmquist.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5968 Prime Sponsor, Senator Haugen: Regarding the protection of agricultural land. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5969 Prime Sponsor, Senator McDermott: Regarding listing subcontractors on public works projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5981 Prime Sponsor, Senator Keiser: Concerning diagnostic imaging services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5986 Prime Sponsor, Senator Kauffman: Permitting certain higher education employees to engage in collective bargaining. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5987 Prime Sponsor, Senator Regala: Authorizing the Washington state department of corrections to develop training for corrections personnel. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5987 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5991 Prime Sponsor, Senator Benton: Identifying permissible use of public resources by office holders during campaigns. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 24, 2009

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SB 5994 Prime Sponsor, Senator Pridemore: Eliminating boards and commissions on June 30, 2010. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5994 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5995 Prime Sponsor, Senator Pridemore: Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6024 Prime Sponsor, Senator Brandland: Addressing applications for public assistance from persons currently ineligible to receive assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6024 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6036 Prime Sponsor, Senator Fraser: Concerning water cleanup planning and implementation. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6037 Prime Sponsor, Senator Fairley: Removing oversight of the department of licensing from specific businesses and professions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6037 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6065 Prime Sponsor, Senator Fairley: Addressing the structure and authority of the liquor control board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6069 Prime Sponsor, Senator Pridemore: Concerning tax incentives for renewable energy manufacturing facilities. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Hatfield; Holmquist; Morton and Ranker.

Passed to Committee on Ways & Means.

February 23, 2009

SB 6083 Prime Sponsor, Senator Pridemore: Consolidating the growth management hearings boards. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6092 Prime Sponsor, Senator Hatfield: Creating a task force to study milk pricing concerns in Washington state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 23, 2009

SJM 8009 Prime Sponsor, Senator Kohl-Welles: Requesting the department of homeland security and congress to examine the federal T visa program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 24, 2009

SJM 8012 Prime Sponsor, Senator Fraser: Urging adoption of a treaty fighting discrimination against women. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 24, 2009

SGA 9149 DAN NEWHOUSE, appointed on February 18, 2009, for the term ending at the governors pleasure, as Director of the Department of Agriculture. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6037 and Senate Bill No. 6083 which were referred to the Committee on Rules and Senate Bill No. 5585, Senate Bill No. 5639, Senate Bill No. 5943 and Senate Bill No. 5968 which were referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6093 by Senator Jacobsen

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120 and 82.24.020; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6094 by Senator Jacobsen

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120 and 82.24.020; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6095 by Senators Haugen and Swecker

AN ACT Relating to the Puget Sound pilotage district tariff; and amending RCW 88.16.035.

Referred to Committee on Transportation.

SB 6096 by Senator Tom

AN ACT Relating to the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce; amending RCW 82.04.433; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6097 by Senator Hatfield

AN ACT Relating to exempting the agricultural commodity commissions from certain administrative cost reductions; adding a new section to chapter 5, Laws of 2009; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6098 by Senator Roach

AN ACT Relating to posting information on public agencies' web sites; adding a new section to chapter 42.30 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6099 by Senator Roach

AN ACT Relating to requiring statements of tax implications on ballot measures; and amending RCW 29A.36.071.

Referred to Committee on Government Operations & Elections.

SB 6100 by Senator Roach

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111 and 29A.60.040.

Referred to Committee on Government Operations & Elections.

SB 6101 by Senator Roach

AN ACT Relating to updating public records provisions; amending RCW 36.22.175, 42.17.020, 10.97.140, 42.56.240, 42.56.320, and 43.07.380; adding new sections to chapter 40.14 RCW; creating a new section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024, 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060, 40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130, 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

Referred to Committee on Government Operations & Elections.

SJM 8014 by Senator Jacobsen

Requesting Congress to hold hearings on interchange fees.

Referred to Committee on Financial Institutions, Housing & Insurance.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1010 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase and Moeller)

AN ACT Relating to the definition of a biofuel; and amending RCW 19.112.010 and 19.112.110.

Referred to Committee on Environment, Water & Energy.

HB 1030 by Representatives Appleton, Chandler, Hunt, Liias, Angel, Hope, Dammeier and Moeller

AN ACT Relating to exempting special commitment center security information from disclosure under the public records act; and amending RCW 42.56.420.

Referred to Committee on Human Services & Corrections.

SHB 1055 by House Committee on Commerce & Labor (originally sponsored by Representatives Moeller, Williams, Conway, Wood and Simpson)

AN ACT Relating to requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades; amending RCW 18.106.020, 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231, 70.87.230, and 70.87.250; reenacting and amending RCW 19.28.161; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1060 by House Committee on Local Government & Housing (originally sponsored by Representatives Liias, Walsh, Simpson, Ericks, Ormsby, Miloscia, Nelson, Rolfes, Conway, Wood, Kenney, Chase, Moeller and Upthegrove)

AN ACT Relating to updating the weatherization statute to reflect evolving green building and energy conservation practices; and amending RCW 70.164.020, 70.164.040, 70.164.050, and 70.164.060.

Referred to Committee on Environment, Water & Energy.

HB 1076 by Representatives Rolfes, Eddy, Kelley, Pearson, Simpson, Moeller, Orcutt, Morrell and Upthegrove

AN ACT Relating to allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release; adding a new section to chapter 72.09 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 1101 by Representatives Roberts, Kagi and Kenney

AN ACT Relating to modifying a foster parent license due to a change of residence; and amending RCW 74.15.100.

Referred to Committee on Human Services & Corrections.

SHB 1119 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kelley)

AN ACT Relating to the management of funds held by nonprofit institutions; adding a new chapter to Title 24 RCW; and repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900.

Referred to Committee on Judiciary.

HB 1120 by Representatives Pedersen, Rodne, Goodman and Morrell

AN ACT Relating to uniform laws; amending RCW 43.56.010, 43.56.020, and 43.56.040; and repealing RCW 43.56.050.

Referred to Committee on Judiciary.

HB 1121 by Representatives Rodne, Bailey, Kelley, Moeller, Ross, Simpson, McCoy, Hope, Green, Ormsby, Johnson, Morrell, Smith, Campbell, Armstrong and Conway

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

Referred to Committee on Government Operations & Elections.

SHB 1128 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Bailey, Pettigrew, Chase, Hudgins, Haler, Hasegawa, Darneille, Kelley and Sullivan)

AN ACT Relating to innovation partnership zones; and amending RCW 43.330.270 and 43.330.280.

Referred to Committee on Economic Development, Trade & Innovation.

HB 1132 by Representatives Goodman, Rodne, Pedersen, Warnick, Maxwell, Ross, Eddy, Springer, Johnson, Kelley and Hinkle

AN ACT Relating to distressed property conveyances; amending RCW 61.34.020; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1137 by Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, Van De Wege, Sullivan and Herrera

AN ACT Relating to protecting landowners' investments in Christmas trees; amending RCW 79.02.300, 79.02.310, 79.02.320, and 64.12.030; and repealing RCW 79.02.340 and 79.02.350.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1139 by Representative Liias

AN ACT Relating to increasing the membership of public transportation benefit area authorities; and amending RCW 36.57A.050.

Referred to Committee on Transportation.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

HB 1148 by Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Lias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera

AN ACT Relating to protecting animals from perpetrators of domestic violence; amending RCW 26.50.060 and 26.50.110; and creating a new section.

Referred to Committee on Judiciary.

HB 1155 by Representatives Hinkle, Green, Cody and Wallace

AN ACT Relating to billing for medical services provided through special education programs; and repealing RCW 74.09.5241, 74.09.5243, 74.09.5245, 74.09.5247, 74.09.5249, 74.09.5251, 74.09.5253, 74.09.5254, 74.09.5255, and 74.09.5256.

Referred to Committee on Health & Long-Term Care.

HB 1156 by Representatives Anderson, Sullivan, Priest, Haigh, Quall, Dammeier, McCune, Wallace, Kelley and Herrera

AN ACT Relating to creating a preference in the alternative route certification program for veterans and national guard members; amending RCW 28A.660.040 and 28A.660.050; and adding a new section to chapter 28A.660 RCW.

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

HB 1158 by Representatives Goodman, Rodne, Pedersen, Warnick and Klippert

AN ACT Relating to electronic signatures for juror questionnaires; and amending RCW 2.36.072.

Referred to Committee on Judiciary.

EHB 1167 by Representatives Hasegawa, Kenney, Simpson, Chase and Santos

AN ACT Relating to the linked deposit program; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1170 by House Committee on Judiciary (originally sponsored by Representatives McCoy, Rodne, Kelley, Warnick, Seaquist, Angel, Green, Shea, Sells, McCune, Kagi, Ormsby and Smith)

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.004, 26.09.010, and 26.09.260.

Referred to Committee on Human Services & Corrections.

HB 1171 by Representatives Sullivan and Newhouse

AN ACT Relating to the Washington beer commission; and amending RCW 15.89.020, 15.89.040, 15.89.050, 15.89.070, 15.89.100, 15.89.110, and 66.28.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1196 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to increasing the dollar limits for small works roster projects; and amending RCW 39.04.155 and 53.08.120.

Referred to Committee on Government Operations & Elections.

HB 1204 by Representatives Klippert, Goodman, Haler, Walsh and Williams

AN ACT Relating to increasing the number of district court judges in Benton county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

HB 1217 by Representatives Simpson, Alexander, Conway and Wood

AN ACT Relating to providing the gambling commission with authority to determine locations where amusement games may be conducted; and amending RCW 9.46.0331.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1218 by Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams

AN ACT Relating to imprisonment for contempt of court cases; and amending RCW 7.21.040 and 7.21.050.

Referred to Committee on Judiciary.

SHB 1221 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson)

AN ACT Relating to the availability of crime victims' compensation funds for witnesses in civil commitment proceedings; and amending RCW 7.68.070.

Referred to Committee on Human Services & Corrections.

HB 1238 by Representatives Appleton, Goodman and Rodne

AN ACT Relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense; and amending RCW 13.50.010.

Referred to Committee on Human Services & Corrections.

SHB 1254 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schmick, Blake, Ormsby, Walsh, Sullivan, Parker and Kretz)

AN ACT Relating to creating the Washington grain commission; amending RCW 15.04.200, 15.65.620, 15.66.270, 41.06.070, 42.56.380, and 43.23.033; adding a

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1264 by Representatives Springer, Rodne and Eddy

AN ACT Relating to creation and registration of entities formed by public agencies; amending RCW 24.03.050, 24.06.050, 25.05.005, 25.10.040, and 25.15.020; and reenacting RCW 39.34.030.

Referred to Committee on Judiciary.

HB 1270 by Representatives Green, Cody, Dickerson, Ericksen, Uptegrove, Springer, Roberts and Nelson

AN ACT Relating to permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority; amending RCW 74.08.055; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1271 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Haigh, Finn, Crouse, Green, Liias, Springer, O'Brien, Goodman, Morris, Ormsby, Blake, Van De Wege, Moeller, Cody, Conway, Hurst, Walsh, McCune, Hinkle, Nelson and Kenney)

AN ACT Relating to dispensing and administration of drugs by registered or licensed veterinary personnel; and amending RCW 18.92.013.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1273 by Representatives Condotta and Armstrong

AN ACT Relating to allowing counties, cities, and towns to conduct raffles under certain terms and conditions; and amending RCW 9.46.0209.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1280 by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta, Chandler, Crouse, Kretz, Kristiansen and Armstrong)

AN ACT Relating to the expiration of explosives licenses; and amending RCW 70.74.360.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1286 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Miloscia, Appleton, Armstrong, Hunt, Newhouse, White, Smith, Rolfes, Roberts, Nelson, Hinkle and Ormsby)

AN ACT Relating to false and defamatory statements about candidates for public office; amending RCW 42.17.530 and 29A.32.090; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1291 by House Committee on Local Government & Housing (originally sponsored by Representatives Maxwell, Simpson, Green, Rodne, Clibborn, Hasegawa, Ormsby, Orwall, Liias, Hudgins, Johnson, Sullivan and Hunter)

AN ACT Relating to library district annexations; and amending RCW 27.12.360 and 27.12.010.

Referred to Committee on Government Operations & Elections.

HB 1295 by Representatives Warnick and Uptegrove

AN ACT Relating to annexing areas used for agricultural fairs; amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1304 by House Committee on Finance (originally sponsored by Representatives Springer, Orcutt, Takko, Eddy and Herrera)

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; and amending RCW 84.36.060.

Referred to Committee on Ways & Means.

SHB 1309 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Ericksen, Appleton, Hinkle, Morrell, Rolfes, Cody, Moeller, Chase, Conway, Kenney, Goodman, Nelson and Roberts)

AN ACT Relating to dental hygiene; and amending RCW 18.29.056 and 18.29.220.

Referred to Committee on Health & Long-Term Care.

HB 1322 by Representatives Green, Morrell, Hinkle, Kirby, Kelley, Moeller, Blake, Seaquist, Rolfes, Cody and Simpson

AN ACT Relating to scoliosis screening in schools; creating a new section; and repealing RCW 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, and 28A.210.250.

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

HB 1324 by Representatives O'Brien, Ericks, Goodman, Crouse and Wood

AN ACT Relating to psychological examinations for peace officer certification; and amending RCW 43.101.095.

Referred to Committee on Judiciary.

HB 1331 by Representatives Rodne, Pedersen and Kelley

AN ACT Relating to exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes; and amending RCW 19.295.005, 19.295.010, and 19.295.020.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

Referred to Committee on Judiciary.

SHB 1332 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell)

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Environment, Water & Energy.

HB 1338 by Representatives Conway, Condotta, Wood, Armstrong, Hunt, Green, Williams, Crouse, Moeller, Chandler, Chase, Simpson and Kelley

AN ACT Relating to expanding industries that qualify for good cause for late filing of reports, contributions, penalties, or interest; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1339 by Representatives Conway, Wood, Armstrong, Hunt, Condotta, Green, Williams, Crouse, Moeller and Chandler

AN ACT Relating to correcting statutory references in the calculation of predecessor and successor employer contribution rates; amending RCW 50.29.062 and 50.29.063; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1366 by Representatives Wood, Conway, Condotta, Chandler and Ormsby

AN ACT Relating to making technical changes to boiler and unfired pressure vessel statutes; amending RCW 70.79.060, 70.79.070, 70.79.080, 70.79.090, and 70.79.240; and repealing RCW 70.79.210.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1369 by House Committee on Local Government & Housing (originally sponsored by Representatives Haler, Takko and Klippert)

AN ACT Relating to county elected officials keeping offices at the county seat; and amending RCW 36.16.090, 36.23.080, 36.28.160, 36.29.170, and 36.80.015.

Referred to Committee on Government Operations & Elections.

SHB 1371 by House Committee on Transportation (originally sponsored by Representatives Armstrong, Hunt, Ross, Walsh, Ormsby, Miloscia, Van De Wege, Shea, Priest, Hasegawa, Hope and Upthegrove)

AN ACT Relating to limitations on the use of intermediate licenses; and amending RCW 46.20.075.

Referred to Committee on Transportation.

HB 1375 by Representatives Roberts, Appleton, Walsh, Kagi, Liias, Upthegrove and Kenney

AN ACT Relating to eliminating foster care citizen review boards; amending RCW 13.34.210; reenacting and amending RCW 13.34.138; and repealing RCW 13.70.003, 13.70.010, 13.70.020, 13.70.030, 13.70.040, 13.70.050, 13.70.060, 13.70.070, 13.70.080, 13.70.090, 13.70.100, 13.70.110, 13.70.120, 13.70.130, 13.70.140, and 13.70.150.

Referred to Committee on Human Services & Corrections.

HB 1380 by Representatives Liias, Sells, O'Brien, Dunshee, Kirby and Kagi

AN ACT Relating to county authority to lease with an option to purchase; and amending RCW 36.34.205.

Referred to Committee on Government Operations & Elections.

SHB 1388 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Jacks, McCoy, Crouse and Morris)

AN ACT Relating to changing the date for setting the amount of pipeline safety fees; and amending RCW 80.24.060 and 81.24.090.

Referred to Committee on Environment, Water & Energy.

HB 1389 by Representatives Blake, Conway, Sells, Ormsby, McCoy, Kessler, Van De Wege, Green, Simpson and Wood

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1401 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Morrell, Ericksen, Green, Moeller and Kelley)

AN ACT Relating to the standard health questionnaire; and reenacting and amending RCW 48.43.018.

Referred to Committee on Health & Long-Term Care.

SHB 1408 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley and Nelson)

AN ACT Relating to victim impact panels; amending RCW 46.61.5152; and adding a new section to chapter 10.01 RCW.

Referred to Committee on Judiciary.

HB 1426 by Representatives Hunt and Condotta

AN ACT Relating to the use of certified mail; and amending RCW 1.12.060.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

Referred to Committee on Judiciary.

HB 1433 by Representatives Liias, Sells, Eddy and Clibborn

AN ACT Relating to liability for damages to state property resulting from the illegal operation of a vehicle; and amending RCW 46.44.110.

Referred to Committee on Transportation.

HB 1437 by Representatives Dammeier, O'Brien, Pearson, Chandler, Miloscia, Haler, Armstrong, Morrell, Green, Kessler, Kristiansen and Smith

AN ACT Relating to a volunteer chaplain for the department of fish and wildlife; and amending RCW 77.15.075 and 41.22.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 1461 by Representatives Bailey, Hunt, Alexander, Hinkle, Haigh, Johnson, Haler, Ericksen, Chandler, Orcutt, Kretz and Kelley

AN ACT Relating to options for determining the pay periods for county employees; and amending RCW 36.17.042.

Referred to Committee on Government Operations & Elections.

HB 1462 by Representatives Williams, Chandler, Newhouse, Moeller and Uptegrove

AN ACT Relating to beer and wine specialty shops; and amending RCW 66.24.371, 66.28.200, and 66.28.220.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1475 by Representatives Orcutt, Probst, McCune, Eddy, Herrera, Johnson, Short and Kelley

AN ACT Relating to state agency rule-making information; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Government Operations & Elections.

HB 1478 by Representatives Orcutt, Takko, McCune, Hurst, Herrera, Campbell, Johnson, Kelley and Dammeier

AN ACT Relating to vehicle registrations for deployed military personnel; and amending RCW 46.16.006.

Referred to Committee on Transportation.

HB 1483 by Representatives Jacks, Chandler, Van De Wege, Takko, Kretz, Pearson, Hurst, Orcutt, McCoy, Blake and McCune

AN ACT Relating to protecting the ability of forest landowners to continue active forestry operations; amending RCW 7.48.305 and 7.48.310; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1505 by House Committee on Human Services (originally sponsored by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa)

AN ACT Relating to a diversion program for sexually exploited juveniles; amending RCW 13.40.070; adding a new section to chapter 13.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 1506 by Representatives Conway, Bailey, Chase, Kirby, O'Brien, Kenney, Simpson, Carlyle, Hinkle, Goodman, Williams, Uptegrove, White and Kelley

AN ACT Relating to benefits for the survivors of certain firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new section to chapter 41.18 RCW.

Referred to Committee on Ways & Means.

HB 1515 by Representatives Driscoll, Ericksen, Cody, Ross, Morrell, Green, Uptegrove, Kelley, Johnson, Maxwell and Wood

AN ACT Relating to allowing electronic approval of vital records; and amending RCW 70.58.005, 70.58.170, 70.58.180, 70.58.230, 70.58.240, 70.58.250, and 70.58.260.

Referred to Committee on Health & Long-Term Care.

SHB 1518 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Green, Kelley and Wood)

AN ACT Relating to prohibited practices in accountancy; and amending RCW 18.04.345.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1532 by House Committee on Local Government & Housing (originally sponsored by Representatives Rolfes, Chandler, Seaquist, Johnson, Uptegrove, Blake and Miloscia)

AN ACT Relating to authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water; and amending RCW 57.08.005, 57.08.044, 57.08.047, and 57.16.010.

Referred to Committee on Environment, Water & Energy.

HB 1544 by Representatives Crouse, Conway, Bailey and Seaquist

AN ACT Relating to the state actuary's recommendations for assumptions used in the actuarial funding of the state retirement systems; and amending RCW 41.45.030 and 41.45.090.

Referred to Committee on Ways & Means.

EHB 1547 by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson and Ormsby

AN ACT Relating to increasing the duty-related death benefit for public employees; amending RCW 41.04.017,

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; and reenacting and amending RCW 43.43.285.

Referred to Committee on Ways & Means.

HB 1548 by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Kelley, Simpson, Morrell and Ormsby

AN ACT Relating to interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system; and amending RCW 41.40.710, 41.40.805, 41.37.260, 41.35.470, 41.35.650, 41.32.810, 41.32.865, 41.26.520, and 43.43.260.

Referred to Committee on Ways & Means.

HB 1561 by Representatives Morrell, Priest, Simpson, Miloscia and Dammeier

AN ACT Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Government Operations & Elections.

HB 1567 by Representatives Bailey, Kirby and Roach

AN ACT Relating to insurance; and amending RCW 48.02.190, 48.13.450, 48.14.020, 48.14.090, and 48.66.045.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1568 by Representatives Bailey, Kirby, Rodne, Roach, Kelley and Simpson

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.03.020, 48.14.010, 48.15.070, 48.15.073, 48.15.100, 48.15.140, 48.17.010, 48.17.060, 48.17.090, 48.17.110, 48.17.150, 48.17.160, 48.17.170, 48.17.173, 48.17.250, 48.17.270, 48.17.380, 48.17.565, 48.30.260, 48.30.270, 48.31.111, 48.31.141, 48.62.121, 48.62.151, 48.99.030, 48.135.010, and 51.12.020; reenacting and amending RCW 82.04.260; adding new sections to chapter 48.15 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1575 by House Committee on Transportation (originally sponsored by Representatives Sells, McCoy, Kristiansen, Hope, Pearson, Dunshee and Liias)

AN ACT Relating to a state route number 2 route development plan; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 1589 by Representatives Green, Dickerson and O'Brien

AN ACT Relating to venue for hearings to modify or revoke an order for conditional release; and amending RCW 71.05.340.

Referred to Committee on Human Services & Corrections.

HB 1682 by Representatives Newhouse, Kretz, Chandler, Upthegrove, Johnson and Ross

AN ACT Relating to horticultural pest and disease boards; and amending RCW 15.09.030.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1785 by Representatives Armstrong, O'Brien, Condotta and Kelley

AN ACT Relating to the Washington state patrol chief for a day program; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1790 by Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins

AN ACT Relating to including domestic violence court order violations to the list of offenses eligible for notification; amending RCW 72.09.712 and 72.09.714; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 1852 by Representatives Appleton and Hinkle

AN ACT Relating to record checks using fingerprints; and amending RCW 43.43.838.

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

HJM 4000 by Representatives O'Brien, Warnick, Takko, Morrell, Hasegawa, Simpson and Moeller

Requesting passage of the federal act to restore payment of county health care costs.

Referred to Committee on Health & Long-Term Care.

SHJM 4004 by House Committee on Transportation (originally sponsored by Representatives Van De Wege, Kessler, Rodne, Liias, Takko, Hurst, Jacks, Hasegawa, Kelley, Eddy, Seaquist, McCoy, Appleton, Hudgins, Morrell, Hope, Sullivan and Nelson)

Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway."

Referred to Committee on Transportation.

MOTION

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kilmer moved adoption of the following resolution:

SENATE RESOLUTION
8635

By Senators Kilmer, Brandland, Becker, Stevens, King, Carrell, McCaslin, Morton, Fairley, Regala, Roach, Pflug, Swecker, Franklin, Parlette, Honeyford, Kauffman, Ranker, Kastama, Prentice, Benton, Jarrett, Hobbs, Shin, Sheldon, Kline, McDermott, Eide, Tom, Murray, McAuliffe, Hatfield, Brown, Keiser, Fraser, Haugen, Oemig, Marr, and Kohl-Welles

WHEREAS, Every twenty-three seconds someone in the United States sustains a traumatic brain injury, totaling roughly four thousand people daily and 1.4 million people annually; and

WHEREAS, Out of the 1.4 million people annually who sustain traumatic brain injuries, 50,000 of them will die, while an additional 80,000 will experience the onset of lifelong disabilities as a result of their brain injury; and

WHEREAS, Traumatic brain injury now affects over 5.3 million American citizens, who now live with resulting disabilities; and

WHEREAS, In Washington state, traumatic brain injury patients constitute ten percent of the state's population of persons with disabilities; and

WHEREAS, The Defense and Veterans Brain Injury Center reports that incidences of traumatic brain injury for troops serving in Iraq and Afghanistan are uniquely common compared with past conflicts, with more than two-thirds of blast-injured veterans identified as having a brain injury; and

WHEREAS, The costs of traumatic brain injury in the United States total more than 60 billion dollars; and

WHEREAS, There is no cure for traumatic brain injuries, only prevention; and

WHEREAS, The Brain Injury Association of America has created a partnership with the Centers for Disease Control and Prevention, the Health Resources and Services Administration in the United States Department of Health and Human Services, the Defense Brain and Spinal Cord Injury Program for veterans and military personnel, the Washington Protection and Advocacy System, and the Brain Injury Association of Washington that strives to provide a better future for traumatic brain injury patients through prevention, research, education, and advocacy; and

WHEREAS, The traumatic brain injury advocacy groups already mentioned have recognized and declared the month of March 2009 National Brain Injury Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the work of these organizations in their efforts to combat traumatic brain injuries; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor these organizations and the victims of traumatic brain injury during the month of March, National Brain Injury Awareness Month.

Senator Kilmer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington Traumatic Brain Injury Strategic Advisory Council, survivors and supporters: Samantha Asbjornsen; Avereayl Jacobsen; Penny Condoll, a traumatic brain injury survivor, support advocate and Council member; David Anderson, Director, Brain Injury Association of Washington; Suzanne A. Griffin of Bremerton, traumatic brain injury survivor; Greg Cordova and Richard Hedrick of Bremerton; and Tommy Manning, traumatic brain injury survivor and Council member, who were present in the gallery.

MOTION

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

The Senate was called to order at 11:37 a.m. by President Owen.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9101, Stanley Rumbaugh, as a member of the Board of Trustees, Bates Technical College District No. 28, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

APPOINTMENT OF STANLEY RUMBAUGH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9101, Stanley Rumbaugh as a member of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9101, Stanley Rumbaugh as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

Gubernatorial Appointment No. 9101, Stanley Rumbaugh, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

SECOND READING

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5221, by Senators Tom, Honeyford, Kohl-Welles, Haugen, Kilmer and Holmquist

Regarding distressed property conveyances.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5055, by Senators Brown, Fraser, Ranker and Kline

Protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5055 was substituted for Senate Bill No. 5055 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King,

Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5289, by Senators Ranker, Haugen, Swecker, King, Marr, Jarrett, Hargrove and Shin

Adding a certain ferry route and roads to the scenic and recreational highway system.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

Senators McDermott and Sheldon spoke on final passage.

Senator Rockefeller and Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5289.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hargrove and Schoesler

Excused: Senator Benton

SENATE BILL NO. 5289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Well, thank you Mr. President. A point first that I am envious of everybody who has a ferry route. There use to be one going from Olympia north, the Mosquito Fleet, which isn't there anymore but the beautiful scenery still is. But, what I really want to say as a point of personal privilege, it's a privilege to have Senator Ranker among our number and it's wonderful to have another former county commissioner here. It's great background for serving in the Senate. I sent Senator Ranker a copy of the Jacobsen Metcalfe rules about how the legislature works. My favorite in there is, "You don't know the legislative process until you've been processed," and all of us who've been here awhile know that. So, you process very well today and I hope you learn the ropes without becoming unraveled. Welcome."

PERSONAL PRIVILEGE

Senator Delvin: “Well, I would also like to welcome the new member. I have a couple of cautions. I would ask that Senator Prentice keep an eye on the budget, make sure there’s no line item that allows a Mumia tee shirt to every freshman entering the university system. Also, Mr. President, I caution, I know Mr. Ranker has a problem resisting authority figure so when you gavel him down please keep a close eye on him. Also, Senator Ranker has an annoying habit in committee, that I’ve picked up on, that he likes to poll, he likes to ask everyone testifying did they poll there membership on the position being presented. I just want to know if he polled his caucus to make sure that they allowed him to speak today and he had that clearance from his caucus for his remarks. But again, welcome, you know you’re learning slowly but you’re learning and just listen. Don’t talk, just listen. Thank you.”

PERSONAL PRIVILEGE

Senator Schoesler: “Well, thank you Mr. President. Welcoming the gentleman from the Islands, I’ve observed what a quiet individual he is and knowing that this young man from the Islands likes nothing better than a good parade at our state capital. I hope he’s there to enjoy them in the future. He’s been a welcome addition to the Ag Committee though. Having him there, I’m sure in no time at all he’ll have a little bead of straw in his mouth, chewing on it and enjoying peas and lentils like all the Ag Committee members do. I also am grateful for the modest gift he delivered today. I had concerns it might be an endangered species from the waters of the Sound or an endangered species like sea lettuce or sand dollars that we’d have to take home so thank you.”

PERSONAL PRIVILEGE

Senator Haugen: “Thank you Mr. President. Well, I personally want to say thank you to our good Senator for this great gift he gave you. Well, I don’t know if there is any other Scandinavians in here but one of the things that Scandinavians really like is potato sausage. This is excellent on potato sausage I will tell you and even my husband put a little bit on the lutefisk cause he has a hard time choking it down too so. Thank you, this is a delight and I just want to say truly San Juan County is a beautiful county, It’s nearly as beautiful as Island County. It doesn’t have a bridge but it certainly is nice to have another ferry legislator and there’s no more ferry legislator than he because he can’t get home without one those boats. There’s no other road. So, welcome.”

PERSONAL PRIVILEGE

Senator Marr: “Mr. President, I think perhaps the best way to get a glimpse inside Senator Ranker is to refer to pretty voluminous tome that lots of school children on the San Juan Islands are given every year. It’s called ‘Supervisor Ranker, the man, the myth, the legend. It’s actually written by Senator Ranker. May I read Mr. President? I prefer not to sir. He is, he’s a man best described by the phrase, ‘Often wrong but never in doubt.’ He’s not a humble man, I think most of us did not know that our official portraits came in poster size but if you’ve been in his office you will have seen that. In fact, we had to move to one hundred forty-four car boat on the Anacortes run just to accommodate his ego. He said ‘I don’t have a big ego, I’m way too cool for that’ but despite that he is a man of modest means as a obviously as a county commissioner of the San Juan Islands. This actually was a huge pay increase for him to get this job. I have to admit and I will apologize several times I’ve had

Senate Security tow his car as an abandoned vehicle because it’s parked next to me and one time he was actually sleeping in the vehicle Mr. President. But, it’s certainly been a pleasure to serve with him and to be part of his learning process and I imagine that has a long way to go. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Rockefeller: “Thank you Mr. President. Well, I was going to say that I welcome the new Senator here and I was going to say he was an unassuming and modest man but that was ok because he has so much to be modest about. However, that really doesn’t fit. He’s an immodest man and so my thought is that he needs to understand others before he ensures that we understand him. I would say that he is an energetic, bright, competent guy that we just have a delight having here, it is a pleasure working with him and I want to welcome him.”

PERSONAL PRIVILEGE

Senator Oemig: “Mr. President, I wanted to observe that our newest member in the caucus room often finds his seat taken by some more senior member and he’s complained on numerous occasions about that and perhaps he’s not aware that out here on the floor even though there’s a name on the desk over there that it’s not really his seat either. But wherever he does find a seat whether it’s at the back room on the couch, we’re glad to have him here.”

PERSONAL PRIVILEGE

Senator Ranker: “I want to start by thanking all of you for the roasting. Frankly, I thought it would be much worse-no, that’s not an invitation. Some members, I noticed weeks ago, we’re googling my name doing research so I was getting worried so this was pleasant. I am honored to be here. I want to thank all of you for being my seat mates now and Mr. President I am really looking forward to working with you. I want to speak briefly about the gifts that you’ve received. The lavender my wife picked from out front of our house. The rolled up passes are actually passes to the Whale Museum which has been on San Juan Island for over twenty years. It’s one of the prominent research facilities on whale research. It was founded by Dr. Ken Balcom who was the gentleman who actually realized that there were only eighty something whales and not several thousand like we thought at the time. So, that is two free passes for you and I encourage you to please come to the San Juans and use those passes and enjoy some time at the whale museum. Spend a lot of money. The other gift that you have is my personal favorite of the several varieties that Lopez Larry makes but quite honestly in my opinion which, as you’ve heard, matters quite a bit to me, this is the best mustard I’ve ever had. I hope you like it. It’s wonderful. It’s Lopez Larry’s smoking Chardonnay, hand made on Lopez Island. Thank you.”

MOTION

At 12:14 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:42 p.m. by President Owen.

MOTION

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

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

February 25, 2009

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

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5086 Prime Sponsor, Senator Jacobsen: Regarding special assessments for conservation district activities and programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Haugen; Jacobsen; Morton and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5127 Prime Sponsor, Senator Jacobsen: Concerning the governance of the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hargrove; Hatfield and Stevens.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Swecker.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5147 Prime Sponsor, Senator Kline: Repealing criminal libel statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5173 Prime Sponsor, Senator Shin: Authorizing the regional universities to confer honorary doctorate degrees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5177 Prime Sponsor, Senator Shin: Creating a global Asia institute within the Henry M. Jackson School of International Studies. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5210 Prime Sponsor, Senator Berkey: Concerning unsolicited goods and the promotional advertising of prizes. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5280 Prime Sponsor, Senator Holmquist: Recognizing conservation achieved in excess of biennial conservation targets as an eligible renewable resource under chapter 19.285 RCW, the energy independence act. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5361 Prime Sponsor, Senator McDermott: Feeding hungry children through school breakfast and lunch programs and summer food service programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett and McDermott.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5400 Prime Sponsor, Senator Tom: Regulating reverse mortgage lending practices. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5404 Prime Sponsor, Senator Jacobsen: Modifying various provisions of Title 77 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hargrove; Hatfield and Swecker.

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5424 Prime Sponsor, Senator Parlette: Concerning interest rate and penalty provisions in the current use program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5424 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5487 Prime Sponsor, Senator Brandland: Changing the notification date for nonrenewal of a certificated employee's contract. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5502 Prime Sponsor, Senator Keiser: Establishing the primary care physician conditional tuition waiver program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5533 Prime Sponsor, Senator Rockefeller: Regarding the adjudication of water rights. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5538 Prime Sponsor, Senator McAuliffe: Regarding employment opportunities at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5538 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Hewitt; Pflug and Stevens.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5549 Prime Sponsor, Senator Kohl-Welles: Concerning the termination of month to month or other periodic residential tenancies governed by the residential landlord-tenant act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5549 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5565 Prime Sponsor, Senator Rockefeller: Regarding the use of certain solid fuel burning devices. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5569 Prime Sponsor, Senator Hobbs: Concerning the administration of state and local tax programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5569 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs;

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

Honeyford; Keiser; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Rockefeller and Schoesler.

pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5571 Prime Sponsor, Senator Oemig: Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5571 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5576 Prime Sponsor, Senator Jarrett: Changing enrollment reporting for state employees receiving tuition waivers at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5597 Prime Sponsor, Senator Jacobsen: Investigating Washington's ocean renewable energy resources. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Holmquist; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5625 Prime Sponsor, Senator Haugen: Creating a state college in Snohomish county. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Hewitt; Pflug and Stevens.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5628 Prime Sponsor, Senator Haugen: Concerning the regulation of certain internet protocol services. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do

February 25, 2009

SB 5630 Prime Sponsor, Senator Regala: Concerning real estate excise tax expenditures for parks and capital projects. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Honeyford and Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette; Pridemore and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5668 Prime Sponsor, Senator Berkey: Restricting the use of consignment contracts in the sale of used manufactured/mobile homes. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5672 Prime Sponsor, Senator Kline: Protecting consumers from discrimination based on lawful source of income. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Honeyford.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5732 Prime Sponsor, Senator Kline: Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5732 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 25, 2009

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SB 5753 Prime Sponsor, Senator Berkey: Providing real estate excise tax exemptions to stabilize neighborhoods. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5760 Prime Sponsor, Senator Fraser: Regarding the University of Washington's and Washington State University's public works contracting procedures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; McDermott; Murray; Oemig; Parlette; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Honeyford.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5773 Prime Sponsor, Senator Hobbs: Establishing the opportunity internship program for high school students. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5773 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Hewitt; Pflug and Stevens.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5776 Prime Sponsor, Senator McDermott: Regarding student fees, charges, and assessments. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Hewitt; Pflug and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5778 Prime Sponsor, Senator Oemig: Requiring disclosure of certain course material information for higher education courses. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5778 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5786 Prime Sponsor, Senator Fraser: Authorizing the creation of cultural access authorities. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5788 Prime Sponsor, Senator Prentice: Addressing state funding for low-income housing. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5791 Prime Sponsor, Senator Hobbs: Creating the Washington voluntary retirement accounts program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5791 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Schoesler.

Passed to Committee on Ways & Means.

February 23, 2009

SB 5793 Prime Sponsor, Senator Schoesler: Concerning privately operated manlifts. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5798 Prime Sponsor, Senator Kohl-Welles: Concerning medical marijuana. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5798 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr and Murray.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5804 Prime Sponsor, Senator Keiser: Setting forth the circumstances under which a person qualifies for benefits when voluntarily leaving part-time work. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5806 Prime Sponsor, Senator Jarrett: Concerning solid waste for the purposes of defining a renewable resource. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5807 Prime Sponsor, Senator Brandland: Concerning the use of capital projects funds by school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5809 Prime Sponsor, Senator Hargrove: Creating a temporary workforce employment and training program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5809 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5817 Prime Sponsor, Senator Becker: Defining commercial agricultural purposes to include current farming practices and activities related to the raising, harvesting, feeding, breeding, managing, selling, care, or training of a farm product. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5817 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5823 Prime Sponsor, Senator Kastama: Concerning strict compliance with notice provisions when manufactured/mobile home communities are offered for sale. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5828 Prime Sponsor, Senator Jarrett: Authorizing certain school districts and educational service districts to designate a district treasurer. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5834 Prime Sponsor, Senator Kohl-Welles: Regarding alcoholic beverage regulation. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5834 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5877 Prime Sponsor, Senator Prentice: Concerning the sale of liquor-related products in state liquor stores. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 24, 2009

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

SB 5891 Prime Sponsor, Senator Keiser: Establishing a forum for testing primary care medical home reimbursement pilot projects. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 5895 Prime Sponsor, Senator Tom: Addressing residential real property construction improvements through consumer education, warranty protections, legal remedies, municipal liability, third-party inspections, contractor registration requirements, worker certification standards, and bonding requirements. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5909 Prime Sponsor, Senator Murray: Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5913 Prime Sponsor, Senator Pflug: Concerning online access to the University of Washington health sciences library by certain health care providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5914 Prime Sponsor, Senator Rockefeller: Concerning student transportation funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Roach and Tom.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5918 Prime Sponsor, Senator Kauffman: Regarding paraeducator tutor certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5918 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Ways & Means.

February 24, 2009

SB 5925 Prime Sponsor, Senator Shin: Regarding insurance for higher education students participating in study or research abroad. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Hewitt and Stevens.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5933 Prime Sponsor, Senator McDermott: Allowing the owner of a self-service storage facility to offer self-service storage insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5933 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5935 Prime Sponsor, Senator McDermott: Regarding public school education programs for the prevention of child abuse. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5935 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Roach.

Passed to Committee on Ways & Means.

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

February 25, 2009
SB 5940 Prime Sponsor, Senator Honeyford:
 Concerning publicly owned industrial wastewater treatment
 facilities. Reported by Committee on Environment, Water &
 Energy

MAJORITY recommendation: Do pass. Signed by
 Senators Rockefeller, Chair; Pridemore, Vice Chair;
 Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr;
 Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009
SB 5944 Prime Sponsor, Senator Ranker: Implementing
 a demonstration project to reduce phosphorus loading in Lake
 Whatcom. Reported by Committee on Environment, Water &
 Energy

MAJORITY recommendation: Do pass. Signed by
 Senators Rockefeller, Chair; Pridemore, Vice Chair;
 Honeyford; Delvin; Fraser; Holmquist; Marr; Morton;
 Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2009
SB 5945 Prime Sponsor, Senator Keiser: Creating the
 Washington health partnership plan. Reported by Committee on
 Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill
 No. 5945 be substituted therefor, and the substitute bill do
 pass. Signed by Senators Keiser, Chair; Franklin, Vice
 Chair; Fairley; Marr and Murray.

MINORITY recommendation: Do not pass. Signed by
 Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 25, 2009
SB 5952 Prime Sponsor, Senator McDermott:
 Modifying the definition of "sexual orientation" for malicious
 harassment prosecution purposes. Reported by Committee on
 Judiciary

MAJORITY recommendation: Do pass. Signed by
 Senators Kline, Chair; Regala, Vice Chair; McCaslin;
 Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 25, 2009
SB 5958 Prime Sponsor, Senator Oemig: Regarding
 vision screening for public school students. Reported by
 Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill
 No. 5958 be substituted therefor, and the substitute bill do
 pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice
 Chair, Early Learning; Oemig, Vice Chair, K-12; King;
 Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach
 and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

February 25, 2009
SB 5963 Prime Sponsor, Senator Kohl-Welles:
 Regarding unemployment insurance. Reported by Committee
 on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill
 No. 5963 be substituted therefor, and the substitute bill do
 pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice
 Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 24, 2009
SB 5964 Prime Sponsor, Senator McDermott:
 Concerning asbestos-related liabilities and consumer and worker
 injuries. Reported by Committee on Labor, Commerce &
 Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill
 No. 5964 be substituted therefor, and the substitute bill do
 pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice
 Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by
 Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 25, 2009
SB 5973 Prime Sponsor, Senator Kauffman: Closing the
 achievement gap in order to provide all students an excellent
 and equitable education. Reported by Committee on Early
 Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill
 No. 5973 be substituted therefor, and the substitute bill do
 pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice
 Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs;
 Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by
 Senators King and Holmquist.

MINORITY recommendation: That it be referred without
 recommendation. Signed by Senators Brandland and
 Roach.

Passed to Committee on Ways & Means.

February 24, 2009
SB 5978 Prime Sponsor, Senator Haugen: Establishing
 certain consumer rebate requirements. Reported by Committee
 on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill
 No. 5978 be substituted therefor, and the substitute bill do
 pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice
 Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 25, 2009
SB 5980 Prime Sponsor, Senator Oemig: Renaming
 components of the formula for allotment of appropriations for
 school plant facilities. Reported by Committee on Ways &
 Means

MAJORITY recommendation: Do pass. Signed by
 Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget
 Chair; Tom, Vice Chair, Operating Budget; Zarelli;

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 6000 Prime Sponsor, Senator Fraser: Modifying real estate disclosure requirements regarding homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6000 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott and Schoesler.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6009 Prime Sponsor, Senator Keiser: Concerning long-term care facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 6015 Prime Sponsor, Senator Murray: Establishing the director of commercialization and innovation within the office of the governor. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide and Kilmer.

Passed to Committee on Ways & Means.

February 25, 2009

SB 6016 Prime Sponsor, Senator Benton: Regarding educator training to enhance skills of students with dyslexia. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6019 Prime Sponsor, Senator Keiser: Concerning employee wellness programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6019 be substituted therefor, and the substitute bill do

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

February 23, 2009

SB 6027 Prime Sponsor, Senator Hewitt: Concerning the work of the joint select committee on beer and wine regulation. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6032 Prime Sponsor, Senator Berkey: Concerning exchange facilitators. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 6034 Prime Sponsor, Senator Kilmer: Exempting institutions of higher education that do not use archives and records management services from payment for those services. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Hewitt; Jacobsen; McAuliffe and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Pflug and Stevens.

Passed to Committee on Ways & Means.

February 23, 2009

SB 6035 Prime Sponsor, Senator Kohl-Welles: Concerning retrospective rating plans. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 6038 Prime Sponsor, Senator Keiser: Concerning the basic health plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6038 be substituted therefor, and the substitute bill do

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley; Marr and Murray.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 25, 2009

February 24, 2009
SB 6052 Prime Sponsor, Senator Pflug: Requiring health benefit plans to offer coverage for surgical treatment of morbid obesity. Reported by Committee on Health & Long-Term Care

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

MAJORITY recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker and Murray.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 25, 2009

February 24, 2009
SB 6053 Prime Sponsor, Senator Fraser: Establishing a pilot program to provide access to personal hygiene and cleaning products. Reported by Committee on Health & Long-Term Care

SB 6077 Prime Sponsor, Senator Rockefeller: Improving water management. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Marr; Morton; Ranker and Sheldon.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Holmquist.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Passed to Committee on Ways & Means.

February 25, 2009
SB 6056 Prime Sponsor, Senator Kauffman: Concerning the use of the local infrastructure financing tool for downtown development and redevelopment. Reported by Committee on Economic Development, Trade & Innovation

February 25, 2009

SB 6090 Prime Sponsor, Senator Pridemore: Modifying provisions of the greenhouse gas emissions standards under chapter 80.80 RCW. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

MAJORITY recommendation: That Substitute Senate Bill No. 6090 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 24, 2009
SB 6063 Prime Sponsor, Senator Ranker: Concerning eligibility of lands used for equestrian related activities for current use valuation programs. Reported by Committee on Agriculture & Rural Economic Development

February 25, 2009

SJM 8010 Prime Sponsor, Senator Tom: Petitioning the federal government to eliminate federal financial benefits from accruing to colleges and universities that use legacy preferences in admissions. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 6063 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Jacobsen; Morton and Shin.

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; McAuliffe; Shin and Stevens.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

February 25, 2009
SB 6067 Prime Sponsor, Senator Kline: Imposing delayed sentencing for offenders with a standard range under one year. Reported by Committee on Judiciary

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

REPORTS OF SUPPLEMENTAL STANDING
COMMITTEES
GUBERNATORIAL APPOINTMENTS

FORTY-FIFTH DAY, FEBRUARY 25, 2009

2009 REGULAR SESSION

February 25, 2009

SGA 9073 YVONNE LOPEZ MORTON, appointed on October 3, 2007, for the term ending June 17, 2010, as Chair of the Human Rights Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

February 25, 2009

SGA 9102 JOEL RUPLEY, reappointed on February 1, 2007, for the term ending January 1, 2013, as Member of the Forest Practices Appeals Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2009

SGA 9108 HONNA SHEFFIELD, appointed on June 12, 2005, for the term ending June 11, 2009, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5628 which was referred to the Committee on Ways & Means and Senate Bill No. 5877 which was referred to the Committee on Rules.

MOTION

At 7:44 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, February 26, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 26, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Kastama and Roach.

The Sergeant at Arms Color Guard consisting of Pages Rachel Cropper and Anna McCracken, presented the Colors. Mary Lynn Reiner of Temple Beth Hatfiloh of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 24, 2009

SB 5332 Prime Sponsor, Senator Haugen: Administering the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5333 Prime Sponsor, Senator Haugen: Creating a Washington state patrol retirement system deferred option plan. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 25, 2009

SB 5346 Prime Sponsor, Senator Keiser: Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5346 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala and Rockefeller.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5540 Prime Sponsor, Senator Pridemore: Establishing high capacity transportation corridor areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Swecker; Becker; Delvin and King.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5548 Prime Sponsor, Senator Haugen: Requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2009

SB 5780 Prime Sponsor, Senator Tom: Establishing chapter 46.55 RCW as the exclusive remedy for any claims resulting from the impoundment of a motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5902 Prime Sponsor, Senator Pridemore: Promoting accessible communities for persons with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5902 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Pflug.

Passed to Committee on Rules for second reading.

February 25, 2009

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

SB 6047 Prime Sponsor, Senator Prentice: Authorizing a property tax levy to reimburse taxing districts for property taxes refunded under chapter 84.69 RCW and property taxes abated under RCW 84.70.010. Reported by Committee on Ways & Means

Referred to Committee on Environment, Water & Energy.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Hobbs; Keiser; Kline; McDermott; Murray; Parlette; Pflug; Pridemore; Regala and Rockefeller.

February 25, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNETTE SANDBERG, appointed January 29, 2009, for the term ending September 30, 2014, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Honeyford.

Passed to Committee on Rules for second reading.

February 25, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONALD K. SPERLING, appointed February 11, 2009, for the term ending February 11, 2013, as Member of the Health Care Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 25, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRISTOPHER P. BARRY, appointed February 10, 2009, for the term ending January 19, 2013, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6102 by Senator Jacobsen

AN ACT Relating to the display of digital advertising signs on highways; adding a new section to chapter 47.42 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

SB 6103 by Senator Prentice

AN ACT Relating to the definition of gambling; and amending RCW 9.46.0237.

Referred to Committee on Ways & Means.

SB 6104 by Senators Prentice and Tom

AN ACT Relating to state agency hours of operation; and amending RCW 42.04.060 and 42.56.090.

Referred to Committee on Ways & Means.

SB 6105 by Senators Oemig, Kastama and Jarrett

AN ACT Relating to transparency in state and local

February 25, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN BLAKE, appointed September 12, 2008, for the term ending June 30, 2011, as Member of the Pacific Marine Fishery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 25, 2009
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFERY D. GOLTZ, appointed February 16, 2009, for the term ending December 31, 2014, as Member of the Utilities and Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

taxation; amending RCW 44.48.150; adding a new section to chapter 82.02 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6106 by Senators Haugen and Swecker

AN ACT Relating to collective bargaining for marine employees of the department of transportation; amending RCW 47.64.006, 47.64.120, 47.64.270, 47.64.280, 47.64.320, and 41.80.020; and repealing RCW 47.64.220.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8638

By Senators Kohl-Welles, Brandland, Fraser, McDermott, Regala, Ranker, Hatfield, and Eide

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 8, 2009, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 81st year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 3, 2009; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, devastating not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous

season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial No. 9046, Heidi Heywood, as a member of the Lower Columbia Community College, District No. 13, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Pflug and Roach were excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

APPOINTMENT OF HEIDI HEYWOOD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9046, Heidi Heywood as a member of the Lower Columbia Community College, District No. 13.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9046, Heidi Heywood as a member of the Lower Columbia Community College, District No. 13 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kastama

Excused: Senators Benton, Brown and Roach

Gubernatorial Appointment No. 9046, Heidi Heywood, having received the constitutional majority was declared confirmed as a member of the Lower Columbia Community College, District No. 13.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9011, Greg Bever, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Kastama was excused.

APPOINTMENT OF GREG BEVER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9011, Greg Bever as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9011, Greg Bever as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

Gubernatorial Appointment No. 9011, Greg Bever, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

MOTION

On motion of McDermott, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments en block and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9120, Daniel Sweeney and Gubernatorial Appointment No. 9124, Keith Thompson as members of the Board of Trustees, Central Washington University, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF DANIEL SWEENEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9120, Daniel Sweeney and Gubernatorial Appointment No. 9124, Keith Thompson as members of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9120, Daniel Sweeney as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

APPOINTMENT OF KEITH THOMPSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9124, Keith Thompson as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

Gubernatorial Appointment No. 9120, Daniel Sweeney and Gubernatorial Appointment No. 9124, Keith Thompson, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Central Washington University.

SECOND READING

SENATE BILL NO. 5076, by Senators Schoesler and Hatfield

Creating the Washington grain commission.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5076.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5076 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5388, by Senators Parlette, Murray, Swecker, Carrell, King, Tom, Kohl-Welles and Franklin

Requiring motor vehicle dealers to disclose whether a new motor vehicle has sustained damage, repaired or not, in the sale of the new motor vehicle. Revised for 1st Substitute: Concerning the disclosure of any known damage and repair to a new motor vehicle by motor vehicle dealers.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5388 was substituted for Senate Bill No. 5388 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5388.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

SUBSTITUTE SENATE BILL NO. 5388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators Kline, Tom, McDermott and Kohl-Welles

Adding five district court judges in King county.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Eide be adopted.

On page 1, line 14, after "Spokane," strike "ten" and insert "~~((ten))~~ eight"

Senators Schoesler and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Eide on page 1, line 14 to Senate Bill No. 5135.

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

MOTION

Senator Schoesler moved that the following title amendment be adopted:

On page 1, line 1 of the title, after "to" strike "increasing"
On page 1, line 2 of the title, after "county" insert "and Spokane county"

The President declared the question before the Senate to be the adoption of the title amendment to Senate Bill No. 5135.

The motion by Senator Schoesler carried and the title amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator McCaslin

Excused: Senators Benton and Roach

ENGROSSED SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5218, by Senators Carrell, Hargrove, Swecker, Regala, Brandland, Hewitt, King, Stevens, Schoesler, Pridemore, Delvin, Pflug, Tom, Kilmer and Shin

Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5218.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5218 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott,

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Roach

SENATE BILL NO. 5218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5136, by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline and Hatfield

Regulating the use of solar energy panels by members of homeowners' associations.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5136 was substituted for Senate Bill No. 5136 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5136.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5136 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Haugen

Excused: Senators Benton, Brown and Roach

SUBSTITUTE SENATE BILL NO. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Haugen was excused.

SECOND READING

SENATE BILL NO. 5731, by Senators Keiser and Pflug

Distributing health plan information.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Roach

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

SECOND READING

SENATE BILL NO. 5273, by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles

Regarding the practice of landscape architecture.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5273 was substituted for Senate Bill No. 5273 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, King, McAuliffe, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Roach

SUBSTITUTE SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senator Zarelli

Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway."

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Zarelli spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the memorial passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Kauffman, Keiser, Oemig, Prentice, Pridemore and Ranker

Excused: Senators Benton and Roach

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5290, by Senators Franklin, Brown, Fraser, Kauffman, McAuliffe, Shin, Murray, Eide, Keiser, Berkey and Regala

Concerning requests made by a party relating to gas or electrical company discounts for low-income senior customers and low-income customers.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Benton, Prentice and Roach

SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5015, by Senators Franklin, Hargrove and Kauffman

Concerning foster parent licensing.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Prentice and Roach

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5153, by Senators Kline, Rockefeller and Shin

Creating the uniform foreign-country money judgments

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5153.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Prentice and Roach

SENATE BILL NO. 5153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5156, by Senators Brandland, McCaslin and Keiser

Addressing certification actions of Washington peace officers.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5156.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Prentice and Roach

SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Berkey, Benton, Hobbs and Parlette

Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Prentice and Roach

SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5268, by Senators Swecker, Jacobsen and Shin

Creating the fish and wildlife equipment revolving account.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5268 was substituted for Senate Bill No. 5268 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5268.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FORTY-SIXTH DAY, FEBRUARY 26, 2009

2009 REGULAR SESSION

Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Roach

SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5190, by Senators Hargrove, Stevens, Regala and Shin

Making technical corrections to community custody provisions.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Roach

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, February 27, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 27, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Kline, McAuliffe, McCaslin, Oemig and Roach.

The Sergeant at Arms Color Guard consisting of Pages Conner Martin and Miranda Sira, presented the Colors. Pastor Ken Long of Northshore Christian Church of Everett offered the prayer.

MOTION

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

MOTION

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

REMARKS BY THE PRESIDENT

President Owen: "Must be a very special day for Senator Eide today, who is surrounded by beautiful flowers.

PERSONAL PRIVILEGE

Senator Eide: "Well, thank you for noticing. Yes, I have been married for thirty-three. It's hard to believe how fast time has gone. I am married to an absolutely wonderful man, very fortunate. Looking forward to going home for the weekend."

REPLY BY THE PRESIDENT

President Owen: "Believe his name is, 'Lucky Mark'."

PERSONAL PRIVILEGE

Senator McDermott: "Thank you. I just wanted to acknowledge that you were in fact there Mr. President. I couldn't see you earlier this morning."

SECOND READING**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Marr moved that Gubernatorial Appointment No. 9067, Carol Landa-McVicker, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Benton, Brandland, Carrell, Hewitt, McCaslin, Parlette, Roach and Schoesler were excused.

MOTION

On motion of Senator Marr, Senators Brown, Kastama, McAuliffe and Oemig were excused.

APPOINTMENT OF CAROL LANDA-MCVICKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9067, Carol Landa-McVicker as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9067, Carol Landa-McVicker as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Benton, McAuliffe, McCaslin, Oemig and Roach

Gubernatorial Appointment No. 9067, Carol Landa-McVicker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

SECOND READING

SENATE BILL NO. 5269, by Senators Jacobsen, Swecker and Hatfield

Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FORTY-SEVENTH DAY, FEBRUARY 27, 2009

2009 REGULAR SESSION

Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Kline, McAuliffe, McCaslin and Oemig

SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5305, by Senators Schoesler, Fraser, Holmquist and Parlette

Repealing certain obsolete state retirement system statutes.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, McAuliffe, McCaslin and Oemig

SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5060, by Senator Jacobsen

Modifying provisions relating to the use of manufactured wine or beer.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5060.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, McAuliffe, McCaslin and Oemig

SENATE BILL NO. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5125, by Senators Hewitt and Kohl-Welles

Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account.

The measure was read the second time.

MOTION

On motion of Senator Holmquist, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, McAuliffe, McCaslin and Oemig

SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5171, by Senators Kline and Rockefeller

Modifying the Washington principal and income act of 2002.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, McAuliffe, McCaslin and Oemig
SUBSTITUTE SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Haugen and Parlette

Permitting public transit vehicle stops at unmarked stop zones under certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, McAuliffe, McCaslin and Oemig
SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Eide: "Well, thank you Mr. President, not only is it my wedding anniversary tomorrow. We need to celebrate Senator Pflug's birthday, we need to celebrate Senator Swecker's birthday and we also need to celebrate Senator Brown's son is turning seventeen tomorrow. I just want, and is it your birthday too Senator Schoesler? Oh, I knew it was your birthday because I gave you a little card. But tomorrow is the big day. We're talking about tomorrow with all the Senators here. Have a good day tomorrow."

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 2, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 2, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Marr, McCaslin and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Brooke Bridges and Mark Larkin, presented the Colors. Pastor Matthew Larson of Good Shepherd Lutheran Church of Olympia offered the prayer.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

February 26, 2009

SB 5321 Prime Sponsor, Senator Prentice: Extending a local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kohl-Welles; Murray; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5331 Prime Sponsor, Senator Kauffman: Granting tribal authorities limited control over speed limits on nonlimited access state highways within tribal reservation boundaries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5368 Prime Sponsor, Senator Prentice: Making provisions for all counties to value property annually for property tax purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do

pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 27, 2009

SB 5458 Prime Sponsor, Senator Marr: Concerning economic stimulus transportation funding and appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5537 Prime Sponsor, Senator Fraser: Eliminating the statutory debt limit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5542 Prime Sponsor, Senator Franklin: Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5596 Prime Sponsor, Senator Jacobsen: Supporting the continued operation of the northwest weather and avalanche center. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Eide; Jacobsen; Jarrett; Kastama; Kauffman and Ranker.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Becker; Delvin and King.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5682 Prime Sponsor, Senator Haugen: Requiring the secretary of transportation to realign the transportation regions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5684 Prime Sponsor, Senator Haugen: Addressing environmental mitigation in highway construction. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5816 Prime Sponsor, Senator Eide: Concerning vehicle dealer documentary service fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5816 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer and King.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5846 Prime Sponsor, Senator Tom: Addressing the covering of vehicular loads. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Berkey; Delvin and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5878 Prime Sponsor, Senator Sheldon: Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 5938 Prime Sponsor, Senator Ranker: Clarifying the permitting, training, and licensing process for driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5938 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 5953 Prime Sponsor, Senator Kilmer: Eliminating the requirement that security amounts for certain marine vessel contracts adequately protect one hundred percent of the state's or county's exposure to loss. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 6006 Prime Sponsor, Senator Regala: Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 6012 Prime Sponsor, Senator Sheldon: Increasing the maximum amount of financial assistance that may be granted or loaned by the department of transportation for airports owned or controlled by municipalities or federally recognized Indian tribes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SB 6020 Prime Sponsor, Senator Haugen: Concerning the compilation, collection, and release of traffic accident information in compliance with certain federal law. Reported by Committee on Transportation

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Jarrett; Kastama; King and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2009

SB 6068 Prime Sponsor, Senator Swecker: Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2009

SB 6088 Prime Sponsor, Senator Fraser: Addressing commute trip reduction for state agencies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6088 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2009

SB 6095 Prime Sponsor, Senator Haugen: Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 26, 2009

SGA 9027 CHARLES DAVIS, reappointed on January 9, 2006, for the term ending December 26, 2009, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SGA 9052 ELSIE HULSIZER, appointed on September 1, 2007, for the term ending December 26, 2010, as Member of the

Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SGA 9069 CRAIG LEE, reappointed on December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SGA 9114 WILLIAM SNYDER, reappointed on December 27, 2007, for the term ending December 26, 2011, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SGA 9141 JEFFREY L THOMPSON, appointed on January 22, 2009, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2009

SGA 9151 PATRICK M HANNIGAN, reappointed on January 22, 2009, for the term ending December 26, 2012, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 27, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1016,
HOUSE BILL NO. 1058,
HOUSE BILL NO. 1068,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1261,
HOUSE BILL NO. 1431,
HOUSE BILL NO. 1448,
SUBSTITUTE HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1791,
HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 1943,
HOUSE BILL NO. 2025,
HOUSE BILL NO. 2132,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 1053,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1281,
HOUSE BILL NO. 1578,
SUBSTITUTE HOUSE BILL NO. 1583,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 27, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE JOINT MEMORIAL NO. 4014,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth

order of business.

INTRODUCTION AND FIRST READING

SB 6107 by Senator Jacobsen

AN ACT Relating to funding the state wildlife account; amending RCW 67.70.040 and 67.70.240; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Ways & Means.

SB 6108 by Senators Prentice, Holmquist and Kohl-Welles

AN ACT Relating to allowing the state lottery to enter into agreements to conduct multistate shared games; and amending RCW 67.70.040, 67.70.044, and 67.70.340.

Referred to Committee on Ways & Means.

On motion of Senator Eide, all measures listed on the Introduction and First Reading Report were referred to the committees as designated.

MOTION

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

MOTION

On motion of Senator Kauffman, Senators Keiser and Marr were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9134, Jean-Paul A. Willynick, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Shin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators McCaslin and Pflug were excused.

APPOINTMENT OF JEAN-PAUL A. WILLYNICK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9134, Jean-Paul A. Willynick as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9134, Jean-Paul A. Willynick as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens,

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

Swecker, Tom and Zarelli

Excused: Senators Marr, McCaslin and Pflug

Gubernatorial Appointment No. 9134, Jean-Paul A. Wilynick, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING

SENATE BILL NO. 5233, by Senators Delvin, Hewitt, Schoesler, Carrell, Swecker, Parlette, Stevens and Honeyford

Addressing county elected officials keeping offices at the county seat.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5233.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5739, by Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey and Honeyford

Revising provisions relating to renewing a concealed pistol license by members of the armed forces.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5739.

ROLL CALL

The Secretary called the roll on the final passage of Senate

Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5406, by Senators Keiser, Pflug, Kohl-Welles and Parlette

Concerning the standard health questionnaire.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5406 was substituted for Senate Bill No. 5406 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Pflug and Keiser be adopted.

On page 3, line 12, after "U.S.C. Sec. 1163" insert ", or application for coverage is made within sixty days after the effective date of this act following a qualifying event that occurred on or after September 1, 2008"

On page 3, line 37, after "U.S.C. Sec. 1163" insert ", or application for coverage is made within sixty days after the effective date of this act following a qualifying event that occurred on or after September 1, 2008"

On page 4, line 12, after "coverage" insert ", or within sixty days after the effective date of this act if termination of continuation coverage occurred on or after September 1, 2008"

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 3, line 12 to Substitute Senate Bill No. 5406.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5406.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5406 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

FIFTIETH DAY, MARCH 2, 2009

Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5673, by Senators Pridemore, Zarelli, Keiser, Murray, Rockefeller, Hobbs, Regala and Shin

Concerning certificates of need.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Keiser spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5673.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5673 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Holmquist, Honeyford, Roach and Stevens

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5195, by Senators Berkey, Swecker, Kauffman, Hobbs, King, Marr, Haugen, Franklin, Parlette, Schoesler and Shin

Adopting the life settlements model act.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5195 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5348, by Senators Swecker, Haugen, Jacobsen, Parlette, Rockefeller and Shin

Removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5348.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5348 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTIETH DAY, MARCH 2, 2009

SENATE BILL NO. 5350, by Senators Haugen, Ranker and Hatfield

Changing special permit provisions for poultry slaughter, preparation, and care.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5350 was substituted for Senate Bill No. 5350 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5350.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Parlette, Roach and Stevens

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5370, by Senators Franklin, Becker, Fairley, Keiser, Marr and Murray

Allowing electronic approval of vital records.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5370.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice,

2009 REGULAR SESSION

Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5267, by Senators Sheldon, Berkey, Morton, Kastama and Delvin

Regarding the issuance of checks by joint operating agencies and public utility districts.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5200, by Senator Brandland

Concerning marauding dogs.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. RCW 16.08.030 (Marauding dog--Duty of owner to kill) and 1929 c 198 s 7 are each repealed."

Senators Hargrove and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove to Senate Bill No. 5200.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

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

MOTION

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

On page 1, line 1 of the title, after "marauding dogs;" strike the remainder of the title and insert "and repealing RCW 16.08.030."

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5200.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

ENGROSSED SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5009, by Senators Marr, Swecker, Hobbs, King, Sheldon, Kilmer, Ranker, Berkey, Haugen, Kauffman, Rockefeller, Hatfield, McAuliffe, Shin and Roach

Creating a military service exemption for benefits charged to the experience rating accounts of employers.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5469, by Senators Parlette, Eide, Jarrett and McCaslin

Modifying limitations on the use of intermediate licenses.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5469 was substituted for Senate Bill No. 5469 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5469.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5797, by Senators Haugen, Ranker, Brandland and Hatfield

Regarding exemptions from solid waste handling permit requirements.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5797.

The measure was read the second time.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Oemig

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Pflug, Keiser and Parlette

Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8003.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Benton

Excused: Senators McCaslin and Pflug

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5989, by Senator Sheldon

Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5989 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5989.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5989 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5184, by Senators Brandland, Hobbs, McAuliffe, Regala, Stevens, Pflug, Hewitt, King, Swecker and Roach

Evaluating the need for a digital forensic crime lab.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5199, by Senators Fraser, Morton, Rockefeller and Shin

Modifying provisions regarding the operators of public water supply systems.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Regala was excused.

SECOND READING

SENATE BILL NO. 5205, by Senators Hargrove, Sheldon, Fraser and Kline

Adding one judge to division two of the court of appeals.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5205.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5205 and the bill passed the Senate by the following

vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin, Pflug and Regala

SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5298, by Senators Regala and Kline

Removing the penalty language from natural resource civil infractions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5298.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5298 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators McCaslin and Pflug

SENATE BILL NO. 5298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. Over the past weekend many of you probably saw in the news the passing of a ninety year old American who was beloved by millions of Americans from coast to coast. I recall my younger days on a old tractor with only AM radio and we didn't have tape players but every day at noon I could hear Paul Harvey. Every day in the morning. I could hear Paul Harvey's updates and late in the afternoon. 'The Rest of the Story.' The hours of enjoyment that that gave me growing up at work when there weren't a lot of other choices in radio or talk radio, he was the guy. He was decidedly humorous. He was decidedly on the conservative side but from time to time he did surprise those of us on the conservative side as well as a former President Nixon. He was decidedly conservative, humorous and kept us all informed. I

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

guess the final thing is about Paul Harvey, for those of us that followed him over the years, was 'The Rest of the Story.' Paul Harvey got into broadcast work and he didn't have a very good last name for the radio. Ethic names like Auranndt were difficult for listeners so the middle name Harvey was taken and that's the rest of the story."

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:06 p.m. by President Owen.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

March 2, 2009

SB 5045 Prime Sponsor, Senator Kilmer: Promoting economic development and community revitalization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5045 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5067 Prime Sponsor, Senator Jacobsen: Expanding hunter access to certain private lands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5138 Prime Sponsor, Senator Rockefeller: Creating an integrated climate change response strategy. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5138 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hewitt and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5176 Prime Sponsor, Senator Shin: Creating a bi-state partnership for teachers of children with visual impairments. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5176 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5248 Prime Sponsor, Senator Hobbs: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5255 Prime Sponsor, Senator Jacobsen: Regarding aquatic lands lease rates for marinas. Reported by Committee on Ways & Means

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

March 2, 2009

MAJORITY recommendation: That Second Substitute Senate Bill No. 5255 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5421 Prime Sponsor, Senator Parlette: Establishing the upper Columbia river recreational salmon and steelhead pilot stamp program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5421 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5433 Prime Sponsor, Senator Regala: Modifying provisions of local option taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5433 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

SB 5484 Prime Sponsor, Senator Marr: Concerning developmental screening. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5484 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5486 Prime Sponsor, Senator Fraser: Requiring a comprehensive lakes management strategic plan. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hewitt; Honeyford; Parlette; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5491 Prime Sponsor, Senator Brandland: Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5491 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

SB 5501 Prime Sponsor, Senator Keiser: Concerning the secure exchange of health information. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5523 Prime Sponsor, Senator Hobbs: Including court commissioners employed by the supreme court, court of appeals, superior courts, district courts, and municipal courts in the judicial benefit multiplier program of the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5523 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Carrell; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5557 Prime Sponsor, Senator Pridemore: Adopting the recommendations of the citizen commission for performance measurement of tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5560 Prime Sponsor, Senator Ranker: Regarding state agency climate leadership. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5560 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hewitt and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5572 Prime Sponsor, Senator Marr: Providing collective bargaining for child care center directors and workers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5624 Prime Sponsor, Senator Kauffman: Restricting the use of mechanical restraints and chemical sprays for discipline in public schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5624 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Schoesler.

Passed to Committee on Rules for second reading.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

March 2, 2009

SB 5649 Prime Sponsor, Senator Rockefeller: Regarding energy efficiency in buildings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5649 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5676 Prime Sponsor, Senator McAuliffe: Providing for career and technical education opportunities for middle school students. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5676 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5680 Prime Sponsor, Senator Jarrett: Modifying the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5687 Prime Sponsor, Senator Marr: Reducing greenhouse gas emissions through land use and transportation requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5687 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5691 Prime Sponsor, Senator Brandland: Increasing boating safety. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5691 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5714 Prime Sponsor, Senator Tom: Providing conditional funding for teachers to pursue national board for professional teaching standards certification. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Brandland; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5721 Prime Sponsor, Senator Tom: Changing school levy provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5735 Prime Sponsor, Senator Rockefeller: Reducing greenhouse gas emissions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5735 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Hobbs; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5788 Prime Sponsor, Senator Prentice: Addressing state funding for low-income housing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5788 as recommended by Committee on Financial Institutions, Housing & Insurance be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5791 Prime Sponsor, Senator Hobbs: Creating the Washington voluntary retirement accounts program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5791 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5809 Prime Sponsor, Senator Hargrove: Creating a temporary workforce employment and training program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5809 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5850 Prime Sponsor, Senator Kohl-Welles: Protecting workers from human trafficking violations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5850 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Hewitt; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5854 Prime Sponsor, Senator Kilmer: Reducing climate pollution in the built environment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5854 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli and Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

SB 5865 Prime Sponsor, Senator Kauffman: Requiring a report on early learning services for low-income families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5865 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5892 Prime Sponsor, Senator Keiser: Concerning prescription drug use in state purchased health care programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5895 Prime Sponsor, Senator Tom: Addressing residential real property construction improvements through consumer education, warranty protections, legal remedies, municipal liability, third-party inspections, contractor registration requirements, worker certification standards, and bonding requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5895 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5916 Prime Sponsor, Senator Kohl-Welles: Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5916 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland and Hewitt.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5930 Prime Sponsor, Senator Prentice: Regarding public employees' health care costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5930 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 5941 Prime Sponsor, Senator Oemig: Regarding comprehensive education data improvement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5941 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Rockefeller and Schoesler.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Schoesler.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 2, 2009

March 2, 2009

SB 5943 Prime Sponsor, Senator Hargrove: Requiring performance-based contracts for the provision of child welfare services. Reported by Committee on Ways & Means

SB 5973 Prime Sponsor, Senator Kauffman: Closing the achievement gap in order to provide all students an excellent and equitable education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5943 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Kline; Murray; Parlette; Pridemore; Regala and Rockefeller.

MAJORITY recommendation: That Second Substitute Senate Bill No. 5973 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Kohl-Welles; McDermott and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell; Parlette and Schoesler.

March 2, 2009

SB 5945 Prime Sponsor, Senator Keiser: Creating the Washington health partnership plan. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Second Substitute Senate Bill No. 5945 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

SB 5986 Prime Sponsor, Senator Kauffman: Permitting certain higher education employees to engage in collective bargaining. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Parlette and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell and Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Hewitt.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 2, 2009

March 2, 2009

SB 5957 Prime Sponsor, Senator Jacobsen: Regarding the department of natural resources' authority for transactions involving certain commercial lands, natural resource lands, or forest lands at risk of development. Reported by Committee on Ways & Means

SB 6015 Prime Sponsor, Senator Murray: Establishing the director of commercialization and innovation within the office of the governor. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline;

MAJORITY recommendation: That Second Substitute Senate Bill No. 6015 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair,

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

Operating Budget; Zarelli; Brandland; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6038 Prime Sponsor, Senator Keiser: Concerning the basic health plan. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6038 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6051 Prime Sponsor, Senator Murray: Removing an expiration date applicable to heritage and arts program funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hewitt; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and McDermott.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6096 Prime Sponsor, Senator Tom: Concerning the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6103 Prime Sponsor, Senator Prentice: Modifying the definition of gambling. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Hewitt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 2, 2009

SB 6104 Prime Sponsor, Senator Prentice: Addressing state agency hours of operation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller and Schoesler.

FIFTIETH DAY, MARCH 2, 2009

2009 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

March 2, 2009

SJR 8209 Prime Sponsor, Senator Zarelli: Requiring extraordinary revenue growth to be transferred to the budget stabilization account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McDermott.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

MOTION

At 9:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, March 3, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 3, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Kastama, Kilmer, Pflug and Roach.

The Sergeant at Arms Color Guard consisting of Pages Hannah Bell and Meagan O'Keefe, presented the Colors. Pastor Leif Holmes of Rochester Life Church offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6109 by Senators Haugen, Rockefeller, Kilmer, Sheldon, King and Swecker

AN ACT Relating to ferries; and creating a new section.

Referred to Committee on Transportation.

SB 6110 by Senator Haugen

AN ACT Relating to transportation financing; and creating a new section.

Referred to Committee on Transportation.

SB 6111 by Senator Haugen

AN ACT Relating to transportation funding in the central Puget Sound region; and creating a new section.

Referred to Committee on Transportation.

SB 6112 by Senator Haugen

AN ACT Relating to transportation funding and appropriations; and creating a new section.

Referred to Committee on Transportation.

SB 6113 by Senator Haugen

AN ACT Relating to tolling; and creating a new section.

Referred to Committee on Transportation.

SB 6114 by Senator Haugen

AN ACT Relating to authorizing bonds for transportation funding; and creating a new section.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1016 by Representative Hunt

AN ACT Relating to changing the membership on the capitol campus design advisory committee; and amending RCW 43.34.080.

Referred to Committee on Government Operations & Elections.

EHB 1053 by Representatives Moeller, Williams, Conway, Wood, Chase and Hunt

AN ACT Relating to raffle ticket prices; and amending RCW 9.46.0277.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1058 by Representatives Goodman and Rodne

AN ACT Relating to editorial standards for the publication of the Revised Code of Washington; and amending RCW 1.08.015 and 1.08.017.

Referred to Committee on Judiciary.

HB 1068 by Representatives Pedersen and Rodne

AN ACT Relating to the Washington business corporation act; amending RCW 23B.01.410, 23B.02.020, 23B.02.050, 23B.02.060, 23B.06.020, 23B.06.040, 23B.06.210, 23B.06.220, 23B.06.260, 23B.06.310, 23B.06.400, 23B.07.030, 23B.07.040, 23B.07.060, 23B.07.070, 23B.07.200, 23B.07.250, 23B.07.260, 23B.07.270, 23B.07.280, 23B.07.320, 23B.08.030, 23B.08.210, 23B.08.230, 23B.08.240, 23B.08.250, 23B.08.500, 23B.08.550, 23B.08.700, 23B.10.020, 23B.10.060, 23B.10.070, 23B.10.080, 23B.10.200, 23B.10.205, 23B.10.210, 23B.11.030, 23B.11.040, 23B.12.020, 23B.13.020, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.240, 23B.13.260, 23B.13.270, 23B.13.280, 23B.14.010, 23B.14.020, 23B.14.030, 23B.14.040, 23B.14.050, 23B.16.010, 23B.16.020, and 23B.19.040; and reenacting and amending RCW 23B.01.400.

Referred to Committee on Judiciary.

HB 1257 by Representatives Goodman, Rodne, O'Brien, Simpson and Moeller

AN ACT Relating to deferred prosecution files; and amending RCW 10.05.060.

Referred to Committee on Judiciary.

SHB 1261 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Moeller, Green, Williams, Pedersen, Appleton, Morrell and Ormsby)

AN ACT Relating to adult guardianship and protective proceedings jurisdiction; adding a new chapter to Title 11 RCW; and providing an effective date.

Referred to Committee on Judiciary.

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

HB 1281 by Representatives Hurst, Pearson, Appleton, O'Brien, Goodman, Orcutt, Morrell, Ormsby, Simpson and Orwall

AN ACT Relating to the rights of victims, survivors, and witnesses of crimes to be heard before the indeterminate sentence review board and clemency and pardons board; amending RCW 9.95.420, 9.95.420, 9.94A.885, and 7.69.030; adding a new section to chapter 7.69 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 1431 by Representatives Sells, Liias, Morris, Clibborn, Eddy, McCoy and Kenney

AN ACT Relating to the designation of certain state routes as highways of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1448 by Representatives Hurst, Roach, Simpson, McCoy, Sullivan, Hunt, Goodman, Appleton, Ormsby and Nelson

AN ACT Relating to speed limits on nonlimited access state highways within tribal reservation boundaries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1578 by Representatives Driscoll, Ormsby, Wood and Williams

AN ACT Relating to the board of directors of an air pollution control authority; and amending RCW 70.94.100 and 70.94.120.

Referred to Committee on Government Operations & Elections.

SHB 1583 by House Committee on Local Government & Housing (originally sponsored by Representatives Alexander, Simpson, Angel, Miloscia, Short and Nelson)

AN ACT Relating to county auditors; amending RCW 36.17.045, 36.17.050, 36.22.010, 36.22.090, 36.22.170, 36.32.210, 36.40.010, 36.40.030, 36.40.050, 36.40.130, 36.40.210, 36.96.020, 36.96.090, and 43.09.280; reenacting and amending RCW 36.40.040; and repealing RCW 28A.350.010, 28A.350.020, 28A.350.030, 28A.350.040, 28A.350.050, 28A.350.060, 28A.350.070, 36.18.110, 36.18.120, and 36.18.130.

Referred to Committee on Government Operations & Elections.

SHB 1592 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Kelley and Kenney)

AN ACT Relating to business entities and associations registered with the secretary of state; amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to

chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section.

Referred to Committee on Judiciary.

SHB 1730 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Linville, Kretz, Ericks, Hunt, Armstrong and Short)

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630, 43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; and adding a new section to chapter 43.42 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1791 by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Green, Dammeier, Morrell, Orwall, Walsh and Wood)

AN ACT Relating to clarifying certain community custody and drug offender sentencing alternative sentencing provisions; amending RCW 9.94A.505 and 9.94A.660; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 1835 by Representatives Angel, Rolfes, Hinkle, Anderson, Haler, Short, Parker, Johnson, Bailey, Pedersen and Warnick

AN ACT Relating to using respectful language in state laws; and amending RCW 44.04.280.

Referred to Committee on Health & Long-Term Care.

SHB 1943 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Goodman, Priest, Walsh, Probst, Quall, Rolfes, Kenney, Dickerson, Kelley and Santos)

AN ACT Relating to creating a comprehensive statewide integrated pathway of preparation and professional development for the early learning and school-age program workforce; creating new sections; and providing an expiration date.

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

HB 2025 by Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney

AN ACT Relating to sharing of health care information to promote coordination of behavioral and medical care services; and amending RCW 71.05.630.

Referred to Committee on Health & Long-Term Care.

HB 2132 by Representatives Quall, Anderson, Carlyle, Dammeier, Probst, Sullivan, Johnson, Hudgins, Kelley, Chase, Wood and Santos

AN ACT Relating to instruction in civics; amending RCW

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

28A.230.090; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

HJM 4014 by Representatives Kessler, DeBolt and Orcutt

Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8641

By Senators Kohl-Welles, Fraser, McAuliffe, Prentice, Eide, Jarrett, Kilmer, Berkey, Keiser, and Kauffman

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer, and have played a critical role in nurturing our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms, and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington state has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women in 1910; and

WHEREAS, Our state continues to have one of the highest proportions of women legislators in the country, at 32% currently, and the highest in the United States from 1993 through 2004, with the highest at 40.8% in 2000; and

WHEREAS, Washington state is the first state in the nation to have two female United States Senators and female Governor at the same time, Senators Patty Murray and Maria Cantwell and Governor Christine Gregoire; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, Since 1975, the United Nations has proclaimed March 8th to be International Women's Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world on March 8th, International Women's Day, and during the month of March, National Women's History Month.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9035, Courtney R. Fleming, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Pflug and Roach were excused.

MOTION

On motion of Senator Marr, Senators Kastama, Kilmer, Oemig and Sheldon were excused.

APPOINTMENT OF COURTNEY R. FLEMING

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9035, Courtney R. Fleming as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9035, Courtney R. Fleming as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama, Kilmer, Pflug and Roach

Gubernatorial Appointment No. 9035, Courtney R. Fleming, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9063, Katherine Kenison, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF KATHERINE KENISON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9063, Katherine Kenison as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9063, Katherine Kenison as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama, Kilmer, Pflug and Roach

Gubernatorial Appointment No. 9063, Katherine Kenison, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9093, Angela M. Pixton, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF ANGELA M. PIXTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9093, Angela M. Pixton as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9093, Angela M. Pixton as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama and Pflug

Gubernatorial Appointment No. 9093, Angela M. Pixton, having received the constitutional majority was declared

confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9136, Mike Wren, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF MIKE WREN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9136, Mike Wren as a member of the Board of Trustees, Big Bend Community College District No. 18.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9136, Mike Wren as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama and Pflug

Gubernatorial Appointment No. 9136, Mike Wren, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5013 was not substituted for Senate Bill No. 5013 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5013, by Senators Hargrove, Brandland, Fraser, Hatfield and Parlette

Concerning fees collected by county clerks.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.18.012 and 2006 c 192 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of twenty dollars.

(3) The clerk shall collect a fee of twenty dollars for: Filing a ~~((paper))~~ document not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law.

(4) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action one hundred twelve dollars.

(5) Any party filing a counterclaim, cross-claim, or third-party claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW shall pay the equivalent to the total filing fee of an unlawful detainer action pursuant to RCW 36.18.020, including the fee for an unlawful detainer answer pursuant to subsection (4) of this section.

(6) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(7) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(8) A fee of twenty dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96A.220, if it is filed within an existing case in the same court.

(9) A fee of thirty-five dollars must be charged for filing a petition regarding a common law lien under RCW 60.70.060.

(10) For the filing of a tax warrant for unpaid taxes or overpayment of benefits by any agency of the state of Washington, a fee of five dollars on or after July 22, 2001, and for the filing of such a tax warrant or overpayment of benefits on or after July 1, 2003, a fee of twenty dollars, of which forty-six percent of the first five dollars is directed to the public safety and education account established under RCW 43.08.250.

Sec. 2. RCW 36.18.016 and 2007 c 496 s 204 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or

portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of ~~((two))~~ five dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed ~~((twenty))~~ thirty dollars per hour ~~((or portion of an hour))~~.

(12) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

(13) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(14) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(15) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(16) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(17) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(18) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(19) A service fee of ~~((three))~~ five dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

(25) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(26) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(27) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(28) In probate proceedings, the party filing a creditor's claim pursuant to chapter 11.40 RCW, a fee of one hundred dollars must be charged. No fee shall be collected for claims filed pursuant to chapter 43.20B RCW.

(29) For the collection of unpaid legal financial obligations, the clerk may impose an annual fee of up to one hundred dollars, pursuant to RCW 9.94A.780.

(30) A surcharge of up to twenty dollars may be charged in dissolution and legal separation actions as authorized by RCW 26.12.260.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

Sec. 3. RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial (~~(paper)~~) document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the (~~(paper)~~) document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial (~~(paper)~~) document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the (~~(paper)~~) document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first (~~(paper)~~) document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as

provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmation of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of two hundred dollars.

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and McCaslin to Senate Bill No. 5013.

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

MOTION

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

On page 1, line 1 of the title, after "~~clerks;~~" strike the remainder of the title and insert "amending RCW 36.18.012 and 36.18.016; and reenacting and amending RCW 36.18.020."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5013.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama and Pflug

ENGROSSED SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5001, by Senators Jacobsen and Kauffman

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Eliminating the matching fund requirement for the American Indian endowed scholarship program.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Excused: Senators Kastama and Pflug

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5437, by Senators Schoesler, Hatfield and Haugen

Regarding the operation and authority of the state conservation commission.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5437 was substituted for Senate Bill No. 5437 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 10, after "commission" insert "and the office of financial management under the provisions of chapter 43.82 RCW"

Senator Hatfield spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield on page 2, line 10 to Substitute Senate Bill No. 5437.

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

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute Senate Bill No. 5437 was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Excused: Senators Kastama and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5356, by Senators Haugen and Jacobsen

Regarding direct retail licenses issued by the department of fish and wildlife.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5356.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5356 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama and Pflug

SENATE BILL NO. 5356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5452, by Senators Kauffman, Kohl-Welles, Tom, Delvin, Kline, Honeyford, Kilmer, Jarrett, McCaslin, Fraser, Prentice, Shin and McDermott

Increasing the debt limit of the housing finance commission.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman, Berkey, Fraser and Brown spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Hewitt, Morton, Parlette, Roach, Schoesler, Stevens and Swecker

Excused: Senators Kastama and Pflug

SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5720, by Senators Hewitt, Hobbs, Brandland and Shin

Including stepchildren in tuition waivers for children of veterans and national guard members.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott,

Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Morton

Excused: Senators Kastama and Pflug

SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5561, by Senators Kline, Fairley and Kohl-Welles

Requiring carbon monoxide alarms to be installed in dwelling units built or manufactured after December 31, 2009. Revised for 1st Substitute: Requiring the building code council to adopt rules that require certain buildings to be equipped with carbon monoxide alarms.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5561 was substituted for Senate Bill No. 5561 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Holmquist and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5561.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Kilmer, King, McCaslin, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5038, by Senators Kohl-Welles, King, Keiser, Franklin and Pridemore

Making technical corrections to gender-based terms.

The measure was read the second time.

MOTION

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5038.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Stevens and Zarelli

Excused: Senator Kastama

SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5017, by Senators McDermott, Parlette, Fairley, Oemig, Hatfield, Shin, Honeyford and Haugen

Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters.

The measure was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5017.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5074, by Senators Marr, Jacobsen, Sheldon, Fairley, Franklin, Regala, Oemig, Hargrove, Hobbs, Keiser, Jarrett, Kline, Kilmer and Tom

Concerning scoliosis screening in schools.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist and Roach

Excused: Senator Kastama

SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5232, by Senators Delvin, Holmquist, Hewitt, Schoesler, Carrell, King, Swecker, Pflug, Shin, Kastama, Benton, Kohl-Welles and Roach

Protecting registered school students from sexual misconduct by school employees. Revised for 1st Substitute: Protecting enrolled school students from sexual misconduct by school employees.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5232 was substituted for Senate Bill No. 5232 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5130, by Senators Carrell, Hargrove, Swecker, Hatfield, Holmquist, Brandland, Sheldon, Tom, King, Hobbs, McCaslin, Stevens and Marr

Regarding prisoner access to public records.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5130 was substituted for Senate Bill No. 5130 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Kastama

SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5261, by Senators Regala, Stevens, Hargrove and Shin

Creating an electronic statewide unified sex offender registry program. Revised for 1st Substitute: Creating an electronic statewide unified sex offender notification and registration program.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5261 was substituted for Senate Bill No. 5261 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5261 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Kastama

SUBSTITUTE SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5767, by Senators Rockefeller, Pridemore, Regala and Shin

Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 5767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5767.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5767 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SENATE BILL NO. 5767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5717, by Senators Schoesler and Sheldon

Modifying provisions related to the distribution of tax proceeds from thermal electric generating facilities.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Delvin spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Benton, Delvin, Hewitt, McCaslin, Morton, Pflug and Zarelli

Excused: Senators Brown and Kastama

SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:04 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:04 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9005, Sonia Arevalo-Hayes, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senators Ranker and Marr spoke in favor of passage of the motion.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

APPOINTMENT OF SONIA AREVALO-HAYES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9005, Sonia Arevalo-Hayes as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9005, Sonia Arevalo-Hayes as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Delvin

Excused: Senators Brown, Hewitt and Kastama

Gubernatorial Appointment No. 9005, Sonia Arevalo-Hayes, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9006, Mark Asmundson, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF MARK ASMUNDSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9006, Mark Asmundson as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9006, Mark Asmundson as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Kastama

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Gubernatorial Appointment No. 9006, Mark Asmundson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

SECOND READING

SENATE BILL NO. 5012, by Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach

Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5011, by Senators Kauffman, Kohl-Welles, Kline and Keiser

Prohibiting the sale or distribution of certain novelty lighters.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker and Tom

Voting nay: Senators Benton, McCaslin and Zarelli

Absent: Senator Sheldon

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5028, by Senator Haugen

Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

NOTICE OF RECONSIDERATION

Senator Roach gave notice of her intent to move to reconsider the vote by which Substitute Senate Bill No. 5011 passed the Senate.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5028.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell and Holmquist

Excused: Senators Brown and Kastama

SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5436, by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach

FIFTY-FIRST DAY, MARCH 3, 2009

Concerning direct patient-provider primary care practice arrangements.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5436 was substituted for Senate Bill No. 5436 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5276, by Senators Schoesler, Jarrett, Oemig, Shin and Holmquist

Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Revised for 1st Substitute: Increasing the availability of engineering programs in public universities.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5276 was substituted for Senate Bill No. 5276 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Kastama

SUBSTITUTE SENATE BILL NO. 5276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5481, by Senators Marr, Becker, Hobbs, Haugen, Franklin, Parlette, Eide, Rockefeller, Hatfield, Jarrett, Jacobsen, Kilmer, Berkey, Tom, Swecker, King, Kastama, Shin, McDermott, Prentice, Fairley, Holmquist, Brandland, McCaslin, Ranker, McAuliffe, Roach, Honeyford and Kauffman

Concerning veterans' burials.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5581, by Senators Delvin, Marr and Shin

Modifying provisions relating to suncreening devices.

The measure was read the second time.

MOTION

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

On page 3, beginning on line 19, strike all material through "vehicles" on line 22, and insert the following:

"(b) Hearses, collector vehicles, limousines and passenger buses used to transport persons for compensation, ambulances, rescue squad vehicles, any other emergency medical vehicle licensed under RCW 18.73.130 that is used to transport patients,

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

and any vehicle((s))"

On page 5, after line 30, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Collector vehicle" means any motor vehicle that is more than thirty years old."

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Delvin on page 3, line 19 to Senate Bill No. 5581.

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

MOTION

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

On page 1, line 1 of the title, after "devices;", strike the remainder of the title and insert "amending RCW 46.37.430; and adding a new section to chapter 46.04 RCW."

MOTION

On motion of Senator Delvin, the rules were suspended, Engrossed Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5581.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

ENGROSSED SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Hatfield and Haugen

Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Hatfield spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Aelric Riggs, a 5th grader from Camano Island who was seated at the rostrum and celebrating his birthday.

SECOND READING

SENATE BILL NO. 5752, by Senators Marr, Pflug, Hobbs and Keiser

Regarding cost recovery in disciplinary proceedings involving dentists.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5752 was substituted for Senate Bill No. 5752 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5752 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5752.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5752 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5826, by Senators Keiser and Parlette

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Requiring tamper-resistant prescription pads.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5826 was substituted for Senate Bill No. 5826 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5826.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5117, by Senators Hargrove, Kauffman, Stevens, Kline and Marr

Establishing intensive behavior support services.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5117 was substituted for Senate Bill No. 5117 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5117.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5193, by Senators Delvin, Hewitt, Kastama, Carrell, Kilmer, Zarelli, Stevens, King, Schoesler, Swecker, Pridemore, Roach and Holmquist

Allowing a nonresident alien to possess weapons when hunting with a Washington-licensed hunter.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5193.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Fairley, Regala and Tom

Excused: Senator Kastama

SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5014, by Senators McAuliffe, Hargrove, Brandland and Stevens

Concerning the exemption of the special commitment center under the public records act.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 42.56.420 and 2005 c 274 s 422 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or private detention facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, private detention facility, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities; and

(5) The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe and others to Senate Bill No. 5014.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "exempting special commitment center and private detention facility security information from disclosure under the public records act; and amending RCW 42.56.420."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5014 and the bill passed the Senate

by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

ENGROSSED SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5252, by Senators Brandland, Hargrove and Shin

Addressing correctional facility policies regarding medication management.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5252 was substituted for Senate Bill No. 5252 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5252.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kastama

SUBSTITUTE SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5277, by Senators Hatfield, Kline and Delvin

Regarding fees allowed as court costs in district courts.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5277.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Berkey, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Kilmer, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli

SENATE BILL NO. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senator Kohl-Welles

Creating a spirits, beer, and wine nightclub license and eliminating the cap on spirits, beer, and wine restaurant licenses. Revised for 1st Substitute: Creating a spirits, beer, and wine nightclub license.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5367 was substituted for Senate Bill No. 5367 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Hargrove, Haugen, Holmquist, McCaslin, Morton, Parlette, Prentice, Stevens and Swecker

SUBSTITUTE SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5661, by Senators Pridemore, Roach, King, Zarelli, Swecker, Hargrove, Fairley, Stevens, Kastama, Oemig, Shin, McAuliffe and Benton

Exempting the annual parental declaration of intent to home school from the public disclosure act.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senator Eide

Regarding accreditation of digital learning programs.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5166, by Senators Regala, Stevens and Kline

Modifying the child support license suspension program. Revised for 1st Substitute: Modifying license suspension provisions for the failure to pay child support.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5166 was substituted for Senate Bill No. 5166 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5166.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5270, by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin

Modifying voter registration provisions.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5270 was substituted for Senate Bill No. 5270 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Rockefeller, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5354, by Senators Haugen and Ranker

Regarding public hospital capital facility areas.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Haugen yield to a question? As I recall from committee there's some association with this proposal with the Skagit Valley Public Hospital. I'm not sure why this bill is needed and is this bill creating, it's not creating its own public hospital district which they could do, could they not?"

Senator Haugen: "Well they certainly could but there's only about twenty thousand people living on this island, about five thousand of them are not permanent. There just isn't the need to create a hospital district. We're served very well by the Skagit Valley Hospital District which, by the way, is you have to go out of Island County into Snohomish County to get to Skagit County, so it's no way we can annex without - at this point we're not looking to annex any hospital district. There is a hospital district in Island County however it's on the other island and in order to get to it you got to go off Camano into Snohomish County through Skagit County to Island County. It would take you about an hour and a half to get to that hospital."

Senator Roach: "This hospital district then, how does it differ from a public hospital district that may be formed through the same process of having put to the voters whether or not, yes or no, they wish to create a jurisdiction and number two the vote would be to tax themselves to pay for the jurisdiction because it would be involved in putting a hospital together? How is this

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

different, for the edification of the body, from actually just creating a hospital district.”

Senator Haugen: “It’s very different. It’s simply a capital facility. They would not have any funding to operate it. It’s only to construct the building, to enlarge the existing building so that the services can continue in an adequate form. They will not maintain it or operate it, just build the facility much like a library capital district which many of us have had formed in our community where a community can come together, build a facility then it’s operated by another jurisdiction.”

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin, Roach, Schoesler and Stevens

Excused: Senator Prentice

SENATE BILL NO. 5354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5383, by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug and King

Including a wolf-hybrid in the definition of a "potentially dangerous wild animal." Revised for 1st Substitute: Regarding wolf-hybrids.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5485, by Senators Rockefeller, Honeyford, Pridemore and Kilmer

Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. Revised for 1st Substitute: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5485 was substituted for Senate Bill No. 5485 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5485 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5551, by Senators Franklin, Keiser, Kastama, Marr, Murray, McDermott, Shin, McAuliffe, Fairley, Kline, Pridemore, Oemig, Regala, Kauffman and Kohl-Welles

Regarding recess periods for elementary school students.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5551 was substituted for Senate Bill No. 5551 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Honeyford: “When do we get our recess?”

POINT OF INQUIRY

Senator Roach: “Would Senator Franklin yield to a question? Senator, does this, if this bill passes, will this allow direct access to children to ask them questions about recess activities?”

Senator Franklin: “I’m sorry?”

FIFTY-FIRST DAY, MARCH 3, 2009

2009 REGULAR SESSION

Senator Roach: "If we enact this bill and a study goes forward, will participants in the survey have direct access to children to ask them their opinions about recess?"

Senator Franklin: "No, they will not."

Senator Roach: "They won't be talking to children. Just with the adults?"

Senator Franklin: "They will not be talking to children. They will be doing the school survey with the adults."

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5551.

MOTION

On motion of Senator Hatfield, Senator Jacobsen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brandland, Hatfield, Holmquist, Honeyford, King and Schoesler

Excused: Senators Jacobsen and Prentice

SUBSTITUTE SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5412, by Senators Eide, McDermott, Honeyford, Keiser, Jacobsen and Shin

Controlling saltwater algae.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5412.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

McAuliffe, McDermott, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Jacobsen and Prentice

SENATE BILL NO. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5485 which was deferred earlier in the day.

MOTION

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

On page 11, line 22, after "of" insert "reclaimed"

On page 11, line 26, after "of the" insert "reclaimed"

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 11, line 22 to Substitute Senate Bill No. 5485.

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

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5485 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5485.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5485 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Jacobsen and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5431, by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King

Regarding placement of a child returning to out-of-home care.

MOTIONS

FIFTY-FIRST DAY, MARCH 3, 2009

On motion of Senator Stevens, Substitute Senate Bill No. 5431 was substituted for Senate Bill No. 5431 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Jacobsen

SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:59 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 4, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 4, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Haugen, Kastama and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Dale "DJ" Oquist and Conner Sigmon, presented the Colors. Pastor Dale Oquist of Evergreen Christian Community of Olympia offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1008,
 SUBSTITUTE HOUSE BILL NO. 1011,
 HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1541,
 HOUSE BILL NO. 1551,
 HOUSE BILL NO. 1562,
 HOUSE BILL NO. 1569,
 HOUSE BILL NO. 1675,
 HOUSE BILL NO. 1678,
 HOUSE BILL NO. 1717,
 HOUSE BILL NO. 1757,
 SUBSTITUTE HOUSE BILL NO. 1831,
 HOUSE BILL NO. 1888,
 HOUSE BILL NO. 2185,
 HOUSE BILL NO. 2199,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1022,
 SECOND SUBSTITUTE HOUSE BILL NO. 1052,
 SUBSTITUTE HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1288,
 SUBSTITUTE HOUSE BILL NO. 1308,
 HOUSE BILL NO. 1394,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1510,
 SUBSTITUTE HOUSE BILL NO. 1564,
 SUBSTITUTE HOUSE BILL NO. 1816,
 HOUSE BILL NO. 1844,
 SUBSTITUTE HOUSE BILL NO. 2013,

SUBSTITUTE HOUSE BILL NO. 2061,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
 HOUSE BILL NO. 1080,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
 SUBSTITUTE HOUSE BILL NO. 1215,
 ENGROSSED HOUSE BILL NO. 1311,
 SUBSTITUTE HOUSE BILL NO. 1319,
 HOUSE BILL NO. 1361,
 SUBSTITUTE HOUSE BILL NO. 1794,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
 HOUSE BILL NO. 1596,
 HOUSE BILL NO. 1789,
 SUBSTITUTE HOUSE BILL NO. 1825,
 HOUSE BILL NO. 1826,
 SUBSTITUTE HOUSE BILL NO. 1841,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6115 by Senators Benton, Carrell, Hewitt, McCaslin, Roach, Swecker, Stevens, Delvin, Honeyford, Morton, Schoesler, King, Becker, Parlette, Holmquist and Sheldon

AN ACT Relating to sex offenders; amending RCW 10.95.020, 9.94A.540, 9A.44.130, and 9A.76.050; reenacting and amending RCW 9.94A.515, 9.95.204, and 9A.44.130; adding a new section to chapter 9A.76 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6116 by Senators Murray and Kohl-Welles

AN ACT Relating to excise taxes in a county with a population of one million five hundred thousand or more; amending RCW 67.28.180, 82.14.0485, 82.14.049, 82.14.0494, and 82.14.360; adding a new section to chapter 67.28 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

FIFTY-SECOND DAY, MARCH 4, 2009
MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
NO. 8636

By Senators Fraser, Kohl-Welles, Morton, Prentice, Franklin, Haugen, Kline, Swecker, Brown, Benton, Roach, Zarelli, McCaslin, McAuliffe, Fairley, Stevens, and Hargrove

WHEREAS, Pat Durham remains highly appreciated and fondly remembered for her highly competent, energetic, and cheerful service in the Office of the Secretary of the Senate for 28 years, retiring in 1997; and

WHEREAS, Since retirement, Pat Durham has dedicated a significant portion of her energy and enthusiasm to the service work of the Ladies Auxiliary of the Fraternal Order of Eagles, becoming actively engaged in state, national, and international levels of this distinguished service organization; and

WHEREAS, Pat Durham is highly honored by having been elected the Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, which has chapters across the United States and Canada, and exemplifies the spirit of pioneering women who led the suffragist efforts to advance opportunities for women's participation in civic leadership; and

WHEREAS, The Ladies Auxiliary of the Fraternal Order of Eagles is an international nonprofit organization, united in the spirit of liberty, truth, justice, and equality, to make human life more desirable by lessening its ills, and by promoting peace, prosperity, gladness, and hope; and

WHEREAS, Pat Durham joined Olympia Auxiliary #21 of the Fraternal Order of Eagles in 1975 and, in her new role as Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, plans to increase membership and the number of auxiliaries throughout the United States and Canada; and

WHEREAS, Pat Durham's leadership skills and commitment to public and community service are well known to the legislative community, particularly in the state Senate where she served for more than a decade as docket clerk and bill status clerk, performing those highly complex, critical tasks with dedication and distinction; and

WHEREAS, Since her retirement from state service in 1997, Pat Durham has brought that same skill and dedication to her involvement in the Ladies Auxiliary of the Fraternal Order of Eagles and its many positive contributions to our community, state, and nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize, honor, and express its appreciation and pride to Pat Durham for her dedicated leadership and service as Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Durham, Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, and to the international headquarters and state headquarters of the Ladies Auxiliary of the Fraternal Order of Eagles.

2009 REGULAR SESSION

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Pat Durham, the 2008 Grand Madam President, international Ladies Auxiliary of the Fraternal Order of Eagles, who was seated at the rostrum.

PERSONAL PRIVILEGE

Senator Sheldon: "Well, thank you Mr. President. I'm reading through the rules of the Senate here. Rule 33 says, 'Any Senator may rise to a question of privilege, that question shall involve only subject matter which affects a particular senator personally and in a manner unique and peculiar to that senator.' I'd just like to explain a unique experience I had this morning. On Highway 101 at the Skokomish River just north of Purdy Creek there's a highway project that many people in my district and myself are very proud of and I had some involvement with the contractor. I had a chance to stop in there this morning because there's a lot of water trucks hauling water, dewatering an area where they are putting in gravel. And about six or seven gravel trucks, water trucks haul water from that site twenty-four hours a day. You can bring your water truck down there and have it rented by the contractor. You get ninety-five dollars an hour for your truck. You don't have to provide a driver. It costs the contractor a thousand dollars an hour for these water trucks to operate. We, the taxpayers, because the Department of Ecology requires this water to be transported off site, have spent to date two hundred thousand dollars hauling water off this site. The water after it's pumped out of the ditches where the gravel goes in goes into what they call a baker tank which takes the sediment out of the water. So it's very, very clean water but we can't put in the field but I just want to report to you my personal experience this morning knowing that you have just spent, in the last couple of weeks, two hundred thousand dollars transporting a little bit of muddy water up a hill into a pond when it could have gone on a field and could have saved the state of Washington tax payers two hundred thousand dollars but it's a personal experience and I want to report it here to you today that you are safe in the chamber of the state senate knowing that that water was safely transported away from Purdy Creek. Thank you."

MOTION

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

MOTION

On motion of Senator Brandland, Senator Stevens was excused.

MOTION

On motion of Senator Marr, Senators Fairley, Hargrove, Haugen, Kastama and Ranker were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

Senator Fraser moved that Gubernatorial Appointment No. 9038, Carver C. Gayton, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senators Fraser and Franklin spoke in favor of passage of the motion.

APPOINTMENT OF CARVER C. GAYTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9038, Carver C. Gayton as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9038, Carver C. Gayton as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Fairley, Haugen, Kastama and Stevens

Gubernatorial Appointment No. 9038, Carver C. Gayton, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9044, Kristin Hayden, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Regala was excused.

APPOINTMENT OF KRISTIN HAYDEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9044, Kristin Hayden as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9044, Kristin Hayden as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Haugen, Kastama and Regala

Gubernatorial Appointment No. 9044, Kristin Hayden, having received the constitutional majority was declared

2009 REGULAR SESSION

confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9088, Brittany Newhouse, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF BRITTANY NEWHOUSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9088, Brittany Newhouse as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9088, Brittany Newhouse as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Kastama and Regala

Gubernatorial Appointment No. 9088, Brittany Newhouse, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9135, Paul Winters, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF PAUL WINTERS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9135, Paul Winters as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9135, Paul Winters as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Kastama and Regala

FIFTY-SECOND DAY, MARCH 4, 2009

Gubernatorial Appointment No. 9135, Paul Winters, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

SENATE BILL NO. 5056, by Senators Brandland, Regala, Keiser and McAuliffe

Requiring health care professionals to report violent injuries. Revised for 1st Substitute: Requiring health care professionals to report patient information in cases of violent injury.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5056 was substituted for Senate Bill No. 5056 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5151, by Senators Kline, Rockefeller and Kohl-Welles

Authorizing the appointment of court commissioners to assist with criminal cases.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5151 was substituted for Senate Bill No. 5151 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5151.

ROLL CALL

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Parlette, Roach and Stevens

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5504, by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton

Concerning reclaimed water permitting.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5629, by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

Concerning pregnancy prevention programs.

The measure was read the second time.

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Franklin spoke in favor of passage of the bill.

Senators Stevens, Swecker, Roach and Holmquist spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

MOTION

Senator Benton demanded a roll call vote.

PARLIAMENTARY INQUIRY

Senator Eide: "What exactly is the motion before us?"

The President declared the question before the Senate to be the motion by Senator Eide to demand the previous question.

The Secretary called the roll on the motion by Senator Eide and the motion carried by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Kastama

MOTION

Senator Benton moved to table Senate Bill No. 5629 indefinitely.

Senator Eide spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate. The motion that was made was 'Shall the previous question be put? It was: Shall the, we go and the President stated it would cut off debate but that is the effect of it, is cutting off debate. The actual motion is going to the previous question which is the final vote. So Senator Benton your motion would be out of order because you have just voted or the Senate has sustained the motion by Senator Eide to go directly to the vote. Rule 36."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, it is my understanding that a motion to table is a first rank motion. Is that not correct? So before the vote begins even though the motion to cut off debate was successful, there is no further debate allowed I understand that. However, before you begin the roll call on the vote, there is one other motion that would take precedent and that would be a

motion to table further consideration of the bill either to a date certain or indefinitely is the way I read Robert's Rules as well as the Senate Rules."

REPLY BY THE PRESIDENT

President Owen: "We don't go by Robert's Rules but the President will check."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, if it's not in Senate Rules then we do revert to Robert's Rules is my understanding."

REPLY BY THE PRESIDENT

President Owen: "We do not refer to Robert's Rules. We refer to Reed's Rules."

PARLIAMENTARY INQUIRY

Senator Benton: "I'm sorry Reed's. If it's not in the Senate Rules, we revert to Reed's. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

PARLIAMENTARY INQUIRY

Senator Eide: "Can we not vote down the table, that motion? Can we not vote that down? Ultimately, I demanded the previous question so I believe my motion should be..."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the President is right now sorting out the order. Of course, he's made a motion to table and you could vote that down but the question is whether his motion is even in order and the President does not wish to, even if you could vote it down, if it's out of order the President would rather we stay by the rules and follow that and that's what we are deciding at this point."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, ladies and gentlemen of the Senate. Senator Benton, in a sense you are right that to lay a motion on the table, it does have first rank, however, it must be made at the appropriate time and it must have been made before we actually took the vote on her motion to, which was a demand for the previous question and that was sustained which takes us directly to the vote."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. According to Rule 36, the Permanent Rules of the Senate, may I read from the Rules, Sir?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you. The motion to open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the Senate and all

FIFTY-SECOND DAY, MARCH 4, 2009

incidental questions of order arising after the motion is made shall be decided whether on appeal or other wise without debate, I read that, Mr. President, as saying that other motions may be entertained but the vote on those motions must be taken also without debate.”

REPLY BY THE PRESIDENT

President Owen: “Senator Benton, the President would not argue with you if in fact you had made your motion prior to us taking the vote but you did not make your motion prior to us taking the vote on Senator Eide’s motion. Therefore, your motion is not timely.”

The President declared the question before the Senate to be the final passage of Senate Bill No. 5629.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Kastama

SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I inadvertently voted "Aye" on Senate Bill No. 5629 which relates to pregnancy prevention programs. I voted "Aye" believing the vote to be on a procedural matter and not final passage of the bill. I wish the journal to reflect that I do not support passage of Senate Bill No. 5629.

SENATOR HARGROVE, 24th Legislative District

MOTION

On motion of Senator Eide, Senate Bill No. 5629 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5725, by Senator Keiser

Concerning health benefit plan coverage for organ transplants.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5725 was substituted for Senate Bill No. 5725 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Benton spoke in favor of passage of the bill.

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5725.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Kastama

SUBSTITUTE SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5642, by Senators Kauffman, Berkey and Sheldon

Designating state route number 164 as a highway of statewide significance.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5642.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Kastama

SENATE BILL NO. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5238, by Senators Keiser, Roach, Swecker, Fraser, McCaslin, Kohl-Welles, Honeyford, Pridemore, McDermott, Fairley, Benton and Shin

Authorizing the department of retirement systems to assist with mailing information to certain members of the state

FIFTY-SECOND DAY, MARCH 4, 2009
retirement systems.

2009 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5238 was substituted for Senate Bill No. 5238 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Keiser and Schoesler be adopted.

On page 1, line 14, after "organization." insert "The mailings shall not be for the purpose of supporting or opposing any political party, ballot measure, or candidate."

Senators Schoesler and Keiser spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Schoesler yield to a question? Senator Schoesler, according to the interpretation and actually the way its read, it says 'the mailing shall not be for the purpose of supporting or opposing any political party, ballot measure or candidate' which I think we can all agree that that's a good idea but whose the judge as to what might in fact support or oppose a political party ballot measure or candidate."

Senator Schoesler: "I believe that it would be the department of retirement systems who administers the list."

Senator Roach spoke against adoption of the amendment.
Senator Carrell spoke on the adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Schoesler on page 1, line 14 to Substitute Senate Bill No. 5238.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist and Stevens

Absent: Senator Brandland
Excused: Senators Fairley and Kastama

STATEMENT FOR THE JOURNAL

I supported Engrossed Substitute Senate Bill No. 5238 and mistakenly voted against it. I intended to vote for the bill.

SENATOR BENTON, 17TH Legislative District

MOTION

At 10:56 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED HOUSE BILL NO. 1513,
ENGROSSED HOUSE BILL NO. 1566,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
ENGROSSED HOUSE BILL NO. 1728,
ENGROSSED HOUSE BILL NO. 1876,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9018, Beverly J. Cheney, as a member of the Board of Trustees, Olympic Community College District No. 3, be confirmed.

Senator Jacobsen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Marr and Murray were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Delvin and Stevens were excused.

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

APPOINTMENT OF BEVERLY J. CHENEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9018, Beverly J. Cheney as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9018, Beverly J. Cheney as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Brown

Gubernatorial Appointment No. 9018, Beverly J. Cheney, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9083, Andrea McNamara Doyle, as a member of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF ANDREA MCNAMARA DOYLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9083, Andrea McNamara Doyle as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9083, Andrea McNamara Doyle as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kohl-Welles

Excused: Senator Brown

Gubernatorial Appointment No. 9083, Andrea McNamara Doyle, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

SECOND READING

SENATE BILL NO. 5414, by Senators McAuliffe, King, Oemig and McDermott

Implementing recommendations of the WASL legislative

work group. Revised for 1st Substitute: Regarding statewide assessments and curricula.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5414 was substituted for Senate Bill No. 5414 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe, Tom and King be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

(a) Include multiple assessment formats, including both formative and summative, as necessary to provide information to help improve instruction and inform accountability;

(b) Enable collection of data that allows both statewide and nationwide comparisons of student learning and achievement; and

(c) Be balanced so that the information used to make significant decisions that affect school accountability or student educational progress includes many data points and does not rely on solely the results of a single assessment.

(2) The legislature further finds that one component of the assessment system should be instructionally supportive formative assessments. The key design elements or characteristics of an instructionally supportive assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

(3) The legislature further finds that a second component of the assessment system should be a state-administered summative achievement assessment that can be used as a check on the educational system in order to guide state expectations for the instruction of children and satisfy legislative demands for

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

accountability. The key design elements or characteristics of the state administered achievement assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

(4) The legislature further finds that a third component of the assessment system should include classroom-based assessments, which may be formative, summative, or both. Depending on their use, classroom-based assessments should have the same design elements and characteristics described in this section for formative and summative assessments.

(5) The legislature further finds that to sustain a strong and viable assessment system, preservice and ongoing training should be provided for teachers and administrators on the effective use of different types of assessments.

(6) The legislature further finds that as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

(7) The superintendent of public instruction, in consultation with the state board of education, shall begin design and development of an overall assessment system that meets the principles and characteristics described in this section. In designing formative and summative assessments, the superintendent shall solicit bids for the use of computerized adaptive testing methodologies.

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments.

NEW SECTION. **Sec. 2.** The superintendent of public instruction shall:

(1) Revise the number of open-ended questions and extended responses in the statewide achievement assessment in grades three through eight and ten to reduce the cost and time of administering the assessment while retaining validity and reliability of the assessment and retaining assessment of critical thinking skills. By December 1, 2009, the superintendent shall report to the legislature regarding the changes, including a cost analysis of the changes; and

(2) Revisit the alternative assessments, the appeals process, including considering authorizing local school districts to determine the outcome of an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or an alternative assessment, and the Washington alternative assessment system portfolios for students with the most significant cognitive disabilities. By December 1, 2009, the superintendent shall make recommendations to the legislature for improvements.

Sec. 3. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning or an objective alternative assessment shall earn a certificate of academic achievement.

(b) After a determination is made by the state board of education that the high school Washington assessment of student learning in the content areas of mathematics and science is sufficiently reliable and valid, with the exception of students satisfying the provisions of RCW 28A.155.045, students must also meet the state standards on the mathematics and science content areas of the Washington assessment of student learning or an objective alternative assessment in order to earn a certificate of academic achievement. The state board of education may make a separate determination for the mathematics and the science content areas of the assessment. The determination by the state board of education must be adopted by rule by September 1st of the freshman school year of the graduating class to which the graduation requirement under subsection (2) of this section applies. In making the determination, the state board of education shall obtain information and conclusions from recognized, independent, national assessment experts and other objective sources of expertise as the board deems necessary.

(c) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under this subsection on the Washington assessment of student learning or the approved objective alternative assessments in order to earn a certificate of academic achievement.

(4) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

~~((4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.))~~

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test~~)SAT((+)) or the ~~((American college test~~)ACT((+)) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test~~)PSAT((+)) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the

score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

~~(11) ((By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.~~

~~—((+2))) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection~~ ~~((+2))) (11).~~

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 4. RCW 28A.655.066 and 2008 c 163 s 3 are each amended to read as follows:

(1) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The superintendent shall develop end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II ~~((The superintendent shall make the algebra I and integrated mathematics I end-of-course assessments available to school districts on an optional basis in the 2009-10 school year. The end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II))~~ and the assessments shall be implemented statewide in the 2010-11 school year.

(2) For the graduating ~~((class of 2013))~~ classes of 2013 and 2014 and for purposes of the certificate of academic achievement under RCW 28A.655.061, a student may use: (a) Results from the algebra I end-of-course assessment plus the geometry end-of-course assessment ((or)); (b) results from the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment ((may be used)); or (c) results of the comprehensive mathematics assessment to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning.

(3) Beginning with the graduating class of ~~((2014))~~ 2015 and for purposes of the certificate of academic achievement under RCW 28A.655.061, the mathematics content area of the Washington assessment of student learning shall be assessed using either the algebra I end-of-course assessment plus the geometry end-of-course assessment or the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment. All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the sequence of end-of-course assessments once but does not meet the state mathematics standard on the sequence of end-of-course assessments.

(4) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

NEW SECTION. **Sec. 5.** (1) The office of the superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall develop an implementation plan and strategies to ensure that all students have the opportunity to learn the new science standards. The plan must include the following components:

(a) Strategies to help districts improve their alignment of curriculum and teacher instruction to the new standards;

(b) Development of instructional models to help teachers; and

(c) Identification of effective intervention programs and strategies for struggling students.

(2) The office of the superintendent of public instruction, in consultation with the state board of education, shall also determine whether to use a comprehensive assessment or end-of-course assessments, including the costs for developing and implementing these assessments, for the high school assessment

for students to demonstrate that they have achieved proficiency on the state's science standards.

(3) The office of the superintendent of public instruction shall report to the governor and legislature by December 1, 2009, on the implementation plan and the recommended method of assessment for science.

Sec. 6. RCW 28A.305.215 and 2008 c 274 s 2 and 2008 c 172 s 2 are each reenacted and amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under ~~((subsection (4))~~(c) of this ~~((section))~~

FIFTY-SECOND DAY, MARCH 4, 2009

subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under ~~((subsection (4))~~(c) of this ~~((section))~~ subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By ~~((May 15))~~ June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary~~((:))~~ and middle~~((, and high))~~ school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) ~~((By June 30, 2009))~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula

that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008.

NEW SECTION. Sec. 7. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Tom and King to Substitute Senate Bill No. 5414.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

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

MOTION

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

On page 1, line 1 of the title, after "curricula;" strike the remainder of the title and insert "amending RCW 28A.655.061 and 28A.655.066; reenacting and amending RCW 28A.305.215; adding a new section to chapter 28A.300 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5414.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5414 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Regala

Excused: Senator Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5548, by Senators Haugen, Jarrett, Fraser and Shin

Requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5548.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5974, by Senators Morton, Hatfield, Swecker, Marr and Shin

Regarding live nonambulatory livestock.

The measure was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Marr, Senator Franklin was excused.

SECOND READING

SENATE BILL NO. 5007, by Senators McAuliffe, King, Oemig, Holmquist, McDermott, Kauffman, Pridemore, Kilmer, Hobbs, Tom, Brandland, Swecker, Shin, Franklin, Parlette and Roach

Allowing public technical colleges to offer associate transfer degrees. Revised for 1st Substitute: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5007 was substituted for Senate Bill No. 5007 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5007.

ROLL CALL

The Secretary called the roll on the final passage of

FIFTY-SECOND DAY, MARCH 4, 2009

Substitute Senate Bill No. 5007 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5320, by Senators Murray, Kohl-Welles and Shin

Modifying the name of and titles within the acupuncture profession.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Schoesler

Excused: Senator Stevens

SENATE BILL NO. 5320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5574, by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles

Protecting consumer data in motor vehicles.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5574 was substituted for Senate Bill No. 5574 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5574.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hatfield, Holmquist, Honeyford, King, Parlette, Schoesler, Swecker and Zarelli

Excused: Senators Kline and Stevens

SUBSTITUTE SENATE BILL NO. 5574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5901, by Senator Kastama

Modifying provisions of the local infrastructure financing tool program.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5901 was substituted for Senate Bill No. 5901 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and McCaslin be adopted.

On page 20, line 7, after "revenues", insert "and state property tax allocation revenues"

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and McCaslin on page 20, line 7 to Substitute Senate Bill No. 5901.

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

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5901 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5901.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Kline and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5045, by Senators Kilmer, Zarelli, Brown, Kauffman, Shin, Marr, King, Regala, Rockefeller, Haugen, Berkey, Eide, Kastama, Jarrett, Pridemore, McAuliffe and Ranker

Promoting economic development and community revitalization. Revised for 2nd Substitute: Regarding community revitalization financing.

MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Zarelli, Brown and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kline

SECOND SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5026, by Senators Regala and Brandland

Expanding provisions relating to the collection of biological samples for DNA identification analysis. Revised for 1st Substitute: Regarding the collection of biological samples for DNA identification analysis from individuals whose convictions are the result of a plea agreement.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5026.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Franklin, Kauffman, McDermott, Murray, Oemig and Prentice

SUBSTITUTE SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senators Stevens, Hargrove, Swecker and Shin

Regarding notification in dependency matters.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5510.

FIFTY-SECOND DAY, MARCH 4, 2009
ROLL CALL

2009 REGULAR SESSION

SHB 2061 by House Committee on Financial Institutions
& Insurance (originally sponsored by Representative Kirby)

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1166,

ENGROSSED HOUSE BILL NO. 1824,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESHB 1978 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias and White)

AN ACT Relating to economic stimulus transportation funding and appropriations; amending RCW 46.68.065, 46.68.220, and 47.60.645; amending 2008 c 121 ss 103, 201, 202, 203, 205, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218, 219, 221, 222, 223, 224, 225, 302, 303, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, and 605 (uncodified); adding a new section to chapter 46.68 RCW; adding new sections to 2007 c 518 (uncodified); creating new sections; repealing 2008 c 121 s 604 and 2007 c 518 s 713 (uncodified); repealing 2007 c 518 s 108 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and t Engrossed Substitute House Bill No. 1978 was placed on the second reading calendar.

SECOND SUPPLEMENTAL AND FIRST READING

AN ACT Relating to the modernization and clarification of the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries; amending RCW 39.58.010, 39.58.040, 39.58.050, 39.58.060, 39.58.100, 39.58.103, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.750; adding new sections to chapter 39.58 RCW; adding a new section to chapter 43.08 RCW; creating a new section; repealing RCW 39.58.065; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and Substitute House Bill No. 2061 was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 5768, by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles

Concerning the state route number 99 Alaskan Way viaduct replacement project.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5768 was substituted for Senate Bill No. 5768 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 20, after "with", insert "city"

On page 2, line 24, after "for", insert "any utility relocation costs, or for"

Senator Murray spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 2, line 20 to Substitute Senate Bill No. 5768.

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

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Swecker, Pflug, King, Haugen and Kohl-Welles spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5768 and the bill passed

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

SUBSTITUTE HOUSE BILL NO. 2061, by House Committee on Financial Institutions & Insurance (originally sponsored by Representative Kirby)

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositories.

Voting nay: Senators Benton, Carrell, Hargrove, Kilmer, Regala and Schoesler

The measure was read the second time.

MOTION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2061.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias and White)

ROLL CALL

Concerning economic stimulus transportation funding and appropriations.

The Secretary called the roll on the final passage of Substitute House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The measure was read the second time.

MOTION

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker, King, Marr, Franklin, Zarelli and Honeyford spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1978.

SUBSTITUTE HOUSE BILL NO. 2061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1978 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

SENATE BILL NO. 5263, by Senators Hargrove, Brandland and Tom

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

Voting nay: Senators McCaslin, Pflug, Roach and Schoesler

MOTION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Hargrove moved that the following amendment by Senators Hargrove, Kline and McCaslin be adopted.

On page 2, line 5, after "as a" strike all material through "including" and insert "stun gun, including"

MOTION

Senator Hargrove spoke in favor of adoption of the amendment.

At 3:42 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Kline and McCaslin on page 2, line 5 to Substitute Senate Bill No. 5263.

The Senate was called to order at 3:53 p.m. by President Owen.

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

SECOND READING

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5346, by Senators Keiser, Franklin, Marr, Parlette, Murray and Kohl-Welles

Concerning administrative procedures for payors and providers of health care services.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5346 was substituted for Senate Bill No. 5346 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SECOND SUBSTITUTE SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5909, by Senators Murray, Kohl-Welles and Zarelli

Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Oemig

Excused: Senator Brown

SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the vote by which Substitute Senate Bill No. 5011 passed the Senate was immediately reconsidered.

MOTION

On motion of Senator Eide, the rules were suspended and Substitute Senate Bill No. 5011 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser)

Prohibiting the sale or distribution of certain novelty lighters.

The measure was read the second time.

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

Senator Kauffman moved that the following amendment by Senators Kauffman and Roach be adopted.

On page 3, beginning on line 3, strike all of subsection (a)

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

On page 3, beginning on line 7, after "consumers," strike all material through "day." on line 8 and insert "a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation."

On page 3, line 10, after "consumers" strike all material through "day." and insert "a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation."

Senators Kauffman and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Roach on page 3, line 3 to Substitute Senate Bill No. 5011.

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

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators McDermott and Zarelli

Excused: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5031, by Senators Fairley, Hobbs, Swecker, Shin, Sheldon, Berkey, Haugen, Hatfield and McAuliffe

Concerning rental or lease of armories.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

2009 REGULAR SESSION

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,

MOTION

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

SECOND READING

SENATE BILL NO. 5315, by Senators Schoesler, Hobbs, Holmquist, Honeyford and Fraser

Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5315.

FIFTY-SECOND DAY, MARCH 4, 2009

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkeley, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5832, by Senators Kohl-Welles, Stevens and Marr

Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c).

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5832.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkeley, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5881, by Senators McAuliffe, Hargrove, Regala, Jarrett and King

Changing provisions involving truancy.

MOTIONS

2009 REGULAR SESSION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5881 was substituted for Senate Bill No. 5881 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5881.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkeley, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6036, by Senators Fraser, Ranker and Shin

Concerning water cleanup planning and implementation.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6036 was substituted for Senate Bill No. 6036 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6036.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6036 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkeley, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6036, having received the constitutional majority, was declared passed. There being no

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5613, by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser

Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5613 was substituted for Senate Bill No. 5613 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Keiser and Jacobsen spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:14 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, March 5, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 5, 2009

BARBARA BAKER, Chief Clerk

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Brown.

The Sergeant at Arms Color Guard consisting of Pages Victoria Cleveland and Peter Nelson, presented the Colors. Reverend Marty Johnson of Spanaway Christian Center offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED HOUSE BILL NO. 1227,
 ENGROSSED HOUSE BILL NO. 1464,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
 ENGROSSED HOUSE BILL NO. 2044,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1152,
 HOUSE BILL NO. 1195,
 SUBSTITUTE HOUSE BILL NO. 1239,
 SUBSTITUTE HOUSE BILL NO. 1250,
 HOUSE BILL NO. 1456,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1536,
 SUBSTITUTE HOUSE BILL NO. 1552,
 SUBSTITUTE HOUSE BILL NO. 1595,
 SUBSTITUTE HOUSE BILL NO. 1740,
 SUBSTITUTE HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1856,
 SUBSTITUTE HOUSE BILL NO. 1869,
 HOUSE BILL NO. 1880,
 SUBSTITUTE HOUSE BILL NO. 1898,
 SUBSTITUTE HOUSE BILL NO. 1984,
 HOUSE BILL NO. 2014,
 HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2142,
 and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 SUBSTITUTE HOUSE BILL NO. 2061,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6117 by Senators Brown and McAuliffe

AN ACT Relating to aerospace competitiveness.

Referred to Committee on Ways & Means.

SB 6118 by Senator Tom

AN ACT Relating to lodging taxes for, and certain transfers from, the state convention and trade center account; amending RCW 67.40.045, 67.40.107, 67.40.170, 67.40.190, and 67.28.181; reenacting and amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; repealing RCW 67.40.130 and 67.40.140; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6119 by Senator Tom

AN ACT Relating to limiting the discount of purchases of spirits by licensees; and amending RCW 66.24.440 and 66.08.220.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Upthegrove, Seaquist and Morrell)

AN ACT Relating to small wind permitting standards; and adding a new chapter to Title 70 RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1011 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Hasegawa, Kagi, Darnelle, Upthegrove, Hudgins and Moeller)

AN ACT Relating to regulating the use of identification devices; amending RCW 19.300.010; adding new sections to chapter 19.300 RCW; and creating a new section.

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1018 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta)

AN ACT Relating to modifying the dates on which a special election may be held; and amending RCW 29A.04.321 and 29A.04.330.

Referred to Committee on Government Operations & Elections.

SHB 1022 by House Committee on Judiciary (originally sponsored by Representatives Williams, Warnick, Kelley, Rodne, Dickerson and Moeller)

AN ACT Relating to statutory costs; amending RCW 4.84.010 and 12.20.060; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

2SHB 1052 by House Committee on General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase and Kretz)

AN ACT Relating to firearm licenses for persons from different countries; amending RCW 9.41.070, 9.41.097, and 9.41.0975; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1080 by Representatives Simpson and Williams

AN ACT Relating to allowing impact fees to be used for all fire protection facilities; and amending RCW 82.02.090.

Referred to Committee on Government Operations & Elections.

ESHB 1138 by House Committee on Judiciary (originally sponsored by Representatives Liias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen)

AN ACT Relating to allowing persons with certain medical conditions to access the restroom in a retail establishment; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1166 by Representatives Hasegawa, Kenney, Simpson, Chase, Ormsby and Santos

AN ACT Relating to allowing loans to community development financial institutions under the linked deposit program; and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1215 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Chandler, Kirby, Ormsby and Morrell)

AN ACT Relating to modifying motor vehicle warranty provisions; amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.120, and 19.118.160; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1225 by House Committee on Transportation (originally sponsored by Representatives Liias, Rodne, Upthegrove, Roach, Simpson and Rolfes)

AN ACT Relating to the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems; and amending RCW 82.38.080.

Referred to Committee on Transportation.

HB 1288 by Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen

AN ACT Relating to exempting the annual parental declaration of intent to home school from the public disclosure act; and amending RCW 42.56.320.

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

SHB 1308 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Sells, Wood, Morrell, Kelley, Clibborn, Moeller, Pedersen, Hudgins, Ormsby, Parker, Chase, Kenney, Goodman, Bailey, Simpson, Herrera and Nelson)

AN ACT Relating to reducing organ transplant benefit waiting periods based upon prior creditable coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

EHB 1311 by Representatives Kirby, Bailey, Morrell, Sullivan, Kenney, Simpson and Nelson

AN ACT Relating to reverse mortgage lending; amending RCW 31.04.015 and 31.04.115; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1319 by House Committee on Education (originally sponsored by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley)

AN ACT Relating to the application of certain ethics provisions to school district employees; and adding a new section to chapter 28A.400 RCW.

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

ESHB 1326 by House Committee on Agriculture & Natural

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Resources (originally sponsored by Representatives Blake, Van De Wege, Kretz and Nelson)

Referred to Committee on Government Operations & Elections.

AN ACT Relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state; amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW.

HB 1527 by Representatives Kessler, Rolfes, Williams and Santos

AN ACT Relating to medicaid payment rates for boarding homes; and amending RCW 74.39A.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Ways & Means.

HB 1361 by Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew, O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell

HB 1541 by Representatives Seaquist, Conway, Crouse and Simpson

AN ACT Relating to granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

AN ACT Relating to county supervised community options; and amending RCW 9.94A.680.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Ways & Means.

HB 1394 by Representatives White, Kenney, Wallace, Orwall, Carlyle, Anderson, Sells, Chase and Sullivan

HB 1551 by Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby

AN ACT Relating to changing the timeline for the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education & Workforce Development.

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

SHB 1397 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Ericksen, Cody, Green, Hinkle, Morrell, Bailey, Williams, Nelson and Wood)

AN ACT Relating to the delegation of authority to registered nurses; and amending RCW 18.79.260.

Referred to Committee on Health & Long-Term Care.

HB 1562 by Representatives Liias, Priest, Quall, Sullivan, Kenney, Simpson, McCune and Ormsby

AN ACT Relating to graduation without a certificate of academic achievement or a certificate of individual achievement; amending RCW 28A.655.0611; and declaring an emergency.

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

SHB 1420 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley)

AN ACT Relating to real estate seller disclosure; and amending RCW 64.06.005, 64.06.010, 64.06.015, 64.06.020, and 64.06.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1564 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Rodne, Kirby, Kelley, Roach, Williams, Hasegawa, Simpson and Nelson)

AN ACT Relating to flood insurance coverage; and adding a new section to chapter 48.27 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1510 by House Committee on Health Care & Wellness (originally sponsored by Representatives Ross, Klippert and Johnson)

AN ACT Relating to the disclosure of confidential information on birth certificates; and amending RCW 70.58.055.

Referred to Committee on Health & Long-Term Care.

EHB 1566 by Representatives Kirby, Williams and Simpson

AN ACT Relating to granting the insurance commissioner certain authority when the governor declares a state of emergency; and amending RCW 48.02.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1513 by Representative Haler

AN ACT Relating to municipal participation in financing the construction of water or sewer facilities; and amending RCW 35.91.020.

HB 1569 by Representatives Liias, O'Brien, Hope, Sells, Dunshee, Kagi, McCoy, Morrell and Ormsby

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations & Elections.

HB 1596 by Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson

AN ACT Relating to protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement; amending RCW 49.60.030 and 49.60.215.

Referred to Committee on Health & Long-Term Care.

ESHB 1619 by House Committee on Capital Budget (originally sponsored by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Liias, Green, Miloscia, Orwall, Maxwell and Simpson)

AN ACT Relating to use of capital projects funds by school districts; amending RCW 84.52.053; reenacting and amending RCW 28A.320.330; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1675 by Representatives Sells, Anderson, Wallace, Upthegrove and Kenney

AN ACT Relating to work experience as an entry requirement for the alternative route partnership grant program; and amending RCW 28A.660.040.

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

HB 1678 by Representatives Van De Wege, Simpson, Ericks, Williams, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

HB 1717 by Representatives Clibborn, Armstrong, Wood, Warnick and Klippert

AN ACT Relating to extending the time period for a franchise agreement for a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

EHB 1728 by Representatives Takko, Haler, Ericks, Angel, Carlyle and Van De Wege

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Government Operations & Elections.

HB 1757 by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

AN ACT Relating to establishing a small school district contingency fund; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Ways & Means.

HB 1789 by Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille

AN ACT Relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1794 by House Committee on Judiciary (originally sponsored by Representative Moeller)

AN ACT Relating to calculating child support; amending RCW 26.19.020, 26.19.065, 26.19.071, 26.19.075, and 26.19.080; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 1816 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins)

AN ACT Relating to changing provisions related to wireless phone numbers used by directory providers; amending RCW 19.250.030, 19.250.070, and 19.250.050; and repealing RCW 19.250.020 and 19.250.060.

Referred to Committee on Economic Development, Trade & Innovation.

EHB 1824 by Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

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

SHB 1825 by House Committee on Local Government & Housing (originally sponsored by Representatives Rodne and Anderson)

AN ACT Relating to identifying specific facilities planning requirements under the growth management act; and amending RCW 36.70A.110, 36.70A.210, and 36.70A.115.

Referred to Committee on Government Operations & Elections.

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

HB 1826 by Representatives Rodne, Pedersen and Santos

AN ACT Relating to the proceeds from foreclosure sales; and amending RCW 61.12.150.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1831 by House Committee on Local Government & Housing (originally sponsored by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen)

AN ACT Relating to the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town; adding a new section to chapter 35.10 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1841 by House Committee on Higher Education (originally sponsored by Representatives White, Warnick, Wallace, Angel, Sells, Hasegawa, Hinkle, Goodman, Lias, Ormsby, Anderson, Haigh, Sullivan, Haler, Priest, Morris, Kenney, Schmick, Hudgins and Conway)

AN ACT Relating to the modification of the governing boards of state colleges and universities; amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1844 by Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell

AN ACT Relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards; and amending RCW 46.01.130.

Referred to Committee on Transportation.

EHB 1876 by Representatives McCune, Miloscia, Haler, Klippert, Campbell, Rodne, Schmick, O'Brien, Roach, Warnick, Short, Conway, Cox and Orcutt

AN ACT Relating to providing funds for disabled veterans through voluntary donations; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

HB 1888 by Representatives Springer and Angel

AN ACT Relating to repealing RCW 46.12.295; and repealing RCW 46.12.295.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1956 by House Committee on Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson)

AN ACT Relating to the housing of homeless persons on property owned or controlled by a church; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 2013 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Green, Roach, Kirby, Warnick and Morrell)

AN ACT Relating to self-service storage specialty producers; amending RCW 48.14.010 and 48.17.170; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2035 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel)

AN ACT Relating to requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

HB 2185 by Representatives McCoy and Chase

AN ACT Relating to encouraging the use of solar water heating systems by retail customers of light and power businesses and gas companies; and adding a new chapter to Title 80 RCW.

Referred to Committee on Environment, Water & Energy.

HB 2199 by Representatives Newhouse and Hudgins

AN ACT Relating to regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Senator Ranker moved that Gubernatorial Appointment No. 9047, Hannah M. Higgins, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF HANNAH M. HIGGINS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9047, Hannah M. Higgins as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9047, Hannah M. Higgins as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Gubernatorial Appointment No. 9047, Hannah M. Higgins, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

MOTION

On motion of Senator Marr, Senator Brown was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9107, Phil Sharpe, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF PHIL SHARPE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9107, Phil Sharpe as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9107, Phil Sharpe as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9107, Phil Sharpe, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Western Washington University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that Gubernatorial Appointment No. 9137, Peggy Zoro, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF PEGGY ZORO

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9137, Peggy Zoro as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9137, Peggy Zoro as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9137, Peggy Zoro, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9131, Frederick Whang, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF FREDERICK WHANG

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9131, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9131, Frederick Whang as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Gubernatorial Appointment No. 9131, Frederick Whang, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9102, Joel Rupley, as a member of the Forest Practices Appeals Board, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF JOEL RUPLEY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9102, Joel Rupley as a member of the Forest Practices Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9102, Joel Rupley as a member of the Forest Practices Appeals Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

Gubernatorial Appointment No. 9102, Joel Rupley, having received the constitutional majority was declared confirmed as a member of the Forest Practices Appeals Board.

MOTION

On motion of Senator McCaslin, Senator Honeyford was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9133, Roy Wilkinson, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ROY WILKINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9133, Roy Wilkinson as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9133, Roy Wilkinson as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Honeyford

Gubernatorial Appointment No. 9133, Roy Wilkinson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kauffman moved that Gubernatorial Appointment No. 9132, Patricia Whitefoot, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senator Kauffman spoke in favor of the motion.

APPOINTMENT OF PATRICIA WHITEFOOT

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9132, Patricia Whitefoot as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9132, Patricia Whitefoot as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Honeyford

Gubernatorial Appointment No. 9132, Patricia Whitefoot, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

MOTION

On motion of McDermott, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments en bloc and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Benton spoke against the motion.

Senator Benton withdrew his objection.

MOTION

Senator Marr moved the confirmations of Gubernatorial Appointments No. 9016, Scott Carson; Gubernatorial Appointment No. 9022; Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings and Gubernatorial Appointment No. 9116, Rafael Stone, as members, Board of Regents, Washington State University.

FIFTY-THIRD DAY, MARCH 5, 2009
MOTION

2009 REGULAR SESSION

On motion of Senator Hatfield, Senator Prentice was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr spoke in favor of the motion.

APPOINTMENT OF SCOTT CARSON

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9016, Scott Carson; Gubernatorial Appointment No. 9022, Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings; and Gubernatorial Appointment No. 9116, Rafael Stone, as members, Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9016, Scott Carson as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF HAROLD COCHRAN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9022, Harold Cochran as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF ELIZABETH COWLES

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9023, Elizabeth A. Cowles as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF DERICK C. EN'WEZOH

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9034, Derick C. En'wezoh as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF LAURA JENNINGS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9055, Laura Jennings as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

APPOINTMENT OF RAFAEL STONE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Rafael Stone as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

Gubernatorial Appointment No. 9016, Scott Carson; Gubernatorial Appointment No. 9022, Harold Cochran; Gubernatorial Appointment No. 9023, Elizabeth Cowles; Gubernatorial Appointment No. 9034, Derick C. En'wezoh; Gubernatorial Appointment No. 9055, Laura Jennings; and Gubernatorial Appointment No. 9116, Rafael Stone, having received the constitutional majority were declared confirmed as members, Board of Regents, Washington State University.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9140, Connie Niva, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Berkey spoke in favor of the motion.

APPOINTMENT OF CONNIE NIVA

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No.

FIFTY-THIRD DAY, MARCH 5, 2009

9140, Connie Niva as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9140, Connie Niva as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senator Prentice

Gubernatorial Appointment No. 9140, Connie Niva, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

SECOND READING

SENATE BILL NO. 5212, by Senators Kilmer, Kline, McCaslin, Hewitt, Haugen, Shin and Becker

Modifying parenting plans based on the military service of a parent.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Prentice and Pridemore were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5297, by Senators Kline and Delvin

Concerning the procedure for filing a declaration of completion of probate.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SENATE BILL NO. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5369, by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles and Parlette

Regarding counseling professions subject to the authority of the secretary of health.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug,

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5451, by Senators Oemig, Ranker, Rockefeller, Honeyford and Fraser

Changing the date for setting the amount of pipeline safety fees.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5451 was substituted for Senate Bill No. 5451 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Fairley and Jacobsen were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Jacobsen and Prentice

SUBSTITUTE SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5511, by Senators Prentice, Hobbs, Oemig and Shin

Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5511 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Jacobsen and Prentice

SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

SECOND READING

SENATE BILL NO. 5211, by Senators Sheldon, Roach, Fairley, McDermott, Parlette, Haugen, Shin and Benton

Prohibiting false and defamatory statements about candidates for public office.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kline

Absent: Senator Brown

Excused: Senators Fairley, Jacobsen and Prentice

SENATE BILL NO. 5211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Jarrett moved adoption of the following resolution:

SENATE RESOLUTION
8640

By Senator Jarrett

WHEREAS, The greater Seattle area is home to over 45 video game companies, making the video game industry in Washington one of the largest in the nation; and

WHEREAS, Jerry Holkins, a comic writer, and Mike Krahulik, a cartoonist and artist, both originally from Spokane, Washington, collaborated to create an online comic about video games called Penny Arcade in the fall of 1998; and

WHEREAS, Jerry Holkins and Mike Krahulik recently celebrated the comic's 10th anniversary; and

WHEREAS, In 2004, Jerry Holkins and Mike Krahulik launched the first annual Penny Arcade Expo, a gaming festival in Bellevue, Washington; and

WHEREAS, By 2008, the Penny Arcade Expo has grown to become the largest game convention in the United States, with over 58,500 video game enthusiasts attending the Penny Arcade Expo at the Washington State Convention and Trade Center in August 2008; and

WHEREAS, The Penny Arcade Expo attracts thousands of tourists from around the globe to visit the city of Seattle while attending the convention, and has served to further reinforce Seattle's status as a leading locale of the game industry; and

WHEREAS, In 2003, Jerry Holkins and Mike Krahulik created the Child's Play Charity, an organization which raises contributions of money and toys to donate to Children's Hospitals worldwide; and

WHEREAS, Child's Play Charity has raised over 4.5 million dollars for sixty different Children's Hospitals since it was established, including Washington's own Seattle Children's and Sacred Heart Children's Hospitals;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the accomplishments of Jerry Holkins and Mike Krahulik in becoming widely accepted leaders in the computer and video game industries, encouraging industry growth through scholarships, and advancing Washington State as a hub of the gaming industry through the presence of Penny Arcade Expo; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor Jerry Holkins and Mike Krahulik for their hard work and dedication to improving the lives of hospitalized children worldwide through their creation and continued work with Child's Play Charity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Jerry Holkins and Mike Krahulik.

Senators Jarrett and Pflug spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of the Child's Play charity who were seated in

the gallery.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2061,

MOTION

At 1:30 p.m., on motion of Senator Eide, the Senate was at ease subject to the call of the President.

The Senate was called to order at 2:59 p.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5131, by Senators Delvin, Hargrove, Brandland and Regala

Concerning crisis referral services for criminal justice and correctional personnel.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5131.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senators Brown, Haugen, Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Eide, Senators Brown, Haugen and Tom were excused.

SECOND READING

SENATE BILL NO. 5344, by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer

Providing an emergency response system for the Strait of Juan de Fuca. Revised for 1st Substitute: Concerning emergency response towing vessels.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 5344 was substituted for Senate Bill No. 5344 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following striking amendment by Senator Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the northern coast of the Olympic Peninsula and Washington's west coast from Cape Flattery south to Cape Disappointment:

(a) Possess uniquely rich and highly vulnerable biological, marine, and cultural resources supporting some of the nation's most valuable commercial, sport, and tribal fisheries;

(b) Sustain endangered species and numerous species of vulnerable marine mammals; and

(c) Are internationally recognized through extraordinary designations including a world heritage site, a national park, a national marine sanctuary, national wildlife refuges, a maritime area off-limits to shipping, and tribal lands and fishing areas of federally recognized coastal Indian tribes.

(2) The legislature further finds that these coasts are periodically beset by severe storms with dangerously high seas and by strong currents, obscuring fog, and other conditions that imperil vessels and crews. When vessels suffer damage or founder, the coasts are likewise imperiled, particularly if oil is spilled into coastal waters. Oil spills pose great potential risks to treasured resources.

(3) The legislature further finds that Washington has maintained an emergency response tug at Neah Bay since 1999 to protect state waters from maritime casualties and resulting oil spills. The tug is necessary because of peculiarities of local waters that call for special precautionary measures. The tug has demonstrated its necessity and capability by responding to forty-one vessels in need of assistance. State funding for the tug is scheduled to end on June 30, 2009.

(4) The legislature intends that the maritime industry should provide and fully fund at least one year-round emergency response tug at Neah Bay, with necessary logistical and operational support, and that any tug provided by the maritime industry pursuant to this act should meet or exceed technical performance requirements specified in the state's fiscal year 2009 contract for the Neah Bay emergency response tug.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

(1) The owner or operator of a covered vessel that is subject

to requirements specified in RCW 88.46.130 must provide at least one emergency response towing vessel that must be:

(a) Stationed at Neah Bay; and

(b) Continuously available and capable of responding to any vessel emergency, including but not limited to:

(i) Loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, or seakeeping capability;

(ii) Hull breach; or

(iii) Oil spill.

(2) An emergency response towing vessel must be capable of:

(a) Deploying at any hour of any day to provide emergency assistance;

(b) Being underway within twenty minutes of a decision to deploy, with adequate crew to safely remain underway for at least forty-eight hours;

(c) Effectively employing a ship anchor chain recovery hook and line throwing gun;

(d) A bollard pull of at least seventy short tons; and

(e) Effectively operating in severe weather conditions with sustained winds measured at forty knots and wave heights of twelve to eighteen feet, including:

(i) Holding position within one hundred feet of another vessel; and

(ii) Making up to, stopping, holding, and towing a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons.

(3) An emergency response towing vessel must be equipped with:

(a) A ship anchor chain recovery hook;

(b) A line throwing gun; and

(c) Appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(4) The requirements of this section may be fulfilled by a private organization or nonprofit cooperative providing umbrella coverage under contract to a single or multiple covered vessels. If a nonprofit cooperative is formed or used to meet the requirements of this section, it shall equitably apportion costs to each participating covered vessel based on risk associated with particular classes of covered vessels, navigational and structural characteristics of covered vessels, and the number of covered vessel transits to or from a Washington port through the Strait of Juan de Fuca, as defined in RCW 88.46.130(5), except for transits extending no further west than Race Rocks.

(5) The department is authorized to contract with an emergency response towing vessel provided under this section. Any use by the department must be paid by the department.

(6) An owner or operator of a covered vessel that is required to provide an emergency response towing vessel may not restrict the emergency response towing vessel from responding to noncovered vessels in distress.

(7) Nothing in this section prohibits the owner or operator of a covered vessel or a private organization or nonprofit cooperative from contracting with an emergency response towing vessel with capabilities exceeding requirements specified in this section.

NEW SECTION. Sec. 3. (1) The legislature finds that all sectors of the maritime industry have demonstrated the ability to cooperate in reducing risks of oil spills and in providing for comprehensive response actions when spills occur. Therefore, the legislature expects that owners or operators of covered vessels that are subject to requirements specified in RCW 88.46.130 will cooperate in sharing responsibility for the emergency response system and in equitably apportioning costs.

(2) The department of ecology shall monitor progress of the maritime industry in establishing and funding the emergency response system required by RCW 88.46.130. The department shall provide interim progress reports to appropriate standing committees in the senate and house of representatives by October 1, 2009, and again by December 1, 2009, the latter date coinciding with the deadline for contingency plans for covered

FIFTY-THIRD DAY, MARCH 5, 2009

vessels operating in the Strait of Juan de Fuca to provide for the emergency response system required by RCW 88.46.130.

(3) The department's reports required under subsection (2) of this section must describe the maritime industry's processes for ensuring that the emergency response system is established and funded by July 1, 2010, as required by RCW 88.46.130. The reports must provide available information regarding:

(a) The anticipated annual cost of providing the emergency response system;

(b) The methodology for determining the anticipated average annual cost for each class of covered vessel, including:

(i) A system for crediting enhanced navigational or structural characteristics;

(ii) Appropriate limits on total cost for vessels that frequently transit the Strait of Juan de Fuca, as defined in RCW 88.46.130(5), except for transits extending no further west than Race Rocks; and

(iii) Consideration of current economic conditions; and

(c) Any impediment to equitable apportionment of costs.

(4) As used in this section, "class of covered vessel" means:

(a) Oil tankers;

(b) Tank barges;

(c) Tug and oil barge combinations;

(d) Cargo vessels;

(e) Passenger vessels; and

(f) Other covered vessels.

(5) This section expires June 30, 2010.

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

As soon as practicable following return of an emergency response towing vessel after an incident necessitating a response, the covered vessel owner or operator or the contracting organization shall submit a report to the department. The report must provide a detailed description of the incident necessitating a response and actions taken to render assistance, and include high quality photographic documentation.

Sec. 5. RCW 88.46.068 and 2006 c 316 s 4 are each amended to read as follows:

(1) The department shall ~~((by rule))~~ adopt by rule procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans.

(2) In addition to reviewing and approving contingency plans required by RCW 88.46.060, the department shall also review and approve the emergency response system required by RCW 88.46.130. Adequacy of the system may be determined through practice drills, which may be conducted without prior notice. Successful responses to vessel emergencies may satisfy this requirement. Drills must test emergency response towing vessels' ability to respond to worst case scenarios.

(3) The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation.

(4) The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

Sec. 6. RCW 88.46.130 and 1991 c 200 s 426 are each amended to read as follows:

(1) By July 1, 2010, the owner or operator of a covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks, shall establish and fund an emergency response system ~~((for the Strait of Juan de Fuca shall be established by July 1, 1992. In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system))~~ providing at least one emergency response towing vessel stationed at Neah Bay.

(2) Any emergency response towing vessel provided under this section must:

(a) Be available to serve vessels in distress in the Strait of Juan de Fuca and off of the western coast of the state from Cape Flattery light south to Cape Disappointment light; and

(b) Meet the requirements specified in section 2 of this act.

(3) In addition to meeting requirements specified in RCW 88.46.060, contingency plans for covered vessels operating in the Strait of Juan de Fuca must provide for the emergency response system required by this section. Documents demonstrating compliance with this section must be submitted to the department by December 1, 2009. An initial contingency plan submitted to the department after December 1, 2009, must be accompanied by documents demonstrating compliance with this section.

(4) The requirements of this section are met if:

(a) Owners or operators of covered vessels provide at least one emergency response towing vessel that complies with subsection (2) of this section; or

(b) The United States government implements a system of protective measures that the department determines to be substantially equivalent.

(5) As used in this section, "Strait of Juan de Fuca" means waters off of the northern coast of the Olympic Peninsula, from Cape Flattery light east to New Dungeness light, terminating at a line extending from Discovery Island light south to New Dungeness light.

NEW SECTION. Sec. 7. (1) The director of the department of ecology, or the director's designee, shall initiate discussions with the director's counterpart in the government for the Canadian province of British Columbia to explore options for Washington and British Columbia to share marine emergency response assets required under this act.

(2) The department of ecology must report any progress or outcomes from discussions initiated under this section to appropriate committees of the legislature by January 1, 2011.

(3) This section expires July 31, 2011.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ranker to Substitute Senate Bill No. 5344.

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

MOTION

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

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 88.46.068 and 88.46.130; adding new sections to chapter 88.46 RCW; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 5344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Brandland and Hargrove spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Ranker yield to a question? Thank you Senator Ranker. I'm looking, I don't sit on the committee on which this bill, in which this bill was heard so

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

when I'm looking at the effects of the changes, the amendment, it says language is deleted requiring that a rescue tug be capable of fighting fire, oil spill response and salvage functions. So, I'm wondering, you know why are we going to be spending money or someone else spending money on something that isn't going to fight fires, isn't going clean up any oil and has nothing to do with salvage functions? I just don't know, maybe you could enlighten us all? Thank you."

Senator Ranker: "Thank you for the question. I can try to enlighten you all. So, the original language talked about a tug that was much larger and had much more capabilities than the tug that we currently have out at the mouth of Neah Bay. It was pointed out to me and others who were in these discussions and I think appropriately so that the duties, for instance, Senator from the Thirty-first District, thank you, that fire duty responsibilities of the tug for instance. Many of those things are already under contingency planning rules for many of the industries that are out there so Coast Guard requires some of those things already. And the other thing is, that we need to keep in mind, this tug is not an oil spill response tug. This is an oil spill prevention tug. What this tug does is it goes out and if a boat is adrift and it will throw a line to it and make sure it doesn't go on the rocks. If there is a spill or a large fire there are other resources available to deal with those things and those are already required in most cases by federal statute."

POINT OF INQUIRY

Senator Kastama: "Would Senator Ranker yield to a question? Thank you Senator. Section three of the bill as amended provides for progress reports to the legislature, this fall regarding the maritime industries work to provide for the emergency response vessel that is required in this legislation. It requires a report by December 1 that, as stated in this legislation, is a date coinciding with the deadline for contingency plans to provide for the emergency response system is required in section six of this legislation. Does this mean they must have the tug contract in place by December 1?"

Senator Ranker: "Thank you very much for your question. Section three requires a progress by Department of Ecology on how the maritime industry will meet the requirements under this legislation. Under the legislation, the requirements are not effective until July 1, 2010. Section six of this legislation requires only that the maritime industries submit documents demonstrating compliance in an initial contingency plan submitted to Ecology by December 1, 2009. These documents are intended to demonstrate how the industry will ensure that the industry-funded tug will be on station by July 1, 2010 and not a date before then. So, in summary what this means is December 1, 2009 there will be a report back to the state saying what their plan is and how they will put this together and what they decided upon. That actual plan however will not need to be implemented until July 2010."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5344.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5344 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles,

Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Honeyford, Morton and Schoesler

Excused: Senator Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5391, by Senators Kastama, Haugen, Fairley, Roach and Pflug

Regulating tattooing and body piercing. Revised for 1st Substitute: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5391 was substituted for Senate Bill No. 5391 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senator Hewitt

SUBSTITUTE SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5492, by Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin

Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5492 was advanced to third reading, the second

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

Senators Delvin and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Hewitt

SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5326, by Senator Regala

Modifying juvenile sex and kidnapping offender registration provisions. Revised for 1st Substitute: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

MOTION

On motion of Senator Regala, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Jessica Lunsford, a nine-year old girl, was abducted from her bedroom at her grandparent's home in the middle of the night on February 23, 2005. A three-week long search was launched that gained Jessica the sympathy and heartfelt prayers of the nation. On March 18, 2005, police found Jessica's body buried in a shallow grave under the back porch of a home where she had been sexually assaulted, buried alive, and murdered. Therefore the legislature intends to enhance the penalties for, and monitoring of, sex offenders.

Sec. 2. RCW 10.95.020 and 2003 c 53 s 96 are each amended to read as follows:

A person is guilty of aggravated first degree murder, a class A felony, if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was

known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The person committed the murder to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group;

(7) The murder was committed during the course of or as a result of a shooting where the discharge of the firearm, as defined in RCW 9.41.010, is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge;

(8) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board; or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

(9) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including, but specifically not limited to, any attempt to avoid prosecution as a persistent offender as defined in RCW 9.94A.030;

(10) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

(11) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree or residential burglary;

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

(12) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim;

(13) At the time the person committed the murder, there existed a court order, issued in this or any other state, which prohibited the person from either contacting the victim, molesting the victim, or disturbing the peace of the victim, and the person had knowledge of the existence of that order;

(14) At the time the person committed the murder, the person and the victim were "family or household members" as that term is defined in RCW 10.99.020(~~((+)))~~ (3), and the person had previously engaged in a pattern or practice of three or more of the following crimes committed upon the victim within a five-year period, regardless of whether a conviction resulted:

(a) Harassment as defined in RCW 9A.46.020; or

(b) Any criminal assault;

(15) At the time the person committed the murder, the person was a sexually violent predator, as defined in RCW 71.09.020.

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Sec. 3. RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(e) An offender convicted of the crime of rape of a child in the first degree or child molestation in the first degree shall be sentenced to a minimum term of total confinement not less than twenty- five years. An offender sentenced under this subsection (1)(e) is subject to lifetime supervision with electronic monitoring for any period of partial confinement, including community supervision.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(3)(a) Subsection (1) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after July 24, 2005.

Sec. 4. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Child Molestation 1 (RCW 9A.44.083)
- Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- Rape of a Child 1 (RCW 9A.44.073)
- XIV Murder 2 (RCW 9A.32.050)

- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- ~~((Rape of a Child 1 (RCW 9A.44.073)))~~
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X ~~((Child Molestation 1 (RCW 9A.44.083)))~~
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)

FIFTY-THIRD DAY, MARCH 5, 2009

	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)		Rape of a Child 3 (RCW 9A.44.079)
	Manslaughter 2 (RCW 9A.32.070)		Theft of a Firearm (RCW 9A.56.300)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	V	Unlawful Storage of Ammonia (RCW 69.55.020)
	Promoting Prostitution 1 (RCW 9A.88.070)		Abandonment of Dependent Person 2 (RCW 9A.42.070)
	Theft of Ammonia (RCW 69.55.010)		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
VII	Burglary 1 (RCW 9A.52.020)		Child Molestation 3 (RCW 9A.44.089)
	Child Molestation 2 (RCW 9A.44.086)		Criminal Mistreatment 2 (RCW 9A.42.030)
	Civil Disorder Training (RCW 9A.48.120)		Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)		Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
	Drive-by Shooting (RCW 9A.36.045)		Driving While Under the Influence (RCW 46.61.502(6))
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)		Extortion 1 (RCW 9A.56.120)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))		Extortionate Extension of Credit (RCW 9A.82.020)
	Introducing Contraband 1 (RCW 9A.76.140)		Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))		Incest 2 (RCW 9A.64.020(2))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)		Kidnapping 2 (RCW 9A.40.030)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)		Perjury 1 (RCW 9A.72.020)
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))		Persistent prison misbehavior (RCW 9.94.070)
	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)		Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)		Possession of a Stolen Firearm (RCW 9A.56.310)
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))		Rape 3 (RCW 9A.44.060)
	Bribery (RCW 9A.68.010)		Rendering Criminal Assistance 1 (RCW 9A.76.070)
	Incest 1 (RCW 9A.64.020(1))		Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
	Intimidating a Judge (RCW 9A.72.160)		Sexually Violating Human Remains (RCW 9A.44.105)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)		Stalking (RCW 9A.46.110)
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))	IV	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)		Arson 2 (RCW 9A.48.030)
			Assault 2 (RCW 9A.36.021)
			Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Assault by Watercraft (RCW 79A.60.060)	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)	Assault of a Child 3 (RCW 9A.36.140)
Cheating 1 (RCW 9.46.1961)	
Commercial Bribery (RCW 9A.68.060)	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Counterfeiting (RCW 9.16.035(4))	Burglary 2 (RCW 9A.52.030)
Endangerment with a Controlled Substance (RCW 9A.42.100)	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
Escape 1 (RCW 9A.76.110)	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Hit and Run--Injury (RCW 46.52.020(4)(b))	Criminal Gang Intimidation (RCW 9A.46.120)
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))	Custodial Assault (RCW 9A.36.100)
Identity Theft 1 (RCW 9.35.020(2))	
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Influencing Outcome of Sporting Event (RCW 9A.82.070)	Escape 2 (RCW 9A.76.120)
Malicious Harassment (RCW 9A.36.080)	Extortion 2 (RCW 9A.56.130)
Residential Burglary (RCW 9A.52.025)	Harassment (RCW 9A.46.020)
Robbery 2 (RCW 9A.56.210)	Intimidating a Public Servant (RCW 9A.76.180)
Theft of Livestock 1 (RCW 9A.56.080)	Introducing Contraband 2 (RCW 9A.76.150)
Threats to Bomb (RCW 9.61.160)	Malicious Injury to Railroad Property (RCW 81.60.070)
	Mortgage Fraud (RCW 19.144.080)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Organized Retail Theft 1 (RCW 9A.56.350(2))
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Perjury 2 (RCW 9A.72.030)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	Possession of Incendiary Device (RCW 9.40.120)
Unlawful transaction of insurance business (RCW 48.15.023(3))	Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Unlicensed practice as an insurance professional (RCW 48.17.063((2)) (2))	Promoting Prostitution 2 (RCW 9A.88.080)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Securities Act violation (RCW 21.20.400)
Willful Failure to Return from Furlough (RCW 72.66.060)	Tampering with a Witness (RCW 9A.72.120)
Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
	Theft of Livestock 2 (RCW 9A.56.083)
	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

III

FIFTY-THIRD DAY, MARCH 5, 2009

	Trafficking in Stolen Property 2 (RCW 9A.82.055)	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
	Unlawful Imprisonment (RCW 9A.40.040)	Malicious Mischief 2 (RCW 9A.48.080)
	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Mineral Trespass (RCW 78.44.330)
	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)	Possession of Stolen Property 2 (RCW 9A.56.160)
	Willful Failure to Return from Work Release (RCW 72.65.070)	Reckless Burning 1 (RCW 9A.48.040)
II	Computer Trespass 1 (RCW 9A.52.110)	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
	Counterfeiting (RCW 9.16.035(3))	Theft 2 (RCW 9A.56.040)
	Escape from Community Custody (RCW 72.09.310)	Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))	Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))
	Health Care False Claims (RCW 48.80.030)	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
	Identity Theft 2 (RCW 9.35.020(3))	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
	Improperly Obtaining Financial Information (RCW 9.35.010)	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
	Malicious Mischief 1 (RCW 9A.48.070)	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
	Organized Retail Theft 2 (RCW 9A.56.350(3))	Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
	Possession of Stolen Property 1 (RCW 9A.56.150)	Unlawful Production of Payment Instruments (RCW 9A.56.320)
	Possession of a Stolen Vehicle (RCW 9A.56.068)	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
	Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))	Unlawful Use of Food Stamps (RCW 9.91.144)
	Theft 1 (RCW 9A.56.030)	Vehicle Prowl 1 (RCW 9A.52.095)
	Theft of a Motor Vehicle (RCW 9A.56.065)	
	Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))	
	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))	
	Trafficking in Insurance Claims (RCW 48.30A.015)	
	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))	
	Unlawful Practice of Law (RCW 2.48.180)	
	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))	
	Voyeurism (RCW 9A.44.115)	
I	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)	
	False Verification for Welfare (RCW 74.08.055)	
	Forgery (RCW 9A.60.020)	

Sec. 5. RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are each reenacted and amended to read as follows:

(1) When a superior court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, the department of corrections has initial responsibility for supervision of that defendant.

(2) A county legislative authority may assume responsibility for the supervision of all defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a superior court. The assumption of responsibility shall be made by contract with the department of corrections on a biennial basis.

(3) If a county assumes supervision responsibility, the county shall supervise all superior court misdemeanor probationers within that county for the duration of the biennium, as set forth in the contract with the department of corrections.

(4) A contract between a county legislative authority and the department of corrections for the transfer of supervision responsibility must include, at a minimum, the following provisions:

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

(a) The county's agreement to supervise all misdemeanor probationers who are sentenced by a superior court within that county and who reside within that county;

(b) A reciprocal agreement regarding the supervision of superior court misdemeanor probationers sentenced in one county but who reside in another county;

(c) The county's agreement to comply with the minimum standards for classification and supervision of offenders as required under RCW 9.95.206;

(d) The amount of funds available from the department of corrections to the county for supervision of superior court misdemeanor probationers, calculated according to a formula established by the department of corrections;

(e) A method for the payment of funds by the department of corrections to the county;

(f) The county's agreement that any funds received by the county under the contract will be expended only to cover costs of supervision of superior court misdemeanor probationers;

(g) The county's agreement to account to the department of corrections for the expenditure of all funds received under the contract and to submit to audits for compliance with the supervision standards and financial requirements of this section;

(h) Provisions regarding rights and remedies in the event of a possible breach of contract or default by either party; and

(i) Provisions allowing for voluntary termination of the contract by either party, with good cause, after sixty days' written notice.

(5) If the contract between the county and the department of corrections is terminated for any reason, the department of corrections shall reassume responsibility for supervision of superior court misdemeanor probationers within that county. In such an event, the department of corrections retains any and all rights and remedies available by law and under the contract.

(6) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of a county. A county, its probation department and employees, probation officers, and volunteers who assist probation officers are not liable for any harm caused by the actions of a superior court misdemeanor probationer who is under the supervision of the department of corrections. This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions.

(7) The state of Washington, the department of corrections and its employees, community corrections officers, any county under contract with the department of corrections pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the superior court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of superior court misdemeanor probation activities unless the act or omission constitutes gross negligence. For purposes of this section, "volunteers" is defined according to RCW 51.12.035.

(8) The provisions of RCW 9.94A.501 apply to sentences imposed under this section.

(9)(a) If a misdemeanor probationer requests permission to travel or transfer to another state, the assigned probation officer employed or contracted for by the county shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(i) Notify the department of corrections of the probationer's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(v) Resume supervision if the probationer returns to this state before the term of probation expires.

(b) The probationer shall receive credit for time served while being supervised by another state.

(10) Whenever the department or a county assumes supervisory responsibility for a misdemeanor probationer, the department or the county shall determine whether or not the probationer is listed in the central registry of sex offenders and kidnapping offenders.

Sec. 6. RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that

FIFTY-THIRD DAY, MARCH 5, 2009

department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(c) Any person required to register pursuant to this section shall verify, under penalty of law and with the county sheriff, twice a year that all of the information required in this subsection remains accurate. Failure to verify registration information twice a year constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a

violation of this section and is punishable as provided in subsection (11) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who

lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to

FIFTY-THIRD DAY, MARCH 5, 2009

have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(8) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's

fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class ((€)) B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a ((~~gross misdemeanor~~)) class C felony.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class ((€)) B felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a ((~~gross misdemeanor~~)) class C felony.

(13) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 7. RCW 9A.44.130 and 2008 c 230 s 1 are each

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(c) Any person required to register pursuant to this section shall verify, under penalty of law and with the county sheriff, twice a year that all of the information required in this subsection remains accurate. Failure to verify registration information twice a year constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for

offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(8) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a (~~(gross misdemeanor)~~) class C felony.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class (~~(E)~~) B felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a (~~(gross misdemeanor)~~) class C felony.

(13) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 9A.76 RCW to read as follows:

(1) A person is guilty of rendering assistance to a sex offender if the person knows that a sex offender required to register under RCW 9A.44.130 is not complying, or has not complied, with the requirements of RCW 9A.44.130 and, with the intent to assist the sex offender required to register in eluding a law enforcement agency that is seeking to find the sex offender to question the person about, or to arrest the person for, his or her noncompliance with the requirements of RCW 9A.44.130, the person:

(a) Withholds information from, or does not notify, the law enforcement agency about the sex offender's noncompliance with the requirements of RCW 9A.44.130 and, if known, the whereabouts of the sex offender;

(b) Harbors or attempts to harbor, or assists another person in harboring or attempting to harbor, the sex offender;

(c) Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sex offender; or

(d) Provides information to the law enforcement agency regarding the sex offender which the person knows to be false information, commits a felony of the third degree. This subsection (1)(d) does not apply if the sex offender is incarcerated in or is in the custody of a state correctional facility, a local jail, or a federal correctional facility.

(2) Rendering assistance to a sex offender is a class C felony.

Sec. 9. RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each amended to read as follows:

As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, under circumstances not amounting to a violation of section 8 of this act, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he or she knows has committed a crime or juvenile offense or is being sought by law enforcement officials for the commission of a crime or juvenile offense or has escaped from a detention facility, he or she:

(1) Harbors or conceals such person; or

(2) Warns such person of impending discovery or apprehension; or

(3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or

(4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or

(5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or

(6) Provides such person with a weapon.

Sec. 10. RCW 9A.44.145 and 1998 c 139 s 2 are each amended to read as follows:

(1) The state patrol shall notify:

(a) Registered sex and kidnapping offenders of any change to the registration requirements; and

(b) No less than annually, an offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile of their ability to petition for relief from registration as provided in RCW 9A.44.140.

(2) For economic efficiency, the state patrol may combine the notices in this section into one notice.

NEW SECTION. Sec. 11. This act shall be known and cited as the "Jessica Lunsford Act."

NEW SECTION. Sec. 12. Section 6 of this act expires ninety days after adjournment sine die of the 2010 legislative session.

NEW SECTION. Sec. 13. Section 7 of this act takes effect ninety days after adjournment sine die of the 2010 legislative session."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "sex offenders; amending RCW 10.95.020, 9.94A.540, 9A.44.130, 9A.76.050, and 9A.44.145; reenacting and amending RCW 9.94A.515, 9.95.204, and 9A.44.130; adding a new section to chapter 9A.76 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date."

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

POINT OF ORDER

Senator Regala: "Well, certainly the tragedy in Hazel Dell is a terrible tragedy. I also want to point out that many of the elements in this amendment are already current law but, more importantly Mr. President, I believe the proposed amendment is out of order because it's outside the scope and the object of the

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

underlying bill. The bill before the Senate, Substitute Senate Bill No. 5326 is a bill that is intended to address only one class of person, those who are to be advised of their right to petition a superior court for release from registration requirements for offenses that they committed as a juvenile. The scope of the bill is very narrow dealing with this group of offenders and is entirely a bill about one limited procedure. The amendment before the Senate expands both the scope of the bill, offenders convicted as a juvenile who are to be notified of a procedural right they possess and the object of the bill requiring these offenders to be notified annually of their right to petition the court. This is a procedure remedy bill Mr. President. How does the amendment exceed the scope and object of this bill? First, it creates a new crime of aggravated first degree murder offense. This clearly has nothing to do with annual notice to juvenile sex offenders. Secondly, it would create a new mandatory minimum sentence for certain offenses having, again, nothing to do with notices of how a juvenile offender can petition for relief. Third, the bill would change our state's basic sentencing grids for specific offenses having nothing to do with the underlying bill about notice requirements for juvenile offenders. Fourth, by creating new crimes relating to failure to register as a sex offender, again nothing to do with the underline bill. Mr. President, there are many more provisions in the amendment that are significantly beyond the scope and object of Substitute Senate Bill No. 5326, a very narrowly drawn bill that only affects only a small class of individuals and a bill that has nothing to do with the contents of the amendment. I request that the President rule the amendment is beyond the scope and object of Substitute Senate Bill No. 5326."

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5326 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5540, by Senators Pridemore, Hargrove, Marr, Shin and Haugen

Establishing high capacity transportation corridor areas.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540 was withdrawn.

MOTION

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

On page 2, line 25, strike "one or more" and insert two.

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

The motion by Senator Benton failed and the amendment was not adopted by a rising vote.

MOTION

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

On page 2, line 25, strike "or more"

On page 3, line 3, strike "or areas"

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

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

MOTION

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

On page 2, line 26, after "all", strike "or a portion"

On page 2, line 27, after "area.", strike all material through "agency." on line 31

Senators Benton and Roach spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Rockefeller: "Mr. President, I object to any indirect aspersions on the character of those of us who are in this chamber and paying attention to the good gentleman."

Senators Murray and Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 27 to Senate Bill No. 5540.

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

MOTION

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

On page 2, line 35, after "(2)", strike "A" and insert "Except as provided in subsection (6) of this section, a"

On page 3, line 4, after "RCW 81.104.150", strike all material through the end of line 5 and insert "and 81.104.160."

On page 3, after line 23, insert the following:

"(6)(a) A high capacity transportation corridor area may not impose a sales and use tax under RCW 81.104.170, but instead may levy an ad valorem property tax in excess of the one percent limitation upon the property within the area for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(b) A high capacity transportation corridor area may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056."

On page 4, after line 19, strike all of section 5

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 25 to Senate Bill No. 5540.

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

MOTION

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

On page 3, line 4, after "authorized under" strike everything through "81.104.170" on line 5 and insert "RCW 82.14.045"

Senator Benton spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator Pridemore yield to a question? Senator, I just want to clarify what I thought I heard you say and that is if in fact this bill does double the taxing authority of the transit district we'll be able to fix that in the House. Is that correct?"

Senator Pridemore: "I believe what I said is that we would look at it as it went over to the House, Senator, and that we would make appropriate changes at that time."

Senator Benton demanded a roll call.

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

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 3, line 4, to Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senators Brown and Hewitt

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore and Marr spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown and Hewitt

SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Earlier this afternoon, give the enormous volume of bills, amendments, and motions before the Senate, I inadvertently voted "yes" on the final passage of Senate Bill No. 5540, relating to creating a high capacity transportation service in the Vancouver area of southwest Washington. I object to the boundaries and methods of taxation set forth in this bill. I regret my mistake, and should have voted "no" to oppose this measure.

SENATOR MORTON, 7TH Legislative District

MOTION

On motion of Senator Eide, Senate Bill No. 5540 was immediately transmitted to the House of Representatives.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Regala as to the scope and object of the amendment by Senator Benton to Substitute Senate Bill 5326, the President finds and rules as follows: Substitute Senate Bill 5326 is a bill that addresses only a narrow and specific group of offenders, those who committed a sex or kidnapping crime as juveniles and provides one limited procedure to ensure that this narrow group is notified of their right to petition the superior court for relief from registration requirements. Amendment 54 by Senator Benton, among other provisions, creates a new category of aggravated first degree murder, creates a new mandatory minimum sentence for certain offenses, changes the State's sentencing grid, and creates a new crime for failure to register as a sex offender. The President finds that none of the provisions would fall within the narrow scope of SSB 5326 which deals with modifying provisions relating to juvenile sex and kidnapping offender registration nor within the narrow object which is to direct the Washington State Patrol to annually inform these offenders that they have the right to petition for relief from registration requirements.

The President finds, therefore, that Senator Regala's point is well taken and Amendment 54 is not within the scope and object of the underlying bill."

The Senate resumed consideration of Substitute Senate Bill No. 5326 which had been deferred earlier in the day.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading,

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5659, by Senators Berkey, Benton and Marr

Authorizing the consideration of mitigating factors for enforcement actions under the mortgage broker practices act.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5795, by Senators Kilmer and Franklin

Modifying the use of funds from the Tacoma Narrows toll

bridge account.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5795 was substituted for Senate Bill No. 5795 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5795.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Absent: Senators Hargrove and Swecker

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

SECOND READING

SENATE BILL NO. 5800, by Senators Fraser, Swecker, Fairley, Murray, Shin and Kline

Regarding shorelines of statewide significance.

MOTION

On motion of Senator Fraser, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Swecker be adopted.

On page 4, line 12, after "the" strike "north" and insert "northwest" and after "of" strike "Water Street" and insert "Capitol Waterway"

On page 4, line 15, strike "south" and insert "southwest" and after "of" strike "Water Street" and insert "Capitol Waterway"

On page 9, line 12, after "from the" strike "centerline of Water Street" and insert "western boundary of Capitol Waterway"

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Swecker on page 4, line 12 to Substitute Senate Bill No. 5800.

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

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Sheldon, Swecker and Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Becker, Benton, Brandland, Delvin, Hatfield, Hobbs, Holmquist, McCaslin, Sheldon and Tom

Excused: Senators Brown, Hewitt and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5030, by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach

Concerning militia records, property, command, and administration.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott,

Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hewitt

SUBSTITUTE SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Prentice, Regala, Pflug, Shin and Parlette

Concerning internet and mail order sales of tobacco products.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Hewitt

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5368, by Senators Prentice, Parlette, Fraser, Regala, Shin and Keiser

Making provisions for all counties to value property annually for property tax purposes.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5368 was advanced to third reading,

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senators Tom and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Carrell, Morton, Stevens, Tom and Zarelli

Absent: Senator Kohl-Welles

Excused: Senators Brown, Hewitt and Holmquist

SUBSTITUTE SENATE BILL NO. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5765, by Senator Schoesler

Regarding the fruit and vegetable district fund.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5765 was substituted for Senate Bill No. 5765 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,

Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

SUBSTITUTE SENATE BILL NO. 5765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5595, by Senators Keiser, King, Marr, Honeyford and Kohl-Welles

Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5595 was substituted for Senate Bill No. 5595 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Keiser and Schoesler be adopted.

On page 3, after line 19, insert the following:

"(4) In the case of motorhomes, this section applies only to manufacturer-initiated termination, cancellation, or nonrenewal of a franchise."

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Schoesler on page 3, after line 19 to Substitute Senate Bill No. 5595.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, having received the constitutional majority, was declared

FIFTY-THIRD DAY, MARCH 5, 2009

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senators Haugen and Swecker

Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

Senator Haugen spoke in favor of the substitute bill.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Holmquist, Honeyford, King, Parlette, Regala, Stevens and Zarelli

Excused: Senators Brown, Hewitt and Kohl-Welles

SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5225, by Senators Kline and Hargrove

Concerning crimes against property.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) An organized retail crime task force is created for the purpose of monitoring the effects of raising the monetary threshold amounts differentiating the various degrees of property crimes in Washington state. The task force is directed to examine the impact of raising these values on (a) the retail industry; (b) the district and municipal courts; and (c) the county and city offices of the prosecuting attorney. The task force shall also examine whether civil

immunity should be granted for retailers who create a common database of individuals suspected of theft and who deliver the database to law enforcement agencies. In addition, the task force is charged with identifying any policies or procedures which would enhance the successful investigation and prosecution of property crimes in Washington state.

(2) The task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) One member appointed by the Washington association of prosecuting attorneys;

(d) One member appointed by the Washington association of criminal defense lawyers;

(e) One member appointed by the association of Washington cities;

(f) One member appointed by the association of Washington counties;

(g) One member appointed by the food industry association of Washington representing retail grocers who own a single store or a regional chain with less than ten million five hundred thousand dollars in gross revenues per location annually; and

(h) One member appointed by the Washington association of retailers representing a retailer who owns a single store or a chain with one million five hundred thousand dollars or more in gross revenues annually.

The superior court judges association and the district and municipal court judges association are each invited to select a judge to be a member of the task force.

(3) The task force shall choose its chair from among its members and may conduct meetings, select officers, and prescribe rules of procedure.

(4) Staff for the task force will be provided by the staff of the legislature.

(5) Legislative members of the task force shall not be reimbursed for travel expenses. Nonlegislative members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations.

(6) The task force is subject to the open public meetings act, chapter 42.30 RCW.

(7) The task force shall report its findings and recommendations to the appropriate committees of the legislature eighteen months after the effective date of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The sentencing guidelines commission shall review the monetary threshold amounts differentiating the various degrees of property crimes in Washington state to determine whether such amounts should be modified. The sentencing guidelines commission shall report to the legislature with its recommendations by November 1, 2014, and every five years thereafter.

Sec. 3. RCW 4.24.230 and 1994 c 9 s 1 are each amended to read as follows:

(1) An adult or emancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares, or merchandise to his or her own use without having paid the purchase price thereof (~~shall be~~) is liable in addition to actual damages, for a penalty to the owner or seller in the amount of the retail value thereof not to exceed (~~one~~) two thousand eight hundred fifty dollars, plus an additional penalty of not less than one hundred dollars nor more than (~~two~~) six hundred thirty-eight dollars, plus all reasonable attorney's fees and court costs

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

expended by the owner or seller. A customer who orders a meal in a restaurant or other eating establishment, receives at least a portion thereof, and then leaves without paying, is subject to liability under this section. A person who shall receive any food, money, credit, lodging, or accommodation at any hotel, motel, boarding house, or lodging house, and then leaves without paying the proprietor, manager, or authorized employee thereof, is subject to liability under this section.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares, or merchandise to his or her own use without having paid the purchase price thereof, ~~((shall be))~~ is liable as a penalty to the owner or seller for the retail value of such goods, wares, or merchandise not to exceed ~~((five))~~ one thousand four hundred twenty-five dollars plus an additional penalty of not less than one hundred dollars nor more than ~~((two))~~ six hundred thirty-eight dollars, plus all reasonable attorney's fees and court costs expended by the owner or seller. The parent or legal guardian having the custody of an unemancipated minor, who orders a meal in a restaurant or other eating establishment, receives at least a portion thereof, and then leaves without paying, is subject to liability under this section. The parent or legal guardian having the custody of an unemancipated minor, who receives any food, money, credit, lodging, or accommodation at any hotel, motel, boarding house, or lodging house, and then leaves without paying the proprietor, manager, or authorized employee thereof, is subject to liability under this section. For the purposes of this subsection, liability shall not be imposed upon any governmental entity, private agency, or foster parent assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) Judgments and claims arising under this section may be assigned.

(4) A conviction for violation of chapter 9A.56 RCW shall not be a condition precedent to maintenance of a civil action authorized by this section.

(5) An owner or seller demanding payment of a penalty under subsection (1) or (2) of this section shall give written notice to the person or persons from whom the penalty is sought. The notice shall state:

"IMPORTANT NOTICE: The payment of any penalty demanded of you does not prevent criminal prosecution under a related criminal provision."

This notice shall be boldly and conspicuously displayed, in at least the same size type as is used in the demand, and shall be sent with the demand for payment of a penalty described in subsection (1) or (2) of this section.

Sec. 4. RCW 9A.48.070 and 1983 1st ex.s. c 4 s 1 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((one))~~ five thousand ~~((five hundred))~~ dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 5. RCW 9A.48.080 and 1994 c 261 s 17 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second

degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding ~~((two))~~ seven hundred fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 6. RCW 9A.48.090 and 2003 c 53 s 71 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

~~(2)((~~ta~~)) Malicious mischief in the third degree ((~~under~~ subsection (1)(a) of this section is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars.~~

~~—(b) Malicious mischief in the third degree under subsection (1)(a) of this section is a misdemeanor if the damage to the property is fifty dollars or less.~~

~~—(c) Malicious mischief in the third degree under subsection (1)(b) of this section)) is a gross misdemeanor.~~

Sec. 7. RCW 9A.56.030 and 2007 c 199 s 3 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; or

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony.

Sec. 8. RCW 9A.56.040 and 2007 c 199 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) ~~((two))~~ seven hundred fifty dollars in value but does not exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device.

(2) Theft in the second degree is a class C felony.

Sec. 9. RCW 9A.56.050 and 1998 c 236 s 4 are each amended to read as follows:

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed ~~((two))~~ seven hundred ~~((and))~~ fifty dollars in value, or (b) includes ten or more merchandise pallets, or ten or more beverage crates, or a combination of ten or more merchandise pallets and beverage crates.

(2) Theft in the third degree is a gross misdemeanor.

Sec. 10. RCW 9A.56.060 and 1982 c 138 s 1 are each amended to read as follows:

(1) Any person who shall with intent to defraud, make, or

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with ~~((said))~~ the bank or other depository, to meet ~~((said))~~ the check or draft, in full upon its presentation, ~~((shall be))~~ is guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor ~~((said))~~ the check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing ~~((said))~~ the check or draft ~~((shall be))~~ is guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than ~~((two))~~ seven hundred fifty dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of ~~((two))~~ seven hundred fifty dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a ~~((minimum))~~ fine of ((five)) up to one thousand one hundred twenty-five dollars. Of the fine imposed, at least ~~((fifty))~~ three hundred seventy-five dollars or an amount equal to one hundred fifty percent of the amount of the bank check, whichever is greater, shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may not suspend or defer ~~((only that))~~ any portion of the fine ~~((which is in excess of five hundred dollars))~~.

Sec. 11. RCW 9A.56.096 and 2007 c 199 s 17 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, lease-purchase, or loan agreement; or

(b) That the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (a) The address the renter, lessee, or borrower gave when the contract was made; or (b) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, lease-purchased, or loaned property.

(5)(a) Theft of rental, leased, lease-purchased, or loaned property is a class B felony if the rental, leased, lease-purchased, or loaned property is valued at ~~((one))~~ five thousand ~~((five hundred))~~ dollars or more.

(b) Theft of rental, leased, lease-purchased, or loaned property is a class C felony if the rental, leased, lease-purchased, or loaned property is valued at ~~((two))~~ seven hundred fifty dollars or more but less than ~~((one))~~ five thousand ~~((five hundred))~~ dollars.

(c) Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, lease-purchased, or loaned property is valued at less than ~~((two))~~ seven hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, to lease-purchase agreements as defined under RCW 63.19.010, and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

Sec. 12. RCW 9A.56.150 and 2007 c 199 s 6 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

Sec. 13. RCW 9A.56.160 and 2007 c 199 s 7 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds ~~((two))~~ seven hundred fifty dollars in value but does not exceed ~~((one))~~ five thousand ~~((five hundred))~~ dollars in value; or

(b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He or she possesses a stolen access device.

(2) Possessing stolen property in the second degree is a class C felony.

Sec. 14. RCW 9A.56.170 and 1998 c 236 s 2 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the third degree if he or she possesses (a) stolen property which does not exceed ~~((two))~~ seven hundred fifty dollars in value, or (b) ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

Sec. 15. RCW 9A.56.350 and 2006 c 277 s 2 are each amended to read as follows:

(1) A person is guilty of organized retail theft if he or she:

FIFTY-THIRD DAY, MARCH 5, 2009

2009 REGULAR SESSION

(a) Commits theft of property with a value of at least ~~((two))~~ seven hundred fifty dollars from a mercantile establishment with an accomplice; or

(b) Possesses stolen property, as defined in RCW 9A.56.140, with a value of at least ~~((two))~~ seven hundred fifty dollars from a mercantile establishment with an accomplice.

(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of ~~((one))~~ five thousand ~~((five hundred))~~ dollars or more. Organized retail theft in the first degree is a class B felony.

(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least ~~((two))~~ seven hundred fifty dollars, but less than ~~((one))~~ five thousand ~~((five hundred))~~ dollars. Organized retail theft in the second degree is a class C felony.

(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Theft committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred.

(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for such decision.

NEW SECTION. Sec. 16. A new section is added to chapter 3.50 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 17. A new section is added to chapter 3.66 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 18. A new section is added to chapter 35.20 RCW to read as follows:

Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant.

NEW SECTION. Sec. 19. This act applies to crimes committed on or after September 1, 2009."

Senators Kline, McCaslin and Brandland spoke in favor of adoption of the striking amendment.

Senators Roach, Honeyford and Benton spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and McCaslin to Substitute Senate Bill No. 5225.

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

MOTION

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

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 4.24.230, 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040,

9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.56.350; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, Marr, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown and Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 6, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 6, 2009

BARBARA BAKER, Chief Clerk

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Haugen, Hewitt, Holmquist, Jacobsen and Jarrett.

The United States Marine Corps and the United States Navy, Color Guard consisting of Corporal Vondarious Johnson; Lance Corporal Jesse Turner; Lance Corporal Glenn Roundtree; Seaman Adam Corbett and Seaman Apprentice Crystal Brown presented the Colors. Captain Ron Brown, Chaplain of the United States Navy offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the United States Marine Corps and United States Navy who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Secretary of State, Ralph Munro who was seated in the gallery.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,
ENGROSSED HOUSE BILL NO. 1679,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1025,
SUBSTITUTE HOUSE BILL NO. 1067,
SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752,
HOUSE BILL NO. 2117,
SUBSTITUTE HOUSE BILL NO. 2208,
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 1059,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1075,
SUBSTITUTE HOUSE BILL NO. 1090,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
SUBSTITUTE HOUSE BILL NO. 1135,
SECOND SUBSTITUTE HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1205,
SECOND SUBSTITUTE HOUSE BILL NO. 1252,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1292,
HOUSE BILL NO. 1302,
HOUSE BILL NO. 1312,
SUBSTITUTE HOUSE BILL NO. 1323,
SUBSTITUTE HOUSE BILL NO. 1328,
SECOND SUBSTITUTE HOUSE BILL NO. 1355,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1088,
HOUSE BILL NO. 1212,
HOUSE BILL NO. 1310,
SUBSTITUTE HOUSE BILL NO. 1647,
SUBSTITUTE HOUSE BILL NO. 1864,
HOUSE BILL NO. 1997,
HOUSE BILL NO. 2146,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,
ENGROSSED HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1457,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

HOUSE BILL NO. 1468,
HOUSE BILL NO. 1474,
SECOND SUBSTITUTE HOUSE BILL NO. 1484,
HOUSE BILL NO. 1498,
SECOND SUBSTITUTE HOUSE BILL NO. 1522,
SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED HOUSE BILL NO. 1499,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
SUBSTITUTE HOUSE BILL NO. 1554,
SUBSTITUTE HOUSE BILL NO. 1555,
SECOND SUBSTITUTE HOUSE BILL NO. 1580,
HOUSE BILL NO. 1640,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
HOUSE BILL NO. 1690,
SUBSTITUTE HOUSE BILL NO. 1692,
SUBSTITUTE HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1758,
SECOND SUBSTITUTE HOUSE BILL NO. 1762,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1818,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6120 by Senators Haugen, Swecker and Fraser

AN ACT Relating to the creation of a state property tax levy dedicated to parks; amending RCW 84.52.043, 84.52.065, 79A.05.215, 84.52.068, 39.89.020, and 39.102.020; creating a new section; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SJM 8015 by Senators McAuliffe and Keiser

Petitioning the President and Secretary of Education to commence proceedings to engage the nation with an awakening dialogue about our education system.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1152 by House Committee on Transportation (originally sponsored by Representatives Williams, Roach, Wallace, Orcutt, Moeller, Upthegrove, Simpson and Wood)

AN ACT Relating to providing notification stickers to drivers with certain disabilities or impairments; adding a

new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1195 by Representatives Haigh, Kristiansen and Hunt

AN ACT Relating to payment of undisputed claims; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Government Operations & Elections.

EHB 1227 by Representatives Springer, Warnick, Johnson, Lias, McCune, Ormsby and Morrell

AN ACT Relating to recreational vehicles used as primary residences in manufactured/mobile home communities; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1239 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney)

AN ACT Relating to parenting plans and residential schedules in dependency proceedings; amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062.

Referred to Committee on Human Services & Corrections.

SHB 1250 by House Committee on Capital Budget (originally sponsored by Representatives Orwall, Miloscia, Springer, Dunshee, Ormsby and Dickerson)

AN ACT Relating to allowing capital appropriations for the housing trust fund to be used for project application, review, selection, contracting, and project development; amending RCW 43.185.050; and reenacting and amending RCW 43.185.070 and 43.185A.030.

Referred to Committee on Ways & Means.

HB 1456 by Representative Dunshee

AN ACT Relating to preventing the conversion of natural resource lands; amending RCW 36.70A.350; and creating a new section.

Referred to Committee on Government Operations & Elections.

EHB 1464 by Representatives Springer, Ormsby, Orwall, Eddy, Eriks, Nelson, Kagi, Dickerson, Morrell, Wood and Goodman

AN ACT Relating to affordable housing incentive programs; and amending RCW 36.70A.540.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1492 by Representatives Pedersen, Pettigrew, Haler,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Kagi, Walsh, Darneille, Dickerson, Nelson, Moeller, Appleton, Roberts, Ormsby and Kenney

Referred to Committee on Labor, Commerce & Consumer Protection.

AN ACT Relating to the independent youth housing program; and amending RCW 43.63A.305 and 43.63A.307.

SHB 1843 by House Committee on Transportation (originally sponsored by Representatives Kagi, Rodne and Kenney)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to motor carrier regulation and compliance review; amending RCW 46.32.080, 46.32.085, 46.32.090, 46.32.100, and 46.16.615; adding a new section to chapter 46.32 RCW; and repealing 2007 c 419 s 18 (uncodified).

ESHB 1516 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

Referred to Committee on Transportation.

AN ACT Relating to recovering gear used in the coastal Dungeness crab fisheries; amending RCW 63.21.080; and adding a new section to chapter 77.70 RCW.

ESHB 1847 by House Committee on State Government & Tribal Affairs (originally sponsored by Representative Haigh)

Referred to Committee on Natural Resources, Ocean & Recreation.

AN ACT Relating to bid limits; amending RCW 28B.50.330, 28B.10.350, 35.22.620, 35.23.352, 35A.40.210, 36.32.235, 36.32.240, 36.32.250, 52.14.110, 35.61.135, 70.44.140, and 87.03.437; and reenacting and amending RCW 57.08.050.

HB 1536 by Representatives Clibborn, Roach, Eddy, Morris and Simpson

Referred to Committee on Government Operations & Elections.

AN ACT Relating to permits for and advertising by household goods carriers; amending RCW 81.80.010, 81.80.040, 81.80.070, 81.80.357, and 81.80.280; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SHB 1856 by House Committee on Judiciary (originally sponsored by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell)

SHB 1552 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune)

AN ACT Relating to public access at open public meetings; and amending RCW 34.05.325.

AN ACT Relating to protecting victims of sexual assault, sexual harassment, and stalking; and amending RCW 59.18.570 and 59.18.575.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Human Services & Corrections.

SHB 1595 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

SHB 1869 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley)

AN ACT Relating to creating a mechanism to transfer state forest lands with harvest encumbrances located in counties with a certain population to a different public land status; amending RCW 79.22.060 and 79.64.110; creating new sections; and providing an expiration date.

AN ACT Relating to transparency of health care cost information; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Ways & Means.

Referred to Committee on Health & Long-Term Care.

SHB 1740 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Hinkle)

HB 1880 by Representatives Armstrong, Hunt, Appleton, Alexander and Nelson

AN ACT Relating to issuance of licenses to practice dentistry; reenacting and amending RCW 18.32.195; providing an effective date; and declaring an emergency.

AN ACT Relating to ballot envelopes; and amending RCW 29A.40.091.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Government Operations & Elections.

SHB 1812 by House Committee on Commerce & Labor (originally sponsored by Representatives Newhouse, Conway, Chandler, Moeller and Sullivan)

SHB 1898 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Warnick and Pearson)

AN ACT Relating to wine labels; and amending RCW 66.28.110.

AN ACT Relating to setting priorities for higher education capital projects; and amending RCW 43.88D.010.

Referred to Committee on Ways & Means.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

SHB 1984 by House Committee on Ecology & Parks (originally sponsored by Representatives Finn, Armstrong, Uptegrove and Wood)

AN ACT Relating to motor vehicle air conditioning equipment; and amending RCW 46.37.470.

Referred to Committee on Environment, Water & Energy.

ESHB 1996 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Armstrong and Eddy)

AN ACT Relating to locating underground facilities; amending RCW 19.122.020 and 19.122.030; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

HB 2014 by Representatives Kelley, Ericksen, Green and Morrell

AN ACT Relating to tamper-resistant prescription pads; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health & Long-Term Care.

EHB 2044 by Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody and Carlyle

AN ACT Relating to Washington state ferries incident and accident investigation policies; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

ESHB 2049 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Seaquist, Appleton, Hunt, Armstrong, Chandler, Chase and Miloscia)

AN ACT Relating to personnel practices regarding exempt employment; amending RCW 41.06.133 and 41.06.170; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 2129 by Representative Eddy

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.060.

Referred to Committee on Environment, Water & Energy.

HB 2142 by Representatives Roach, Santos and Priest

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9021, Alberta B. Clarkson, as a member of the Board of Trustees, South Puget Sound Community College District No. 24, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Hewitt, Holmquist, Roach and Swecker were excused.

MOTION

On motion of Senator Regala, Senators Brown, Jarrett, McAuliffe and Oemig were excused.

APPOINTMENT OF ALBERTA B. CLARKSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9021, Alberta B. Clarkson as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9021, Alberta B. Clarkson as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Haugen and Jacobsen

Excused: Senators Brown, Hewitt, Holmquist, Jarrett, McAuliffe and Oemig

Gubernatorial Appointment No. 9021, Alberta B. Clarkson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9062, Bruce Kendall, as Chair of the Economic Development Commission, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Morton was excused.

MOTION

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On motion of Senator McDermott, Senators Brown and Kilmer were excused.

MOTION

On motion of Senator Kauffman, Senators Haugen, Jacobsen and Marr were excused.

APPOINTMENT OF BRUCE KENDALL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9062, Bruce Kendall as Chair of the Economic Development Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9062, Bruce Kendall as Chair of the Economic Development Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Haugen, Hewitt, Jacobsen, Jarrett, Kilmer, McAuliffe and Oemig

Gubernatorial Appointment No. 9062, Bruce Kendall, having received the constitutional majority was declared confirmed as Chair of the Economic Development Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9086, Mary Moss, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Benton was excused.

APPOINTMENT OF MARY MOSS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9086, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9086, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt, Jacobsen, Jarrett, McAuliffe and Oemig

Gubernatorial Appointment No. 9086, Mary Moss, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Clover Park Technical College District No. 29.

SECOND READING

SENATE BILL NO. 5401, by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline

Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Revised for 1st Substitute: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Oemig

SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5413, by Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr

Concerning the assault of a law enforcement officer or other employee of a law enforcement agency.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5413 and the bill passed the Senate by the following

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Rockefeller

Excused: Senators Hewitt, Jacobsen and Jarrett

SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5671, by Senators Berkey, Franklin, Shin and Haugen

Requiring annuities sold in Washington to be suitable to the age and financial situation of the purchaser. Revised for 1st Substitute: Determining the suitability of annuities sold in Washington.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5671 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5417, by Senators Berkey, Franklin, Shin and Roach

Requiring the disclosure of information on flood insurance coverage.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5284, by Senators Keiser, Holmquist, Kohl-Welles, Pridemore, Marr and Kauffman

Concerning truth in music advertising.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5531, by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom and Franklin

Modifying provisions relating to consumer protection act violations.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Kohl-Welles spoke in favor of passage of the bill.

Senators Holmquist and Honeyford spoke against passage of the bill.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Hewitt, Jarrett and Tom

SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5671 which had been deferred earlier in the day.

MOTION

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

On page 5, after line 8, insert the following:

"(10) This section does not affect the application of chapter 21.20 RCW."

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 5, after line 8 to Substitute Senate Bill No. 5671.

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

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5671.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala,

Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Hewitt, Jarrett and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5978, by Senators Haugen and Kohl-Welles

Establishing certain consumer rebate requirements.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5978 was substituted for Senate Bill No. 5978 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Kohl-Welles be adopted.

On page 1, line 13, strike "with" and insert "without".

Senator Haugen spoke in favor of adoption of the amendment.

Senator Haugen spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Kohl-Welles on page 1, line 13 to Substitute Senate Bill No. 5978.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5978.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Fairley, Hewitt and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

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

MOTION

Senator Kauffman moved adoption of the following resolution:

SENATE RESOLUTION
8615

By Senators Kauffman, Brandland, McAuliffe, Regala, Jarrett, Murray, Franklin, Sheldon, Brown, Kohl-Welles, Marr, King, Keiser, Shin, Eide, Kline, Fairley, Prentice, Berkey, Fraser, Kilmer, Hobbs, McDermott, and Hargrove

WHEREAS, Childhaven (originally Seattle Day Nursery) was one of the first child care centers in the nation, beginning in 1909, and has cared for children in the state of Washington and is celebrating 100 years; and

WHEREAS, In 1909, Reverend Mark Matthews of First Presbyterian Church, planned for and opened a day nursery to meet the needs of women who had to work because they were widowed or abandoned, or their husbands were unable to work because they were injured at work and existing on the contributions of the citizens who donated goods and volunteered their time; and

WHEREAS, In 1921, Seattle Day Nursery completed a new child care building, the first structure west of the Mississippi to be constructed specifically as a child care facility, and was also selected to be a charter member of the newly formed Community Chest (later called United Way of King County); and

WHEREAS, During World War I and World War II, when industry needed women to employ, Seattle Day Nursery served as a support system for those who worked in the shipyards, for The Boeing Company, in defense plants, and for other vital businesses in this state – setting the standard for good child care, which was becoming an industry in its own right; and

WHEREAS, In 1973, Executive Director Patrick L. Gogerty, who had an extensive background working with juvenile delinquents and realized the link between early abuse and neglect - and later criminal behavior, worked with Child Protective Services to develop the Therapeutic Child Care Program model and meet an unmet need of support for the youngest and most vulnerable victims of abuse and neglect, children age one month through five years; and

WHEREAS, The Washington state legislature has passed legislation providing state funds for Seattle Day Nursery to conduct empirical research on the effectiveness of using the Therapeutic Child Care Program model to provide early intervention and treatment to abused or neglected children under the age of twenty-four months, which, based on the results, led Seattle Day Nursery to transition all of its locations to Therapeutic Child Care and receive referrals from Child Protective Services for the children it cared for; and

WHEREAS, Seattle Day Nursery changed its name to Childhaven in 1985 to adequately reflect the mission of the agency and the expansion of services to other areas in King county; and

WHEREAS, In 1989, Childhaven developed the first, and still only, crisis nursery program in King county, focusing on preventing possible abuse and neglect by offering parents a safe place for their children during times of stress and crisis – and in 1990 established the Drug-Affected Infant Program, the first of its kind in Washington state, to treat children from birth through

five years of age whose parents are enrolled in chemical dependency treatment programs; and

WHEREAS, In 2009, Childhaven celebrates 100 years of services to children in King county;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington officially recognize the invaluable work that Childhaven provides to the youngest and most vulnerable citizens of this state: Infants, toddlers, and preschoolers.

Senators Kauffman, King and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representative of Childhaven who were seated in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 5286, by Senators Regala, Hargrove and Kohl-Welles

Regarding exemptions from the WorkFirst program.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5286 was substituted for Senate Bill No. 5286 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5286 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5228, by Senators Haugen and Morton

Regarding day labor construction projects and programs.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Revised for 1st Substitute: Regarding construction projects by county forces.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5322.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Marr moved that the following amendment by Senator Haugen be adopted.

On page 4, line 31, after "expenditure for" strike "day labor" and insert "~~((day labor))~~ county forces"

On page 5, lines 5, after "by" strike "day labor" and insert "~~((day labor))~~ county forces"

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 4, line 31 to Substitute Senate Bill No. 5228.

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

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5322, by Senator Fairley

Creating a five-member option for civil service commissions for sheriffs' offices.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5834, by Senators Kohl-Welles and Holmquist

Regarding alcoholic beverage regulation.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5834 was substituted for Senate Bill No. 5834 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Roach

Excused: Senators Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I inadvertently voted "Nay" on Substitute Senate Bill No. 5834 which revises statutory provisions regarding regulation of alcoholic beverages. I wish the Journal to reflect that I support passage of this measure.

SENATOR ROACH, 31ST Legislative District

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

SECOND READING

SENATE BILL NO. 5403, by Senators Keiser, Hewitt, Honeyford, Franklin and Kohl-Welles

Concerning the contractual relationships between distributors and producers of malt beverages.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senators King and Keiser be adopted.

On page 6, line 9, after "termination" strike "pursuant to subsection (2) of this section,"

On page 6, after line 14, insert the following:

"(8) Unless the parties otherwise agree, or the arbitrator for good cause shown orders otherwise, an arbitration conducted pursuant to subsection (7) of this section shall proceed as follows:

(a) Notice of intent to arbitrate must be served within forty days after the terminated distributor receives notice of the terminated distribution rights;

(b) The arbitration must be conducted within ninety days after service of the notice of intent to arbitrate; and

(c) The arbitrator or arbitrators must issue an order within thirty days after completion of the arbitration."

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

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Keiser on page 6, line 9 to Substitute Senate Bill No. 5403.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5893, by Senators Berkey, Benton, Hobbs, Schoesler and Shin

Concerning actions by insurance companies against violators. Revised for 1st Substitute: Establishing provisions for actions by insurance companies against violators.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5893 was substituted for Senate Bill No. 5893 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hewitt and Tom

SUBSTITUTE SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:06 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9085, Mauri Moore, as a member of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

Senator Shin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Hewitt, Roach and Zarelli were excused.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

APPOINTMENT OF MAURI MOORE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9085, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9085, Mauri Moore as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hargrove, Jarrett, Kline and Oemig

Excused: Senator Hewitt

Gubernatorial Appointment No. 9085, Mauri Moore, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Kauffman, Senator Jarrett was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9072, Debra Lisser, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Kline was excused.

APPOINTMENT OF DEBRA LISSER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9072, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9072, Debra Lisser as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

Gubernatorial Appointment No. 9072, Debra Lisser, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Skagit Valley Community College District No. 4.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9015, Jack Burkman, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

APPOINTMENT OF JACK BURKMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9015, Jack Burkman as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9015, Jack Burkman as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Excused: Senators Hewitt, Jarrett and Swecker

Gubernatorial Appointment No. 9015, Jack Burkman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

SECOND READING

SENATE BILL NO. 5980, by Senators Oemig, Brandland and Fraser

Renaming components of the formula for allotment of appropriations for school plant facilities.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5980 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5980.

ROLL CALL

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5980 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SENATE BILL NO. 5980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5285, by Senators Regala, Hargrove, Kauffman and Stevens

Revising procedures for appointment of guardians ad litem.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, King, McCaslin, Parlette and Zarelli

Excused: Senators Hewitt, Jarrett and Keiser

SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5032, by Senators Hobbs, Swecker, McCaslin, Shin, Berkey, Haugen, Hatfield, McAuliffe and Kilmer

Concerning the Washington code of military justice.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5032 was substituted for Senate Bill No. 5032 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senators Hobbs and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.32.010 and 1989 c 19 s 39 are each amended to read as follows:

Any member of the organized militia committing nonmilitary offenses under chapter 38.38 RCW while on duty status ((as provided in RCW 38.38.624,)) or within state armories((, committing offenses against the laws of the state,)) shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Sec. 2. RCW 38.32.020 and 1989 c 19 s 40 are each amended to read as follows:

(1) Military offenses under chapter 38.38 RCW committed ((while on inactive duty or active state service as defined in RCW 38.04.010)) by members of the organized militia may be tried and punished as provided under chapter 38.38 RCW ((after this duty or service has terminated, and if found guilty the accused shall be punished accordingly. Any member of the organized militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial)).

(2) Primary jurisdiction over military offenses enumerated in chapter 38.38 RCW is with military authorities. Primary jurisdiction over nonmilitary offenses is with civilian authorities. If an offense may be both military and nonmilitary, the military authorities may proceed only after the civilian authorities have declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by whether the underlying offense is a military or nonmilitary offense.

(3) Any member of the organized militia ((on "inactive duty" or "active state service," as defined in RCW 38.04.010,)) committing any offense under chapter 38.38 RCW((;)) may, if such offense is committed ((upon)) on a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

Sec. 3. RCW 38.38.004 and 1989 c 48 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Organized militia" means the national guard of the state, as defined in section 101(3) of title 32, United States Code, and any other military force organized under the laws of the state of Washington.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

(2) "Officer" means commissioned or warrant officer.

(3) "Commissioned officer" includes a commissioned warrant officer.

(4) "Commanding officer" includes only commissioned officers in command of a unit.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(6) "Enlisted member" means a person in an enlisted grade.

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) "Rank" means the order of precedence among members of the organized militia.

(9) ~~(The term "active state service" or "active training duty" shall be construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States.~~

~~The term "inactive duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty.~~

~~(10))~~ "Military court" means a court-martial or a court of inquiry.

~~((11))~~ (10) "Military judge" means the presiding officer of a general or special court-martial detailed in accordance with RCW 38.38.256.

~~((12))~~ (11) "State judge advocate" means the commissioned judge advocate officer responsible for supervising the administration of the military justice in the organized militia.

~~((13))~~ (12) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

~~((14))~~ (13) "Military" refers to any or all of the armed forces.

~~((15))~~ (14) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

~~((16))~~ (15) "May" is used in a permissive sense. The words "no person may. . ." mean that no person is required, authorized, or permitted to do the act prescribed.

~~((17))~~ (16) "Shall" is used in an imperative sense.

~~((18))~~ (17) "Code" means this chapter.

~~((19))~~ (18) "A month's pay" or fraction thereof shall be calculated based upon a member's basic pay entitlement as if the member were serving for a thirty-day period.

(19) "Judge advocate" means an officer of the army or air national guard designated as a judge advocate by the judge advocate general of the army or the judge advocate general of the air force.

(20) "Military offense" means those offenses listed in RCW 38.38.644 through 38.38.800 and sections 25 and 26 of this act.

(21) "Nonmilitary offense" means any offense other than those listed in Title 38 RCW.

Sec. 4. RCW 38.38.008 and 1989 c 48 s 2 are each amended to read as follows:

This code applies to all members of the organized militia who are not in federal service pursuant to Title 10 U.S.C.

Sec. 5. RCW 38.38.024 and 1989 c 48 s 6 are each amended to read as follows:

(1) The governor, on the recommendation of the adjutant general, shall appoint ~~((am))~~ a judge advocate officer of the ~~((organized militia))~~ army or air national guard as state judge advocate. To be eligible for appointment, an officer must be a

member of the bar of the highest court of the state and must have been a member of the bar of the state for at least five years.

(2) The adjutant general may appoint as many assistant state judge advocates as he or she considers necessary. To be eligible for appointment, assistant state judge advocates must be officers of the organized militia and members of the bar of the highest court of the state.

(3) The state judge advocate or assistants shall make frequent inspections in the field in supervision of the administration of military justice.

(4) Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate.

(5) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate to any reviewing authority upon the same case.

(6) No judge advocate may be assigned nonlegal duties unless authorized by the state judge advocate.

NEW SECTION. Sec. 6. A new section is added to chapter 38.38 RCW to read as follows:

A military judge must be a judge advocate. The adjutant general shall prescribe procedures for certifying, appointing, detailing, and removing military judges.

Sec. 7. RCW 38.38.080 and 1989 c 48 s 11 are each amended to read as follows:

Persons confined other than in a guard house, whether before, during, or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons designated by the governor or ~~((by such person as the governor may authorize to act))~~ the adjutant general.

Sec. 8. RCW 38.38.092 and 1989 c 48 s 14 are each amended to read as follows:

(1) Under such regulations as may be prescribed ~~((under this code))~~ by the adjutant general, a person subject to this code ~~((who is on active state service or inactive duty))~~ who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to military custody for the completion of the sentence.

Sec. 9. RCW 38.38.132 and 1991 c 43 s 5 are each amended to read as follows:

(1) Under such regulations as the governor may prescribe, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the organized militia under this section if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the governor, a commanding officer exercising general court-

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

martial jurisdiction or an officer of general rank in command may delegate powers under this section to a principal assistant.

(2) Subject to subsection (1) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his or her command:

(i) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive duty or drill days;

(ii) If imposed by an officer exercising general court-martial jurisdiction or an officer of general rank in command:

(A) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(B) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive drill or duty days;

(C) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month;

(b) Upon other personnel of his or her command:

(i) If imposed upon a person attached to or embarked in a vessel, confinement for not more than three consecutive days;

(ii) Forfeiture of not more than seven days' pay;

(iii) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(iv) Extra duties, including fatigue or other duties for not more than fourteen duty or drill days, which need not be consecutive, and for not more than two hours per day, holidays included;

(v) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(vi) Detention of not more than fourteen days' pay;

(vii) If imposed by ~~((an))~~ a commanding officer of the grade of major or above:

(A) The punishment authorized in subsection (2)(b)(i) of this section;

(B) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(C) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(D) Extra duties, including fatigue or other duties, for not more than fourteen drill or duty days, which need not be consecutive, and for not more than two hours per day, holidays included;

(E) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(F) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. Extra duties and restriction may not be combined to run consecutively in the maximum amount imposable for each. Whenever any such punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment.

(3) An officer in charge may impose upon enlisted members assigned to the unit of which the officer is in charge such of the punishment authorized under subsection (2)(b) of this section as the governor may specifically prescribe by regulation.

(4) The officer who imposes the punishment authorized in subsection (2) of this section, or a successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (2) of this section, whether or not executed. In addition, the officer may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating extra duties to restriction, the restriction shall not be longer than the number of hours of extra duty that may have been imposed. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(5) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(a) Forfeiture of more than seven days' pay;

(b) Reduction of one or more pay grades from the fourth or a higher pay grade;

(c) Extra duties for more than ten days;

(d) Restriction for more than ten days; or

(e) Detention of more than fourteen days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2) of this section.

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The governor may by regulation prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

Sec. 10. RCW 38.38.180 and 1963 c 220 s 18 are each amended to read as follows:

Subject to RCW 38.38.176, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

(1) A fine of not more than ~~((two))~~ three hundred dollars;

(2) Forfeiture of pay and allowances;

(3) A reprimand;

(4) Dismissal or dishonorable discharge;

(5) Reduction of a noncommissioned officer to the ranks; or

(6) Any combination of these punishments.

Sec. 11. RCW 38.38.188 and 1989 c 48 s 19 are each amended to read as follows:

(1) Subject to RCW 38.38.176, summary courts-martial have jurisdiction to try persons subject to this code, except officers for any offense made punishable by this code.

(2) No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if the person objects thereto, unless under RCW 38.38.132 the person has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court-martial is made by an accused who has been permitted to refuse punishment under RCW 38.38.132, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) A summary court-martial may sentence to a fine of not more than twenty-five dollars for a single offense, to forfeiture of ~~((pay and allowances))~~ not more than one-half month's pay for two months, to reduction in rank of enlisted soldiers, and to reduction of a noncommissioned officer to the ranks.

Sec. 12. RCW 38.38.240 and 1989 c 48 s 22 are each amended to read as follows:

In the organized militia not in federal service pursuant to Title 10 U.S.C., general courts-martial may be convened by the president or by the governor, or by the ~~((commanding general of the national guard of the District of Columbia))~~ adjutant general.

Sec. 13. RCW 38.38.244 and 1989 c 48 s 23 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a general court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command~~((s))~~ may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

(2) A special court-martial may not try a commissioned officer.

Sec. 14. RCW 38.38.248 and 1989 c 48 s 24 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a special court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment~~((s))~~ may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(2) When only one commissioned officer is present with a command or detachment the commissioned officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him or her. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable.

Sec. 15. RCW 38.38.312 and 1989 c 48 s 30 are each amended to read as follows:

(1) No person subject to this code may compel a person~~((s))~~ to incriminate ~~((themselves))~~ himself or herself or to answer any question the answer to which may tend to incriminate ~~((them))~~ himself or herself.

(2) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising that the person does not have to make any statement regarding the offense of which he or she is accused or suspected and that any statement made by the person may be used as evidence against him or her in a trial by court-martial.

(3) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

Sec. 16. RCW 38.38.316 and 1989 c 48 s 31 are each amended to read as follows:

(1) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him or her and of the right to be represented at that investigation by counsel. The accused has a right to be represented at that investigation as provided in RCW 38.38.376 and in regulations prescribed under that section.

At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him or her if they are available and to present anything the person may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) ~~((hereof))~~ of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after being informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his or her own behalf.

(4) If evidence adduced in an investigation under this chapter indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

(a) Is present at the investigation;

(b) Is informed of the nature of each uncharged offense investigated; and

(c) Is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) of this section.

(5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

Sec. 17. RCW 38.38.376 and 1989 c 48 s 37 are each amended to read as follows:

(1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

~~((The accused has the right to be represented in his or her defense before a general or special court-martial by civilian counsel if provided by the accused, or by military counsel of his or her own selection if reasonably available as defined in regulations of the governor, or by the defense counsel detailed under RCW 38.38.260. Should the accused have civilian counsel of his or her own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as associate counsel; otherwise they shall be excused by the military judge or president of a special court-martial.~~

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

~~— (3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate and assist the accused in the submission of any matter under RCW 38.38.536.~~

~~— (4)) The accused has the right to be represented in his or her defense before a general or special court-martial or at an investigation under RCW 38.38.316 as provided in this subsection.~~

~~(a) The accused may be represented by civilian counsel if provided at his or her own expense.~~

~~(b) The accused may be represented by:~~

~~(i) Military counsel detailed under RCW 38.38.260; or~~

~~(ii) Military counsel of his or her own selection if that counsel is reasonably available, as determined under regulations prescribed under subsection (3) of this section.~~

~~(c) If the accused is represented by civilian counsel, military counsel detailed or selected under (b) of this subsection shall act as associate counsel unless excused at the request of the accused.~~

~~(d) Except as provided under (e) of this subsection, if the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, any military counsel detailed under (b)(i) of this subsection shall be excused.~~

~~(e) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under RCW 38.38.260 to detail counsel in his or her sole discretion:~~

~~(i) May detail additional military counsel as assistant defense counsel; and~~

~~(ii) If the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, may approve a request from the accused that military counsel detailed under (b)(i) of this subsection act as associate defense counsel.~~

~~(3) The state judge advocate shall, by regulation, define "reasonably available" for the purpose of subsection (2) of this section and establish procedures for determining whether the military counsel selected by an accused under subsection (2) of this section is reasonably available.~~

~~(4) In any court-martial proceeding resulting in a conviction, the defense counsel:~~

~~(a) May forward for attachment to the record of proceedings a brief of such matters as he or she determines should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate;~~

~~(b) Shall assist the accused in the submission of any matter under RCW 38.38.536; and~~

~~(c) May take other action authorized by this chapter.~~

~~(5) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when qualified to be a trial counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.~~

~~((5)) (6) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when qualified to be the defense counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.~~

Sec. 18. RCW 38.38.388 and 1989 c 48 s 40 are each amended to read as follows:

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or, if none, the court shall determine the relevance and validity of

challenges for cause and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by RCW 38.38.172, all parties shall, notwithstanding RCW 38.38.268, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.

(3) Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

(4) If exercise of a peremptory challenge reduces the court below the minimum number of members required by RCW 38.38.172, the parties shall, notwithstanding RCW 38.38.268, either exercise or waive any remaining peremptory challenge, that has not been previously waived, against the remaining members of the court before additional members are detailed to the court.

(5) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Sec. 19. RCW 38.38.396 and 1989 c 48 s 42 are each amended to read as follows:

(1) A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under RCW 38.38.784 is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under RCW 38.38.132 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under RCW 38.38.132.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(5) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

(a) Has expired; or

(b) Will expire within one hundred eighty days after the date of dismissal of the charges and specifications trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in subsection (6) of this section are met.

(6) The conditions referred to in subsection (5) of this section are that the new charges and specifications must:

(a) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty days after the dismissal of the charges or specifications; and

(b) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Sec. 20. RCW 38.38.408 and 1989 c 48 s 45 are each amended to read as follows:

(1) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe.

(2) The president of a special court-martial, military judge, military magistrate, or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

(3) Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and shall be executed by civil officers as prescribed by the laws of the state.

Sec. 21. RCW 38.38.412 and 1989 c 48 s 46 are each amended to read as follows:

(1) Any person not subject to this code who:

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the superior court of the state; and

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; is guilty of an offense against the state.

(2) Any person who commits an offense named in subsection (1) of this section shall be tried before the superior court of this state having jurisdiction and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

(3) The prosecuting attorney in any such court, upon the certification of the facts by the military court, commission, court of inquiry, or board, shall prosecute any person violating this section.

Sec. 22. RCW 38.38.624 and 1963 c 220 s 75 are each amended to read as follows:

No person may be tried or punished for any offense provided for in RCW 38.38.628 through 38.38.800, unless ~~((it was committed while he was in a duty status))~~ he or she was a member of the organized militia at the time of the offense.

Sec. 23. RCW 38.38.752 and 1963 c 220 s 107 are each amended to read as follows:

Any person subject to this code who ~~((while in a duty status;))~~ willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court-martial may direct.

Sec. 24. RCW 38.38.760 and 1963 c 220 s 109 are each amended to read as follows:

~~((Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court martial may direct.))~~

(1) Any person subject to this code who:

(a) Operates or physically controls any vehicle, aircraft, or

vessel in a reckless or wanton manner or while impaired by a substance described in section 25; or

(b) Operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (2) of this section; or

(c) Operates or is in actual physical control of any vehicle, aircraft, or vessel in a reckless or wanton manner shall be punished as a court-martial may direct.

(2) For purposes of subsection (1) of this section, the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.08 grams of alcohol per one hundred milliliters of blood and with respect to alcohol concentration in a person's breath is 0.08 grams of alcohol per two hundred ten liters of breath, as shown by chemical analysis.

(3) For purposes of this section, "blood alcohol content limit" means the amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

NEW SECTION. Sec. 25. A new section is added to chapter 38.38 RCW to read as follows:

(1) Any person subject to this code who wrongfully uses, possesses, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces or organized militia a substance described in subsection (2) of this section shall be punished as a court-martial may direct.

(2) The substances referred to in subsection (1) of this section are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(b) Any substance not specified in (a) of this subsection that is listed on a schedule of controlled substances prohibited by the United States army; or

(c) Any other substance not specified in this subsection that is listed in Schedules I through V of section 202 of the federal controlled substances act, 21 U.S.C. Sec. 812, as amended.

NEW SECTION. Sec. 26. A new section is added to chapter 38.38 RCW to read as follows:

Any person subject to this code who attempts or offers with unlawful force or violence to do bodily harm to another member of the organized militia, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

Sec. 27. RCW 38.38.800 and 1989 c 48 s 71 are each amended to read as follows:

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the organized militia, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault in the first degree, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.

Sec. 28. RCW 38.38.840 and 1989 c 48 s 72 are each amended to read as follows:

(1) Courts of inquiry to investigate any matter may be convened by the governor, the adjutant general, or by any other person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry: PROVIDED, That upon the request of the officer involved such an inquiry shall be instituted as hereinabove set forth.

(2) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

authority shall also appoint counsel for the court.

(3) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the state military department, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(7) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 29. RCW 38.38.844 and 1989 c 48 s 73 are each amended to read as follows:

(1) The following members of the organized militia may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

(a) The state judge advocate and all assistant state judge advocates;

(b) All law specialists or paralegals;

(c) All summary courts-martial;

(d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(e) The military judge, president, trial counsel, and assistant trial counsel for all general and special courts-martial;

(f) The president and the counsel for the court of any court of inquiry;

(g) All officers designated to take a deposition;

(h) All commanding officers of units of the organized militia;

(i) All officers of the organized militia designated as recruiting officers;

(j) All persons detailed to conduct an investigation; and

~~((f))~~ (k) All other persons designated by regulations of the (governor) adjutant general.

(2) ~~((Officers of the organized militia may not be authorized to administer oaths as provided in this section unless they are on active state service or inactive duty for training in or with those forces under orders of the governor as prescribed in this code.~~

~~(3))~~ The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of the person's authority.

Sec. 30. RCW 38.38.848 and 1989 c 48 s 74 are each amended to read as follows:

(1) RCW 38.38.008, 38.38.012, 38.38.064 through 38.38.132, 38.38.252, 38.38.260, 38.38.372, 38.38.480, 38.38.624 through 38.38.792, and 38.38.848 through 38.38.860 shall be carefully explained to every enlisted member;

(a) At the time of the member's enlistment or transfer or induction ((into, or));

(b) At the time of the member's order to duty in or with any

of the organized militia; or

~~(c) Within ((thirty)) forty days thereafter. ((They))~~

(2) These sections shall also be explained ((annually to each unit of the organized militia)) again to each member of the organized militia each time a member of the organized militia reenlists or extends his or her enlistment.

(3) A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the organized militia, upon request, for personal examination."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hobbs and Swecker to Substitute Senate Bill No. 5032.

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

MOTION

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

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Hewitt, Jarrett and Keiser

ENGROSSED SUBSTITUTE SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5374, by Senator Fairley

Regarding the board of directors of an air pollution control authority.

The measure was read the second time.

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Sheldon

Excused: Senators Hewitt, Jarrett and Keiser

SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5426, by Senators Kastama, Berkey and Fairley

Authorizing certain areas in cities or towns to annex to a fire protection district.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jarrett and Keiser

SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5738, by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom

Requiring the office of the superintendent of public instruction to review annual school district compliance reports.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5738 was substituted for Senate Bill No. 5738 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5738.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5738 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5891, by Senator Keiser

Establishing a forum for testing primary care medical home reimbursement pilot projects.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the Senate

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Jarrett

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6033, by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

Creating the prevent or reduce owner-occupied foreclosure program.

The measure was read the second time.

MOTION

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

On page 2, line 29, after "by the" strike "housing finance commission" and insert "prevent or reduce owner-occupied foreclosure oversight committee established under section 4 of this act"

On page 3, after line 30, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 43.320 RCW to read as follows:

(1) The housing finance commission must establish a prevent or reduce owner-occupied foreclosure oversight committee to consist of:

(a) Two members of the senate and two alternate members, appointed by the president of the senate, with no more than one member and one alternate from each caucus of the senate;

(b) Two members of the house of representatives and two alternate members, appointed by the speaker of the house of representatives, with no more than one member and one alternate from each caucus of the senate;

(c) The director of the department of financial institutions or his or her designee as an ex officio member;

(d) The executive director of the housing finance commission or his or her designee as an ex officio member;

(e) A representative of the Washington state bar association as a nonvoting member;

(f) A representative of the office of civil legal aid as a nonvoting member;

(g) A representative of the Washington banker's association as a nonvoting member; and

(h) A representative of the Washington state board of accountancy as a nonvoting member.

(2) The members of the prevent or reduce owner-occupied foreclosure oversight committee shall serve without compensation of any kind.

(3) The prevent or reduce owner-occupied foreclosure oversight committee shall serve as the housing finance commission's principal advisory body on the prevent or reduce owner-occupied foreclosure program, and must:

(a) Develop criteria for success of the program that may include, but not be limited to: The number of homeowners served; number of workouts achieved; amount of federal funds received for homeowner stabilization; decreases in foreclosure rate; and number of volunteer professionals participating;

(b) Periodically evaluate the effectiveness of the program according to the criteria developed under (a) of this subsection;

(c) Develop and maintain an inventory of state and federal housing assistance programs directed to stabilize owner-occupied homes; and

(d) Coordinate all state efforts related to prevention or reduction of owner-occupied foreclosures.

(4) Any of the duties listed under subsection (3) of this section may be delegated to the executive director of the housing finance commission.

(5) The prevent or reduce owner-occupied foreclosure oversight committee shall meet regularly.

(6) The housing finance commission must supply information and assistance that are deemed necessary for the prevent or reduce owner-occupied foreclosure oversight committee to carry out its duties under this section.

(7) The housing finance commission shall provide administrative and clerical assistance to the prevent or reduce owner-occupied foreclosure oversight committee."

Senator Berkey spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 2, line after 27 to the amendment to Senate Bill No. 6033 was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 2, line 29 to Senate Bill No. 6033.

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

MOTION

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.320.160, 43.320.165, and 43.320.170; and adding a new section to chapter 43.320 RCW."

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Senate Bill No. 6033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6033.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens,

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Swecker, Tom and Zarelli

Absent: Senator Keiser

Excused: Senators Hewitt and Jarrett

ENGROSSED SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5808, by Senator Fairley

Concerning the annexation of unincorporated areas served by fire protection districts.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5808 was substituted for Senate Bill No. 5808 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 12, after "shall" insert "jointly"

On page 5, line 12, after "shall" insert "jointly"

On page 11, line 8, after "shall" insert "jointly"

On page 15, line 21, after "shall" insert "jointly"

Senator Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 1, line 12 to Substitute Senate Bill No. 5808.

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

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Honeyford

Absent: Senator Regala

Excused: Senators Hewitt, Jarrett and Keiser
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6032, by Senators Berkey and Hobbs

Concerning exchange facilitators.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Beginning on page 7, line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. A person who engages in business as an exchange facilitator shall not, with respect to a like-kind exchange transaction, knowingly or with criminal negligence:

(1) Make a false, deceptive, or misleading material representation, directly or indirectly, concerning a like-kind transaction;

(2) Make a false, deceptive, or misleading material representation, directly or indirectly, in advertising or by any other means, concerning a like-kind transaction;

(3) Engage in any unfair or deceptive practice toward any person;

(4) Obtain property by fraud or misrepresentation;

(5) Fail to account for any moneys or property belonging to others that may be in the possession or under the control of the exchange facilitator;

(6) Commingle funds held for a client in any account that holds the exchange facilitator's own funds, except as provided in section 9(1)(a) of this act;

(7) Loan or otherwise transfer exchange funds to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except for the transfer of funds from an exchange facilitator to an exchange accommodation title holder in accordance with an exchange contract;

(8) Keep, or cause to be kept, any money in any bank, credit union, or other financial institution under a name designating the money as belonging to the client of any exchange facilitator, unless that money belongs to that client and was entrusted to the exchange facilitator by that client;

(9) Fail to fulfill its contractual duties to the client to deliver property or funds to the taxpayer in a material way unless such a failure is due to circumstances beyond the control of the exchange facilitator;

(10) Commit, including commission by its owners, officers, directors, employees, agents, or independent contractors, any crime involving fraud, misrepresentation, deceit, embezzlement, misappropriation of funds, robbery, or other theft of property;

(11) Fail to make disclosures required by any applicable state law; or

(12) Make any false statement or omission of material fact in connection with any reports filed by an exchange facilitator or in connection with any investigation conducted by the department of financial institutions.

On page 9, line 2, after "who" strike "intentionally"

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On page 9, line 3, after "through" strike "(7)" and insert "(8)"

On page 9, line 6, after "who" strike "intentionally"

On page 9, beginning on line 6, after "section 11" strike "(10) or (11)" and insert "(11) or (12)"

On page 10, after line 13, insert the following:

"NEW SECTION. Sec. 18. This chapter does not affect the application of chapter 21.20 RCW."

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

On page 10, line 14, after "through" strike "(17)" and insert "(18)"

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Berkey on page 7, line 23 to Substitute Senate Bill No. 6032.

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

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jarrett and Keiser

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING

SENATE BILL NO. 5461, by Senator Haugen

Concerning reserve account and study requirements for condominium associations.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5461 was substituted for Senate Bill No. 5461 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Honeyford and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5461 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Keiser, Pridemore and Zarelli

SUBSTITUTE SENATE BILL NO. 5461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5468, by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin

Permitting an exemption for nonprofit housing organizations from the consumer loan act.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5468 was substituted for Senate Bill No. 5468 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

Excused: Senators Hewitt, Jarrett, Pridemore and Zarelli
 SUBSTITUTE SENATE BILL NO. 5468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5547, by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

Concerning respite care.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5547.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5547 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Keiser, Prentice, Pridemore and Zarelli

SENATE BILL NO. 5547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5882, by Senators Kauffman, McAuliffe, Regala, Shin and Kline

Ordering an evaluation of recommendations made by the racial disproportionality advisory committee. Revised for 1st Substitute: Remediating racial disproportionality in child welfare practices.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.
 The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Jarrett, Pridemore and Zarelli

SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin

Authorizing a joint self-insurance program for two or more affordable housing entities or nonprofit entities. Revised for 1st Substitute: Authorizing a joint self-insurance program for two or more affordable housing entities.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Holmquist and Stevens

Excused: Senators Hewitt, Jarrett, Kline and Pridemore

SUBSTITUTE SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 5580, by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

Concerning school impact fees.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon and Stevens

Excused: Senators Hewitt, Jarrett, Kline and Pridemore

SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5903, by Senators Keiser, McAuliffe and Hatfield

Regarding public works contracts for residential construction.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jarrett and Pridemore

SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5556, by Senators Kilmer, Carrell and Kauffman

Prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system. Revised for 1st Substitute: Concerning toll enforcement for infractions detected through the use of a photo enforcement system.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5556 was substituted for Senate Bill No. 5556 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5556.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, McCaslin and Morton

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore

SUBSTITUTE SENATE BILL NO. 5556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5587, by Senator Pridemore

Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines.

The measure was read the second time.

MOTION

FIFTY-FOURTH DAY, MARCH 6, 2009

2009 REGULAR SESSION

On motion of Senator Eide, further consideration of Senate Bill No. 5587 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5699, by Senators Franklin, Kline and Parlette

Concerning the office of public guardianship.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5793, by Senators Schoesler, Hewitt, Honeyford and Morton

Concerning privately operated manlifts. Revised for 1st Substitute: Concerning a single-occupancy farm conveyance.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore
SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 5587.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler and Stevens

Excused: Senators Hewitt, Jacobsen, Jarrett and Pridemore
SENATE BILL NO. 5587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Stevens, Senators Benton and Roach were excused.

MOTION

At 4:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:09 p.m. by President Owen.

MOTION

At 5:09 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Saturday, March 7, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 7, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Delvin, Hewitt, Jarrett, Pflug and Shin.

The Sergeant at Arms Color Guard consisting of Senate Interns Katherine Hinderlie and Sherry Harris, presented the Colors. Senator Hargrove offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SJR 8216 by Senators Haugen, Swecker, Fraser and Jacobsen

Dedicating a portion of the state property tax levy to state parks.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1025 by House Committee on Education Appropriations (originally sponsored by Representatives Armstrong, Upthegrove and Wallace)

AN ACT Relating to cost savings on course materials; and amending RCW 28B.10.590.

Referred to Committee on Higher Education & Workforce Development.

EHB 1059 by Representatives Goodman, Kelley and Rodne

AN ACT Relating to technical corrections to the Revised Code of Washington; reenacting and amending RCW 13.40.210, 70.105D.070, and 79A.55.020; and reenacting RCW 46.09.170, 49.60.040, and 66.20.310.

Referred to Committee on Judiciary.

SHB 1067 by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

AN ACT Relating to the uniform limited partnership act; amending RCW 23B.11.080, 23B.11.090, 23B.11.110, 23B.13.020, 25.05.355, 25.05.375, 25.05.385, 25.05.390, 25.05.425, 25.15.010, 25.15.325, 25.15.400, 25.15.405, 25.15.410, 25.15.415, and 25.15.430; adding new sections to chapter 25.10 RCW; repealing RCW 25.10.005, 25.10.010, 25.10.020, 25.10.030, 25.10.040, 25.10.050, 25.10.060, 25.10.070, 25.10.080, 25.10.090, 25.10.100, 25.10.110, 25.10.120, 25.10.130, 25.10.140, 25.10.150,

25.10.160, 25.10.170, 25.10.180, 25.10.190, 25.10.200, 25.10.210, 25.10.220, 25.10.230, 25.10.240, 25.10.250, 25.10.260, 25.10.270, 25.10.280, 25.10.290, 25.10.300, 25.10.310, 25.10.320, 25.10.330, 25.10.340, 25.10.350, 25.10.360, 25.10.370, 25.10.390, 25.10.400, 25.10.410, 25.10.420, 25.10.430, 25.10.440, 25.10.450, 25.10.453, 25.10.455, 25.10.457, 25.10.460, 25.10.470, 25.10.480, 25.10.490, 25.10.500, 25.10.510, 25.10.520, 25.10.530, 25.10.540, 25.10.550, 25.10.553, 25.10.555, 25.10.560, 25.10.570, 25.10.580, 25.10.590, 25.10.600, 25.10.610, 25.10.620, 25.10.630, 25.10.640, 25.10.650, 25.10.660, 25.10.670, 25.10.680, 25.10.690, 25.10.800, 25.10.810, 25.10.820, 25.10.830, 25.10.840, 25.10.900, 25.10.905, 25.10.910, 25.10.915, 25.10.920, 25.10.925, 25.10.930, 25.10.935, 25.10.940, 25.10.945, 25.10.950, and 25.10.955; and providing effective dates.

Referred to Committee on Judiciary.

HB 1075 by Representatives Rolfes, Seaquist, Appleton, Green, McCoy, Conway, Darneille, Williams, Campbell, McCune, Simpson and Morrell

AN ACT Relating to the interstate compact on educational opportunity for military children; amending RCW 28A.225.330, 28A.225.160, 28A.185.030, 28A.180.040, 28A.225.210, and 28A.225.225; adding a new section to chapter 28A.225 RCW; and adding a new chapter to Title 28A RCW.

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

SHB 1085 by House Committee on Health Care & Wellness (originally sponsored by Representatives Appleton, Green and Dickerson)

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

HB 1088 by Representative Hunter

AN ACT Relating to prospectively clarifying the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW; amending RCW 54.28.011; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1095 by House Committee on General Government Appropriations (originally sponsored by Representatives Hasegawa, Green, Nelson, Kelley, Kenney, Chase, Conway and Hudgins)

AN ACT Relating to increasing small business access to state contracting opportunities; amending RCW 39.29.006, 39.29.011, 39.29.018, 39.29.065, 43.19.1905, 43.19.1908, 43.78.110, 43.105.041, and 43.105.020; and creating new sections.

Referred to Committee on Government Operations & Elections.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

SHB 1135 by House Committee on Ecology & Parks (originally sponsored by Representatives McCoy, Chase, Kenney, Hinkle and Nelson)

AN ACT Relating to exempting agricultural anaerobic digesters from solid waste handling permitting; amending RCW 43.21B.300, 43.21B.310, 70.95.170, and 70.95.315; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1140 by House Committee on Judiciary (originally sponsored by Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson)

AN ACT Relating to the manufactured/mobile home dispute resolution program; amending RCW 59.30.040; and adding new sections to chapter 59.30 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 1180 by House Committee on General Government Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney)

AN ACT Relating to the use of bisphenol A; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 1202 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Hurst, Bailey, Kelley, Roach, Kirby and Parker)

AN ACT Relating to noninsurance benefits included in life insurance policies; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1205 by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege, Rolfes, Haigh and Williams)

AN ACT Relating to changing the number of court of appeals judges; and amending RCW 2.06.020; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Judiciary.

E2SHB 1208 by House Committee on Finance (originally sponsored by Representatives Takko and Alexander)

AN ACT Relating to property tax administration; and amending RCW 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030.

Referred to Committee on Government Operations & Elections.

HB 1212 by Representatives Kirby, Green, Williams, Roberts, Ormsby, Appleton and Wood

AN ACT Relating to industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system; amending RCW 51.32.050; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1234 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Morrell, O'Brien, Appleton, Kelley, Ericks, Liias, Pedersen, Williams, Kenney and Moeller)

AN ACT Relating to creating the new crime of abandonment of a dependent person in the fourth degree; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

EHB 1251 by Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley

AN ACT Relating to the release of certified abstracts of full driving records; and amending RCW 46.52.130 and 46.01.260.

Referred to Committee on Judiciary.

2SHB 1252 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Smith, Bailey, Seaquist, Haler, Kristiansen, Kelley and Herrera)

AN ACT Relating to wage criteria used by the community economic revitalization board to determine project selection; and amending RCW 43.160.060.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1283 by House Committee on Environmental Health (originally sponsored by Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby)

AN ACT Relating to public water supply system operators; amending RCW 70.119.020, 70.119.030, 70.119.110, 70.119.130, and 70.119.160; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1292 by House Committee on Education (originally sponsored by Representatives Newhouse, Chandler and Simpson)

AN ACT Relating to waivers from the one hundred eighty-day school year; amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date.

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

HB 1302 by Representatives McCune and Campbell

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

AN ACT Relating to excluding a portion of state route number 7 from the scenic system; and amending RCW 47.42.025.

Referred to Committee on Transportation.

SHB 1303 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Green and Roberts)

AN ACT Relating to child mortality review; and amending RCW 70.05.170.

Referred to Committee on Health & Long-Term Care.

HB 1310 by Representatives Kirby, Bailey, Ormsby, Morrell, Simpson, Nelson and Kelley

AN ACT Relating to placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans; and amending RCW 31.45.082.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1312 by Representatives Sells, Schmick, Wallace, Anderson, Driscoll, McCoy, Chase, Kenney, Carlyle, White and Roberts

AN ACT Relating to the authority to offer engineering programs at regional comprehensive universities; and amending RCW 28B.10.115 and 28B.20.060.

Referred to Committee on Higher Education & Workforce Development.

SHB 1323 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Liias, Haler, Sullivan, Sells, Hasegawa, Maxwell, Chase, Ormsby, Conway, Goodman, Morrell, Driscoll, Simpson and Orwall)

AN ACT Relating to coordinating workforce and economic development; amending RCW 43.330.090, 50.38.050, 28B.50.030, 28C.18.010, 28C.18.060, 28C.18.080, 43.162.020, and 43.330.080; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1328 by House Committee on Higher Education (originally sponsored by Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, Van De Wege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Liias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos and Roberts)

AN ACT Relating to allowing public technical colleges to offer associate degrees; amending RCW 28B.50.020, 28B.50.030, 28B.50.090, and 28B.50.140; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1355 by House Committee on Ways & Means (originally sponsored by Representatives Probst, Quall, Kessler, Sullivan, Wallace, Maxwell, Rolfes, Springer, Green, Jacks, Carlyle, Kenney, Ormsby, Seaquist, Liias, Sells, Priest, Dammeier, Hunt, Hudgins, Morrell, Van De Wege, Moeller, Chase, Conway, Goodman, Driscoll, Simpson, Santos and Kelley)

AN ACT Relating to establishing the opportunity internship program for high school students; amending RCW 28B.92.030, 28B.92.080, and 28B.92.110; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 28B.92 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1409 by House Committee on Ecology & Parks (originally sponsored by Representatives Van De Wege, Kessler, Upthegrove, Rolfes, Blake, Dunshee, Campbell, Jacks, Orwall, Seaquist, Appleton, Nelson, Roberts, Morris, Takko, Cody, Carlyle, McCoy, Goodman, Quall, Sullivan, Liias, Chase, Pedersen, Williams, Kagi, Kenney, Simpson, Conway and Moeller)

AN ACT Relating to providing an emergency response system for the Strait of Juan de Fuca; amending RCW 88.46.130, 88.46.010, and 90.56.500; adding new sections to chapter 88.46 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

SHB 1414 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Moeller, Hinkle, Cody, Sullivan, Nelson and Ormsby)

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; adding a new section to chapter 18.135 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

ESHB 1441 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Armstrong, White and Eddy)

AN ACT Relating to the contractual relationships between distributors and producers of malt beverages; and amending RCW 19.126.020, 19.126.030, 19.126.040, 19.126.060, and 19.126.080.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1457 by House Committee on Local Government & Housing (originally sponsored by Representatives Nelson and Simpson)

AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation; and amending RCW 36.93.150.

Referred to Committee on Government Operations & Elections.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

HB 1468 by Representatives Sullivan, Rodne and Goodman

AN ACT Relating to the appointment of trustees for rural county library districts located in counties with a population of one million five hundred thousand or more; amending RCW 27.12.190; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1474 by Representatives Orcutt, Wallace, Herrera and Moeller

AN ACT Relating to the border county higher education opportunity project; and amending RCW 28B.76.685 and 28B.15.0139.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1484 by House Committee on Capital Budget (originally sponsored by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake)

AN ACT Relating to habitat open space; and amending RCW 76.09.040, 84.33.140, 84.34.108, and 76.09.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1498 by Representatives Hunter, Blake, Kretz, Pedersen, Goodman, Williams, Carlyle, Roberts, McCune, Ericks, White, Hasegawa, Kagi, Nelson and Warnick

AN ACT Relating to provisions governing firearms possession by persons who have been involuntarily committed; and amending RCW 9.41.040, 9.41.047, 71.05.230, 71.05.240, 71.05.300, 71.34.730, and 71.34.740.

Referred to Committee on Human Services & Corrections.

EHB 1499 by Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune and Crouse

AN ACT Relating to notice of relocation of utility facilities; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Environment, Water & Energy.

2SHB 1522 by House Committee on General Government Appropriations (originally sponsored by Representatives Hudgins, Dunshee, Hunt, Hasegawa, Williams and Chase)

AN ACT Relating to repair and reuse of electronic products by registered collectors; and adding a new section to chapter 70.95N RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1529 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Hinkle, Morrell, Bailey, Moeller, Clibborn, Green and Cody)

AN ACT Relating to the delivery of home health care services through telemedicine; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 1553 by House Committee on Judiciary (originally sponsored by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell)

AN ACT Relating to claims for damages against the state and local governmental entities; and amending RCW 4.96.020, 4.92.100, and 4.92.110.

Referred to Committee on Government Operations & Elections.

SHB 1554 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Chase, Dickerson, Green, Goodman, Rolfes, Morrell, Cody, Simpson, Campbell, Ormsby, Van De Wege, Appleton, Flannigan, Seaquist, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Priest, Sullivan, Eddy, White, Hasegawa and Wood)

AN ACT Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1555 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Chase, Green, Dickerson, Rolfes, Goodman, Campbell, Morrell, Cody, Simpson, Ormsby, Van De Wege, Seaquist, Appleton, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Sullivan, Priest, Eddy and Wood)

AN ACT Relating to the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 60.28.021, 60.28.040, 60.28.051, 60.28.060, and 50.12.070; reenacting and amending RCW 60.28.011; adding new sections to chapter 18.27 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 19.02 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 1580 by House Committee on General Government Appropriations (originally sponsored by Representatives Kessler, Walsh, Santos, Morris, Blake, Takko, Chandler, McCoy, Newhouse, Kretz, Linville, Jacks, Ormsby, Van De Wege, Hurst, Warnick, Nelson, Hinkle, Springer and Kenney)

AN ACT Relating to establishing a pilot local water management program in one qualified jurisdiction; amending RCW 90.03.380, 90.44.100, 43.21B.110, and 90.82.060; reenacting and amending RCW 90.14.140; adding a new chapter to Title 90 RCW; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

HB 1640 by Representatives Kessler, Armstrong, Hunt, Sells, Alexander, Appleton and Kenney

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

AN ACT Relating to private financial and commercial investment information received by the University of Washington for purposes of the consolidated endowment fund; amending RCW 42.56.270; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1647 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Morrell, Green, Clibborn, Moeller, Williams, Wood, Simpson, Kenney and Ormsby)

AN ACT Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services; amending RCW 70.47.130; adding a new section to chapter 70.14 RCW; adding a new section to chapter 18.122 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

ESHB 1664 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Hinkle and Ormsby)

AN ACT Relating to termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements; and amending RCW 46.93.080.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHB 1679 by Representatives Simpson, Van De Wege, Ericks, Williams, White, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system; amending RCW 41.05.080 and 41.05.195; adding a new section to chapter 41.26 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1690 by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney

AN ACT Relating to authorizing alternative public works contracting procedures; amending RCW 28B.20.140, 39.10.200, 39.10.230, 39.10.210, and 43.131.408; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1692 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Driscoll, Wood, Crouse and Ormsby)

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Government Operations & Elections.

SHB 1749 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Bailey and Kirby)

AN ACT Relating to regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; adding a new section to chapter 31.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1752 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hurst and Hunt)

AN ACT Relating to the observation of election procedures; amending RCW 29A.60.120, 29A.60.125, and 29A.64.041; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1758 by House Committee on Education (originally sponsored by Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby)

AN ACT Relating to expanding options for students to earn high school diplomas; amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section.

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

2SHB 1762 by House Committee on Education Appropriations (originally sponsored by Representatives Santos, Kenney and Morrell)

AN ACT Relating to increasing parental and community involvement in public education; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.06B RCW; and creating new sections.

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

SHB 1765 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Campbell and Morrell)

AN ACT Relating to the license surcharge for the impaired physician program; and amending RCW 18.71.310 and 18.71A.020.

Referred to Committee on Health & Long-Term Care.

ESHB 1792 by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby)

AN ACT Relating to establishing search and arrest authority provisions of offenders by department of corrections personnel; and amending RCW 9.94A.631.

Referred to Committee on Human Services & Corrections.

SHB 1802 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Simpson, Sullivan and Moeller)

AN ACT Relating to collector vehicles; amending RCW 46.16.015; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1818 by Representatives Dickerson, Orcutt, Hunter and Carlyle

AN ACT Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter 82.63 RCW; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding new sections to chapter 82.63 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 1864 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Newhouse, Hunt and Armstrong)

AN ACT Relating to supplemental income requirements for air pollution control authorities; and amending RCW 70.94.093.

Referred to Committee on Government Operations & Elections.

HB 1997 by Representatives Finn, Rolfes, Smith, Dunshee, Upthegrove, Kretz, Chase, Dickerson, Lias, Kagi, Nelson, Kessler, Hunt and Blake

AN ACT Relating to Puget Sound scientific research; and amending RCW 90.71.110 and 90.71.280.

Referred to Committee on Environment, Water & Energy.

ESHB 2116 by House Committee on Capital Budget (originally sponsored by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Lias and Simpson)

AN ACT Relating to funding for water pollution control; amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, and 90.48.110; adding a new section to chapter 90.50A RCW; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

HB 2117 by Representatives Cody, Morrell, Kenney and Conway

AN ACT Relating to the basic health plan; amending RCW 70.47.020, 70.47.030, 70.47.060, and 70.47.100; and creating a new section.

Referred to Committee on Ways & Means.

HB 2146 by Representatives Ericks, Johnson, Eddy and Lias

AN ACT Relating to contract requirements for water or sewer facilities; and amending RCW 35.91.020.

Referred to Committee on Government Operations & Elections.

SHB 2208 by House Committee on Commerce & Labor (originally sponsored by Representatives Hope, Kristiansen, Newhouse and McCune)

AN ACT Relating to the return or cancellation of new motorsports vehicles; amending RCW 46.93.170; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9013, J. A. Bricker, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Jarrett and Shin were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Delvin, Hewitt and Pflug were excused.

APPOINTMENT OF J. A. BRICKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9013, J. A. Bricker as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9013, J. A. Bricker as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Delvin, Hewitt, Jarrett, Pflug and Shin

Gubernatorial Appointment No. 9013, J. A. Bricker, having received the constitutional majority was declared confirmed as a

FIFTY-FIFTH DAY, MARCH 7, 2009

member of the State Board for Community and Technical Colleges.

SECOND READING

SENATE BILL NO. 5147, by Senators Kline and Rockefeller

Repealing criminal libel statutes.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5152, by Senators Kline, Rockefeller, McDermott and Kohl-Welles

Creating a legislative task force on statutory construction.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr,

2009 REGULAR SESSION

McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5271, by Senators Oemig, McDermott and Swecker

Modifying provisions relating to candidate filing.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5271 was substituted for Senate Bill No. 5271 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5359, by Senators Oemig, Pridemore, Kline and McDermott

Preventing rejection of ballots that have voter identifying marks.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5120, by Senators Fairley, McDermott and Holmquist

Regarding agricultural structures.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Schoesler and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5402, by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr

Regarding the prevention of animal cruelty.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Hargrove

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5507, by Senators Marr and Brown

Protecting sole source aquifers by providing sewer utility service to mobile home parks.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

Senators Roach, Brandland and McCaslin spoke against passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Thank you. Senator you have said that there are funds available. Could you expand on where those funds are and what needs to happen in order for them to be provided and will they cover all of the costs of upgrading?"

Senator Marr: "My understanding is that there have been approximately five million dollars in funding made available in grant form in Spokane County to mitigate septic tank elimination over the last five years."

Senator Pflug: "So there county funds?"

Senator Marr: "I believe there are state funds that are made available to the county."

Senator Pflug spoke against passage of the bill.

POINT OF INQUIRY

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

Senator Franklin: "Would Senator Marr yield to a question? Thank you, because mobile home parks are certainly an issue but, not an issue, but affordable housing within the district that I represent also. But, my question to you is, is the bill tightly written that it just affects Spokane County?"

Senator Marr: "Thank you Senator Franklin. As with Bill 6686 which was the previous legislation that came before you, the provisions, if I may read Mr. President? If I could have the attention of the body and refer everyone to Senate Bill No. 5507. I think perhaps some members have been confused and they're referencing a different bill. My apologies. Basically the bill reads, 'any county lying east of the crest of the Cascade Mountains with a population greater than four hundred thousand and any city within such county.' So, in answering your question Senator Franklin, I believe it's very specific in terms of narrow applicability."

Senator Haugen spoke in favor of passage of the bill.
Senator Benton spoke against passage of the bill.

POINT OF INQUIRY

Senator Marr: "Would Senator Benton yield to a question?"

Senator Benton: "No."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5839, by Senators Schoesler, Hatfield and Shin

Regarding the administration of irrigation districts.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Fairley, Hewitt, Jarrett and Shin
SUBSTITUTE SENATE BILL NO. 5839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5940, by Senator Honeyford

Concerning publicly owned industrial wastewater treatment facilities.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Fairley, Hewitt, Jarrett and Shin
SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5944, by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

Implementing a demonstration project to reduce phosphorus loading in Lake Whatcom.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 5944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5944.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kohl-Welles

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5440, by Senators Sheldon, Kauffman, Kline, Roach and McDermott

Involving tribal governments when choosing names for state ferries. Revised for 1st Substitute: Concerning the naming or renaming of state ferries.

MOTION

On motion of Senator Sheldon, Substitute Senate Bill No. 5440 was substituted for Senate Bill No. 5440 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Kauffman be adopted.

On page 2, beginning on line 15, strike all material through line 17

Senators Fraser, Kauffman, Rockefeller, Franklin and Carrell spoke in favor of adoption of the amendment.

Senators Sheldon, Haugen, Swecker and Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Kauffman on page 2, line 15 to .Substitute Senate Bill No. 5440.

The motion by Senator Fraser failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5440 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5440.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5440 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Fairley, Franklin, Fraser, Kastama, Kauffman, Keiser, Kohl-Welles, Regala, Roach and Rockefeller

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 12:54 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5751, by Senators Murray, Pflug and Keiser

Regarding the issuance of licenses to practice dentistry.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

Absent: Senators Brown, McAuliffe, Oemig, Prentice and Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown, McAuliffe, Prentice and Tom were excused.

SECOND READING

SENATE BILL NO. 5727, by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach

Prohibiting the providing of false information to voters.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5727.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5295, by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs

Implementing unanimous recommendations of the public records exemptions accountability committee.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5295 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Kline and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5809, by Senator Hargrove

Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5809 was substituted for Senate Bill No. 5809 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 14, line 29, after "workers", insert ", aerospace workers,"

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman on page 14, line 29 to Second Substitute Senate Bill No. 5809.

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

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Kohl-Welles be adopted.

On page 15, after line 5, insert: "(8) For the purposes of this section, forest industry worker training programs shall be considered high demand training programs."

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Kohl-Welles on page 15, after line 5 to Second Substitute Senate Bill No. 5809.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

Senator Hargrove spoke in favor of adoption of the amendment.

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

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. I believe that this measure before us creates a new tax and requires a two-thirds vote under the provisions of Initiative 960 and I have some arguments to offer on this."

REMARKS BY THE PRESIDENT

President Owen: "Senator Holmquist has raised a point of inquiry as to the number of votes necessary to pass Second Substitute Senate Bill No. 5809. Senator Holmquist. Let me remind members that when you are making your comments on a point of order that your comments are to be brief. Senator Holmquist."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. My argument is that this bill deposits an amount equal to point one percent of taxable wages paid by an employer for educational grants to be awarded by the State Board for Community and Technical Colleges. The funds are paid by all employers who pay unemployment insurance premiums. This new funding is not part of the unemployment insurance program. In fact, the reason for the separate fund is that federal law prohibits the use of unemployment insurance funds for anything but the payment of unemployment insurance benefits. This appears to me to be a new tax Initiative 960 has had a very broad definition of a tax and covers 'any action or combination of actions by the legislature that increases the state tax revenue deposited in any fund, budget or account.' This bill raises revenue through a new tax on employers and deposits it into a separate account within the administrative contingency fund. If it is to be argued that this is a fee and not a new tax Mr. President, you have provided us guidance and past rulings. There must be 'a very close nexus between those paying a fee and purpose of which that fee is being used. Absent this tight connection a revenue action is more properly characterized as a general tax not a specific fee.' There appears to be a very tenuous connection between those paying this tax, all employers in the state and those benefitting from the tax, the unemployed workers seeking educational opportunities. I agree that it is a benefit to all of us if we're able to provide educational opportunities, however, this is a social benefit which makes this a tax and not a fee. Some might argue that because the bill also reduces the unemployment insurance premiums paid by an employer by an equal amount that this is a wash and not really a new tax or tax increase that this is merely a rate transfer. However, Mr. President, I believe that we need to look at what is really happening to the funds in this bill. Employers are paying into a fund for work force training grants. The fact that their unemployment insurance premiums are being reduced by an equal amount does not change this. It cannot cancel out the creation of a new tax for a separate purpose. I submit to you that Second Substitute Senate Bill No. 5809 creates a new tax requiring a two-thirds vote and I respectfully request a ruling thereon. Thank you Mr. President."

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5809 was deferred and the bill held its place on the second reading calendar.

2009 REGULAR SESSION
SECOND READING

SENATE BILL NO. 5355, by Senator Haugen

Regarding initial levy rates for rural county library districts.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5482, by Senators Haugen and Swecker

Modifying provisions governing two-wheeled and three-wheeled vehicles.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5482.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5482 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Rockefeller, Swecker and Tom

Voting nay: Senators Becker, Benton, Hatfield, Holmquist,

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett, Prentice and Shin
SENATE BILL NO. 5482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5539, by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom

Regarding investment expenses of counties.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5539 was substituted for Senate Bill No. 5539 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Sheldon

Absent: Senator Regala

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5327, by Senators Oemig, Swecker, Regala, McDermott and McAuliffe

Making technical corrections to election provisions.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5704, by Senators Swecker, Becker, Stevens and Roach

Concerning creation of a flood district by three or more counties.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5704 was substituted for Senate Bill No. 5704 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5704.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5734, by Senators Kilmer, Delvin and Shin

Making certain current higher education tuition-setting practices permanent. Revised for 1st Substitute: Regarding tuition at institutions.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5734 was substituted for Senate Bill No. 5734 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

(1) For the purposes of this section, "cost of instruction" means the average instructional support in state general funds and operating fees per full-time equivalent undergraduate, at each institution of higher education for the prior academic year.

(2) Credits earned through advance placement programs shall not be applied to the total accumulated for the purposes of this section.

(3) For resident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their baccalaureate degree at a state university, regional university, or The Evergreen State College, tuition fees shall equal a sum not less than the cost of instruction.

(4) For nonresident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their baccalaureate degree at a state university, regional university, or The Evergreen State College, tuition fees shall equal a sum not less than twice the cost of instruction.

(5) It is presumed that increased tuition fees will apply to all students described in subsections (3) and (4) of this section unless the student presents to his or her registrar evidence that one or more of the following exemptions apply:

(a) The student is a dislocated worker as defined by RCW 50.04.075 or a person engaging in a job training program under the purview of the work force training and education coordinating board;

(b) The student participates in the border county higher education opportunity project under RCW 28B.76.685;

(c) The student is a certificated teacher of the K-12 school system pursuing continuing education credits according to certification requirements; or

(d) The student has not been enrolled in an institution of higher education during the preceding five years.

(6) Students who believe they are under extraordinary or unforeseen academic or personal circumstances or were unable to complete their baccalaureate degree program within the number of credits specified due to institutional constraints may petition the higher education coordinating board for a special waiver from the tuition provisions of subsections (3) and (4) of this section. The board shall create a process through which student petitions may be fairly processed, heard, and determined. The process shall include a one hundred dollar administrative fee. The entire amount of the fee shall be refunded for those students who make a successful petition."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.067; and adding a new section to chapter 28B.15 RCW."

Senators Zarelli and Stevens spoke in favor of adoption of the amendment.

Senator Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, after line 28 to Substitute Senate Bill No. 5734.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5734.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5734 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5732, by Senators Kline, McCaslin, Regala and Hargrove

Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the substitute bill was placed on the second reading and read the second time.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon and Tom

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, King, Marr, Parlette, Pflug, Roach, Stevens, Swecker and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6009, by Senators Keiser, Kastama and Fairley

Concerning long-term care facilities.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 6009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senators Marr, Holmquist, Kohl-Welles and Shin

Regarding prohibited practices in accountancy.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5434 was substituted for Senate Bill No. 5434 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. I've just been informed that it's snowing between here and Vancouver on the interstate. The weather is turned very bad in the last half hour. It looks like we'll be getting some snow here and so I just wanted the members to know if they're planning on going home sometime today, it could be perilous out there."

MOTION

At 2:26 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:31 p.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 5760, by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles

Regarding the University of Washington's and Washington State University's public works contracting procedures.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5760 was substituted for Senate Bill No. 5760 and the substitute bill was placed on the second reading and read the second time.

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton and Parlette were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5760.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 1; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Honeyford, McCaslin, Sheldon and Stevens

Absent: Senator Fairley

Excused: Senators Benton, Delvin, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5542, by Senators Franklin, Delvin and Kohl-Welles

Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5542.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen,

Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 5723, by Senators Kastama, Shin and Swecker

Providing support for small business assistance.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5723 was deferred and the bill held its place on the second reading calendar.

The Senate resumed consideration of Substitute Senate Bill No. 5723.

WITHDRAWAL OF AMENDMENT

On motion of Senator Oemig, the amendment by Oemig on page 1, line 6 to Substitute Senate Bill No. 5723 was withdrawn.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, Schoesler and Stevens

Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no

FIFTY-FIFTH DAY, MARCH 7, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5904, by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline

Defining independent contractor for purposes of prevailing wage.

MOTIONS

On motion of Senator Kohl-Welles Substitute Senate Bill No. 5904 was substituted for Senate Bill No. 5904 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 15; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller and Tom

Voting nay: Senators Becker, Brandland, Carrell, Haugen, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Holmquist as to the application of Initiative Number 960 to Engrossed Second Substitute Senate Bill 5809, the President finds and rules as follows:

The President begins by reminding the body that neither he nor they adopted the law that was enacted by I-960. I-960 was drafted with very strict parameters, and the President—like the members of this august body—is charged with enforcing its strictures. It may be that the strict language of I-960 results in harsh or undesirable consequences, but this is a result of the strict language of the initiative, not the judgment of the President.

That said, the President is once again called upon to determine whether an action of the Legislature may be properly characterized as a tax or a fee. The President begins by addressing the threshold question of whether the proposed language of the measure is a revenue increase in the first place. While it is true that the net effect to individual rate payors is unchanged, the President believes that this measure contains two significant but separate actions: the first reduces the rate of tax

paid for traditional unemployment purposes; the second increases the rate paid into a fund for the purpose of retraining unemployed workers, which is presently not permitted under the federal unemployment program.

The President believes that simply achieving a net effect of payor neutrality does not dispose of the I-960 implications. Instead, the President believes that the proper analysis is to view the actions separately: that is, one which reduces the amount paid, and another that increases the amount paid. It is this second action that is the focus of this ruling. The President believes that it is the rate of tax—not the funds—which is transferred under this measure. As a result, the question then becomes a determination of whether there is a sufficient nexus between the purpose on which the raised revenue may be spent and those who are paying the increase. In this case, the President believes that there is not a sufficient nexus. While it may come to pass that those paying the increase will receive an indirect benefit from this action, it seems more appropriate to characterize the benefit as being one to society at large. For this reason, the President believes this second action is more properly characterized as a tax increase that requires a 2/3 vote under the plain language of I-960.

For these reasons, Senator Holmquist's point is well-taken, and this measure as presently drafted will take a 2/3 vote of this body for final passage."

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5809 was deferred and the bill held its place on the second reading calendar.

MOTION

At 4:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, March 9, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 9, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Carrell, Fairley, Hargrove, Prentice, Ranker, Roach, Rockefeller and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Michael Roberts and Anna Laura Kastama, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1038,
SUBSTITUTE HOUSE BILL NO. 1418,
SECOND SUBSTITUTE HOUSE BILL NO. 1429,
HOUSE BILL NO. 1463,
HOUSE BILL NO. 1830,
SUBSTITUTE HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1845,
HOUSE BILL NO. 1878,
HOUSE BILL NO. 1912,
SECOND SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1952,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1062,
SUBSTITUTE HOUSE BILL NO. 1357,
ENGROSSED HOUSE BILL NO. 1460,
HOUSE BILL NO. 1491,
SUBSTITUTE HOUSE BILL NO. 1761,
SUBSTITUTE HOUSE BILL NO. 1900,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
SUBSTITUTE HOUSE BILL NO. 2214,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1683,
SUBSTITUTE HOUSE BILL NO. 1733,
SECOND SUBSTITUTE HOUSE BILL NO. 1946,
SUBSTITUTE HOUSE BILL NO. 1953,
SUBSTITUTE HOUSE BILL NO. 1981,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1769,
SECOND SUBSTITUTE HOUSE BILL NO. 1899,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
SUBSTITUTE HOUSE BILL NO. 1957,
SUBSTITUTE HOUSE BILL NO. 1972,
SUBSTITUTE HOUSE BILL NO. 2071,
SUBSTITUTE HOUSE BILL NO. 2157,
SUBSTITUTE HOUSE BILL NO. 2160,
HOUSE BILL NO. 2165,
SUBSTITUTE HOUSE BILL NO. 2196,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1090 by House Committee on General Government Appropriations (originally sponsored by Representatives McCoy, Appleton, Chase, Van De Wege, Hunt and Moeller)

AN ACT Relating to human remains; adding a new section to chapter 43.334 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9048, Litisha D. Hill, as a member of the Transportation Commission, be confirmed.

Senator Marr spoke in favor of the motion.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Marr, Senators Fairley, McAuliffe, Prentice, Pridemore and Ranker were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist, Roach, Stevens and Zarelli were excused.

MOTION

On motion of Senator Hatfield, Senator Hargrove was excused.

APPOINTMENT OF LITISHA D. HILL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9048, Litisha D. Hill as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9048, Litisha D. Hill as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 2; Excused, 8.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Brown and Rockefeller

Excused: Senators Benton, Carrell, Fairley, Hargrove, Prentice, Ranker, Roach and Zarelli

Gubernatorial Appointment No. 9048, Litisha D. Hill, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING

SENATE BILL NO. 5177, by Senators Shin, Delvin, Kastama, King, Rockefeller, McAuliffe, Pridemore, Hobbs, Fraser, McDermott, Jarrett, Kilmer, Keiser, Hatfield and Roach

Creating a global Asia institute within the Henry M. Jackson School of International Studies.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Brown, Carrell, Fairley, Hargrove, Ranker, Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5172, by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline

Establishing a University of Washington center for human rights.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5172 was substituted for Senate Bill No. 5172 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 15; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Swecker

Excused: Senators Benton, Fairley, Hargrove, Ranker, Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5317, by Senators Shin, Kilmer, Jarrett, Delvin, Kastama and Jacobsen

Clarifying terms for workforce and economic development.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Fairley, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 9, 2009."

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

The motion by Senator Eide carried and debate was limited through March 9, 2009 by voice vote.

MOTION

At 9:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:50 a.m. by President Owen.

SENATE BILL NO. 5986, by Senators Kauffman, Kohl-Welles, Hargrove and Shin

Permitting certain higher education employees to engage in collective bargaining.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5986.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens and Swecker

Absent: Senator Kline

Excused: Senators Benton, Fairley, Ranker and Zarelli

SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5879, by Senators Kastama, Shin and Delvin

Concerning entrepreneurial education and training.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5879 was substituted for Senate Bill No. 5879 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5879.

ROLL CALL

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5879 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Absent: Senators Keiser and Tom

Excused: Senators Benton, Fairley, Kline, Ranker and Zarelli

SUBSTITUTE SENATE BILL NO. 5879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5925, by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

Regarding insurance for higher education students participating in study or research abroad.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug, Kilmer and Shin be adopted.

On page 2, line 14, after "insurance," insert "A student shall not be required to purchase insurance if the student is covered under an insurance policy that will provide coverage for expenses incurred as a result of injury, illness, or death sustained while participating in the study or research abroad."

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug, Kilmer and Shin on page 2, line 14 to Senate Bill No. 5925.

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

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Holmquist, Honeyford, Roach and Zarelli

Excused: Senators Benton, Fairley and Ranker

ENGROSSED SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:12 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:02 p.m. by President Owen.

MOTION

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

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION

8642

By Senator Haugen

WHEREAS, Floyd Jones comes from humble beginnings as a cotton picker in Arkansas, served honorably in the United States Army, and became a successful businessman and philanthropist; and

WHEREAS, Floyd Jones' life and commitment to the arts, the environment, and his community exemplify the ideals of the American Dream and its spirit of self-reliance and service; and

WHEREAS, Floyd Jones and his late wife, Delores Jones, lived frugally together, but gave generously, and while Floyd continues to support the arts, Delores' love for the arts will live forever in the form of their considerable contributions; and

WHEREAS, Floyd and Delores created the Floyd and Delores Jones Foundation and have funded causes such as the endowed chair for the arts at the University of Washington, the Floyd and Delores Jones Playhouse, and KCTS, the Seattle public television station; and

WHEREAS, Floyd and Delores also created the Floyd and Delores Jones Cancer Institute in Virginia Mason Hospital, which provides comprehensive and centralized care for cancer patients and is one of the most preeminent cancer care providers in the country; and

WHEREAS, Floyd Jones has made a strong commitment to preserving the sanctity of Livingston Bay, located on the northeast side of Camano Island, and has played a vital role in efforts to conserve and protect the bay that plays a key role in the lives of dozens of species; and

WHEREAS, Vast numbers of migrating waterfowl such as Wrangell Island snow geese, trumpeter and tundra swans, winter raptors, and falcon species rely on beautiful Livingston Bay for winter habitats and the bay's 3,160 acres of biodiverse tidelands are also home to a wonderful habitat for juvenile salmon, adult salmon, and bull trout, as well as spawning areas for Pacific sand lance and surf smelt; and

WHEREAS, Floyd Jones' support and contributions have helped preserve and fortify Livingston Bay in perpetuity, benefitting this precious body of water, its fish and wildlife, and all the people of Washington; and

WHEREAS, Floyd Jones' magnanimous attitude toward his community has driven him to donate benevolently to many

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

meritorious organizations, including the Seattle Symphony, the Union Gospel Mission, the Seattle Milk Fund, and the Whidbey Camano Land Trust; and

WHEREAS, Floyd Jones is a modest man and a model of selflessness, has risen out of poverty to riches, only to give his wealth back tirelessly, and is deserving of recognition for his hard work and generosity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Floyd Jones for a life of selflessness, generosity, and compassion; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Floyd Jones and his family.

Senators Haugen and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Floyd Jones; friend Alene Moris; Pat Powell, Executive Director, Whidbey Camano Land Trust; and Elizabeth Guss, Director of Outreach & Development, Whidbey Camano Land Trust who were seated in the gallery.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate was recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5873, by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin

Regarding apprenticeship utilization.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5873 was substituted for Senate Bill No. 5873 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 4, after line 32, insert the following:

(8) For the purposes of this section, "apprentice" includes workers participating in a formal training program conducted by an employer and approved by the awarding agency, a private vocational school licensed under RCW Chapter 28C.10, or an institution of higher education as defined in RCW 28B.10.016."

WITHDRAWAL OF AMENDMENT

On motion of Senator King, the amendment by Senator King on page 4, line after 32 to Substitute Senate Bill No. 5873 was withdrawn.

MOTION

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

On page 6, after line 29, insert the following:

"NEW SECTION. **Sec. 4.** The Washington state apprenticeship and training council shall adopt rules necessary to implement section 2 and 3 of this act. Rules shall address due process protections for all parties and shall strengthen the accountability for apprenticeship committees approved under chapter 49.04 RCW in enforcing the apprenticeship program standards adopted by the council."

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 6, after line 29 to Substitute Senate Bill No. 5873.

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

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senators Hargrove and Jarrett

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5229, by Senators McAuliffe, Hobbs, Franklin, Tom, King, Pridemore, Kohl-Welles, Jacobsen, Kilmer and Shin

Regarding the legislative youth advisory council.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5229 was substituted for Senate Bill No. 5229 and the substitute bill was placed on the second reading and read the second time.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Jarrett was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Honeyford and Zarelli

Absent: Senator Murray

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5410, by Senators Oemig, Morton, McAuliffe, Tom and Eide

Regarding the digital learning commons. Revised for 1st Substitute: Regarding online learning.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5410 was substituted for Senate Bill No. 5410 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and McAuliffe spoke in favor of passage of the bill.

Senators King and Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5410.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Swecker

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators McAuliffe, Hobbs, McDermott, Oemig, Jarrett and Kohl-Welles

Regarding establishing and meeting graduation and reengagement goals.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and King be adopted.

On page 3, beginning on line 9, after "instruction" strike all material through "28A.175.075" on line 10

Senators McAuliffe and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and King on page 3, line 9 to Substitute Senate Bill No. 5449.

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

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5487, by Senator Brandland

Changing the notification date for nonrenewal of a certificated employee's contract.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5487.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5487 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SENATE BILL NO. 5487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5498, by Senators Jarrett, King and McAuliffe

Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 5498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5498.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5498 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler,

Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford, Kastama, Kohl-Welles and Murray

Absent: Senator Brown

Excused: Senator Ranker

SENATE BILL NO. 5498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5617, by Senators Kauffman and McAuliffe

Changing early learning advisory council provisions.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and McAuliffe be adopted.

On page 1, line 18, after "legislature" strike "and the P-20 council"

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and McAuliffe on page 1, line 18 to Senate Bill No. 5617.

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

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Senate Bill No. 5617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and King spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Kline was excused.

MOTION

On motion of Senator Eide, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5617.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5617 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kline and Ranker

ENGROSSED SENATE BILL NO. 5617, having received the constitutional majority, was declared passed. There being no

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5676, by Senators McAuliffe, Rockefeller, Jarrett, Fairley, Hobbs, Schoesler and Shin

Providing for career and technical education opportunities for middle school students.

MOTIONS

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Regala, Stevens, Swecker and Zarelli

Excused: Senator Ranker

SECOND SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Tom, Jarrett and Shin

Providing conditional funding for teachers to pursue national board for professional teaching standards certification.

The measure was read the second time.

MOTION

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

On page 2, beginning on line 7, after "conditional" strike all material through "fee" on line 8 and insert "two thousand dollars or the amount set by the office of the superintendent of public instruction to reflect the current assessment fee, not including the initial up-front candidacy payment"

On page 2, line 16, after "the" strike "twenty-five hundred dollars" and insert "assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office

of the superintendent of public instruction"

On page 2, line 18, after "the terms for" insert "initial grant of the assessment fee and"

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and King on page 2, line 7 to Senate Bill No. 5714.

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

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli

Excused: Senator Ranker

ENGROSSED SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5941, by Senators Oemig, Kastama, Jarrett, McAuliffe, Marr, Hobbs and Tom

Regarding comprehensive education data improvement systems. Revised for 2nd Substitute: Regarding a comprehensive education data improvement system.

MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 5941 was substituted for Senate Bill No. 5941 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Oemig moved that the following striking amendment by Senator Oemig be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative (~~education [evaluation]~~) evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((f))~~ (g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ~~(and~~

~~((g))~~ (h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and sections 2 and 3 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical

colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 2. A new section is added to chapter 43.41 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.

(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;

(b) The capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certification program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

(f) The capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:

(i) To support the accuracy and auditing of financial data; and

(ii) Using the prototypical school model for school district financial accounting reporting;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;

(k) Information that is centrally accessible and updated regularly; and

(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.

(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under section 3 of this act available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and section 3 of this act, only to the extent funds are available for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) A K-12 data governance group shall be established within the educational data center to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 2 of this act;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed

into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or section 2 of this act should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district that support any component of which makes up more than five percent;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; and

(i) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section, RCW 43.41.400, and section 2 of this act shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

NEW SECTION. **Sec. 4.** The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this act."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Oemig to Second Substitute Senate Bill No. 5941.

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

MOTION

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

On page 1, line 1 of the title, after "data;" strike the remainder of the title and insert "amending RCW 43.41.400; adding new sections to chapter 43.41 RCW; and creating a new section."

MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5941.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5941 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Holmquist, King, McCaslin, Parlette, Pflug, Regala, Stevens, Swecker and Zarelli

Excused: Senator Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5763, by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom

Requiring the adoption of policies for the management of concussion and head injury in youth sports.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.660 and 1999 c 316 s 3 are each amended to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

(a) The action or inaction takes place on school property and during the delivery of services of the youth program;

(b) The private nonprofit group provides proof of being insured, under an accident and liability policy issued by an insurance company authorized to do business in this state, that covers any injury or damage arising from delivery of its services. Coverage for a policy meeting the requirements of this section must be at least fifty thousand dollars due to bodily injury or death of one person, or at least one hundred thousand dollars due to bodily injury or death of two or more persons in any incident. The private nonprofit shall also provide a statement of compliance with the policies for the management of concussion and head injury in youth sports as set forth in section 2 of this act; and

(c) The group provides proof of such insurance before the first use of the school facilities. The immunity granted shall last only as long as the insurance remains in effect.

(2) Immunity under this section does not apply to any school district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or service, offered by a private nonprofit group, that is

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

operated primarily to provide persons under the age of eighteen with opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any person to recover damages for harm done by: (a) Any contractor or employee of a school district acting in his or her capacity as a contractor or employee; or (b) the existence of unsafe facilities or structures or programs of any school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1)(a) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(b) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

(2) Each school district's board of directors shall work in concert with the Washington interscholastic activities association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury.

(3) On a yearly basis, prior to participating in an interscholastic athletic activity a concussion and head injury information sheet shall be signed by the youth athlete and the athlete's parent and/or guardian and returned to the school district.

(4)(a) A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

(b) A youth athlete who has been removed from play for a suspected concussion or head injury may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to play from that person.

(c) The licensed health care provider trained in the evaluation and management of concussions may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(5) This section may be known and cited as the Zackery Lystedt law."

Senators King and McAuliffe spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Benton: "Would Senator King yield to a question?"

REPLY BY THE PRESIDENT

President Owen: "The Senator does not yield."

POINT OF INQUIRY

Senator Benton: "Would Senator McAuliffe yield to a question?"

REPLY BY THE PRESIDENT

President Owen: "The Senator does not yield."

Senator Roach spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and McAuliffe to Substitute Senate Bill No. 5763.

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

MOTION

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

On page 1, line 2 of the title, after "sports;" strike the remainder of the title and insert "amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW."

MOTION

On motion of Senator King, the rules be suspended, Engrossed Substitute Senate Bill No. 5763 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator King spoke in favor of passage of the bill.

Senator Benton spoke against the motion to advance the bill to third reading and final passage.

The President declared the question before the Senate to be the motion by Senator King that the rules be suspended and Engrossed Substitute Senate Bill No. 5763 be advanced to third reading, the second considered the third and the bill be placed on final passage.

The motion by Senator King carried and the motion to advance the bill to third reading and final passage was adopted by voice vote.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

Senator Roach spoke against passage of the bill.

Senators Pflug, Haugen and Holmquist spoke in favor of passage of the bill.

Senator Benton spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5763.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Morton

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

Concerning methicillin-resistant staphylococcus aureus.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Ranker

SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5763 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5501, by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

Concerning the secure exchange of health information.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Ranker and Rockefeller

SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5502, by Senators Keiser, Pflug, Franklin, Murray, Roach, Marr, Kohl-Welles and Shin

Establishing the primary care physician conditional tuition waiver program.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5502 was substituted for Senate Bill No. 5502 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 INTENT. The legislature finds that there is a critical shortage of primary care physicians in the state especially in rural areas. Primary care physicians operate as the entry point into the health care system and as such play a vital role in improving quality and controlling the costs of health care. It is the legislature's intent to create incentives for medical school students to choose primary care practice for their medical careers.

NEW SECTION. Sec. 2 DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conditional tuition waiver" means a loan that is forgiven in whole or in part if the recipient renders service as a primary care physician in this state.

(2) "Eligible student" means a resident student, as defined in RCW 28B.15.012, who is registered for at least six credit hours or the equivalent, is making satisfactory academic progress as

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

defined by the university, has declared primary care medicine for his or her major, and has a declared intention to practice primary care medicine in the state of Washington.

(3) "Forgiven" or "to forgive" or "forgiveness" means to practice primary care medicine in the state of Washington in lieu of monetary repayment.

(4) "Participant" means an eligible student who has received a conditional tuition waiver under this chapter.

(5) "Primary care," for the purposes of the conditional tuition waiver program established in section 3 of this act, means a physician licensed under chapter 18.71 RCW who is specifically trained for family practice medicine and skilled in comprehensive first contact and continuing care for persons with any undiagnosed sign, symptom, or health concern not limited by problem origin, organ system, or diagnosis. Primary care includes health promotion, disease prevention, health maintenance, counseling, patient education, and diagnosis and treatment of acute and chronic illness, in a variety of health care settings. Primary care is performed and managed by a personal physician often collaborating with other health professionals and using consultation or referral as appropriate.

(6) "Satisfied" means paid-in-full.

(7) "University" means the University of Washington.

NEW SECTION. Sec. 3. PROGRAM ESTABLISHED. The primary care physician conditional tuition waiver program is established. The program shall be administered by the university. In administering the program, the university has the following powers and duties:

- (1) To adopt necessary rules and guidelines;
- (2) To publicize the program;
- (3) To collect and manage repayments from students who do not meet their obligations under this chapter; and
- (4) To solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. SELECTION OF PARTICIPANTS--PROCESS. (1) The university shall select participants based on the application process conducted by the university.

(2) The university shall create a standard process for medical school students to declare their intention to be primary care physicians for the purposes of participating in the primary care physician conditional tuition waiver program. Applicants accepted into the program must provide the university with a signed contract accepting the terms of the program.

(3) Students who comply with subsection (2) of this section may be awarded conditional tuition waivers under this chapter, subject to available funds.

NEW SECTION. Sec. 5. CONTINUED ELIGIBILITY. To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the university to be making satisfactory academic progress.

NEW SECTION. Sec. 6. AWARD OF TUITION WAIVERS--AMOUNT--DURATION. The amount of the conditional tuition waiver awarded an individual may not exceed the amount of resident tuition and fees at the university incurred by an eligible student and approved by the university. Participants are eligible to receive conditional tuition waivers for a maximum of four years.

NEW SECTION. Sec. 7. REPAYMENT OBLIGATION--RULES. (1) A participant in the conditional tuition waiver program incurs an obligation to repay the tuition waiver, with interest, unless he or she is employed as a primary care physician in Washington state for two years for every one year of tuition received, under rules adopted by the university.

(2) The interest rate shall be determined annually by the university.

(3) The minimum payment shall be set by the university. The payments of principal and interest shall accrue quarterly

commencing six months from the date the participant completes or discontinues the course of study, including any internship or residency in primary care medicine. Provisions for deferral of payment shall be determined by the university.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant is employed as a primary care physician in this state until the entire repayment obligation is satisfied. Should the participant cease to be employed as a primary care physician in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The university is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The university is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the university as administrator is entitled, that are paid by or on behalf of participants under this section, shall be used to cover the costs of granting the conditional tuition waivers, maintaining necessary records, and making collections under subsection (5) of this section. The university shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional tuition waivers to eligible students.

(7) The university shall adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

Sec. 8. RCW 28B.15.910 and 2008 c 188 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University 10 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 10 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;

- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621 (2) and (4);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; (~~amnd~~)
- (s) RCW 28B.70.050; and
- (t) Section 4 of this act.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540;
- (c) RCW 28B.15.558; and
- (d) RCW 28B.15.621(3).

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University
1 percent
- (b) Eastern Washington University
3 percent
- (c) Central Washington University
3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.20 RCW to read as follows:

The University of Washington shall provide medical school students with information about the growth of patient and family-centered primary care medical homes throughout the state as a desirable and important strategy to improve quality of care.

NEW SECTION. **Sec. 10.** A new section is added to chapter 28B.20 RCW to read as follows:

Funding for graduate medical education shall be directed toward residents in family medicine, internal medicine, and pediatrics who plan to pursue primary care in Washington following their residency programs.

NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 12.** Sections 2 through 7 of this act are each added to chapter 28B.15 RCW.

NEW SECTION. **Sec. 13.** This act expires July 1, 2019."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the striking amendment be adopted.

On page 6, beginning on line 22, strike everything through "programs." on line 25 and insert the following:

"The University of Washington - Family Medicine Residency Network will make every reasonable effort to work with community physicians to establish additional accredited new sites in underserved Washington to train primary care professionals including physicians in family medicine, internal medicine or pediatrics."

Senators Keiser and Pflug spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 6, line 22 to the striking amendment to Substitute Senate Bill No. 5502.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug as amended to Substitute Senate Bill No. 5502.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 28B.15.910; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.20 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5502.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5502 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Excused: Senator Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5502, having received the constitutional majority, was declared

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. It's that time of year in which we engage in long afternoons into the evenings on the floor, getting to know each other very, very well. Since I notice you know the numbers of gray heads has sort of increased in my time here and certainly a few gray hairs on my head too. I know that there's a certain stimulant right about now that kind of helps the brain work. It also helps us get a little friendlier and so I brought along a little bit of my friend. Now this is from Seattle but I want you to know that this is ideologically tested. We had a test last year. The test person was Senator Pflug our good friend from the Fifth District. I thought and I told you maybe this stuff might change your thinking, didn't work. No, I'm sorry, it didn't work. The test mouse, Senator Pflug is just as conservative as she ever was. But what this means you all can have this stuff. It's not caffeine free but it's ideologically free and I commend it to you. It's right over here if you need any help I can show you how to push the buttons."

SECOND READING

SENATE BILL NO. 5608, by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles

Concerning genetic counselors.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5608 was substituted for Senate Bill No. 5608 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5608.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5608 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Berkeley, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Becker, Benton, Carrell, Holmquist, McCaslin, Roach and Stevens

Absent: Senator Tom

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5360, by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles

Establishing a community health care collaborative grant program.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkeley, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Hewitt and Rockefeller

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

SECOND READING

SENATE BILL NO. 5777, by Senators Murray and Parlette

Concerning the Washington state insurance pool.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5777 was substituted for Senate Bill No. 5777 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Parlette spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5777.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Kohl-Welles and Pridemore

Excused: Senators Hewitt, Kline, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5423, by Senators Pflug and Oemig

Regarding critical access hospitals not subject to certificate of need review.

The measure was read the second time.

MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.38.105 and 2004 c 261 s 6 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003; ~~(or)~~

(ii) Up to five swing beds; or

(iii) Up to twenty-five swing beds for critical access hospitals which do not have a nursing home licensed under chapter 18.51 RCW within the same city or town limits. No more than one-half of the additional beds designated for swing bed services under this subsection (4)(e)(iii) may be so designated before July 1, 2009, with the balance designated no sooner than July 1, 2010.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pflug and Keiser to Senate Bill No. 5423.

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

MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, Parlette, Roach, Stevens and Tom

Excused: Senators Hewitt, Kline, Rockefeller and Zarelli

ENGROSSED SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Keiser: "Would Senator Pflug yield to a question? As the prime sponsor of this bill is it your understanding that neither the intent nor the effect of this bill, Senate Bill No. 5423 will allow expansion of a swing bed capacity in any critical access hospital that has a nursing home within the same city limits?"

Senator Pflug: "Yes, this bill will not grant any additional swing bank to a critical access hospital that has a nursing home within the same city limits."

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Joint Memorial No. 8013 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8013.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8013 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hewitt, Rockefeller and Zarelli

SENATE JOINT MEMORIAL NO. 8013, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5480, by Senators Delvin, Franklin, Fairley, Keiser and Shin

Creating the Washington health care discount plan organization act.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5480.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Holmquist and Stevens

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6053, by Senators Fraser and Keiser

Establishing a pilot program to provide access to personal hygiene and cleaning products.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Brandland

Excused: Senators Hewitt, Rockefeller and Zarelli

SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6019, by Senators Keiser, Parlette, Kilmer, Jarrett, Tom, Holmquist, Pflug, Shin and Schoesler

Concerning employee wellness programs.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6019 was substituted for Senate Bill No. 6019 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6019.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6019 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Prentice

Excused: Senators Hewitt, Rockefeller and Zarelli

SUBSTITUTE SENATE BILL NO. 6019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5945, by Senators Keiser, Franklin and Kohl-Welles

Creating the Washington health partnership plan.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5945 was substituted for Senate Bill No. 5945 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5945 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators Pflug and Parlette spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5945.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5945 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Shin and Tom

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

Excused: Senators Prentice and Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5945, having received the constitutional majority, was declared passed. There

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5811, by Senators Hargrove, Stevens, Shin and Roach

Concerning the placement of foster children. Revised for 1st Substitute: Concerning foster child placements.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Regala and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

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

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

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

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

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

(a) Has been abandoned;

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

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

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

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal

right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

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

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

(10) "Housing services or assistance" means at least effective referrals to federal, state, local, or private agencies or organizations, assistance with forms, or financial subsidies or other monetary assistance for housing.

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

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

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

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

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

~~((11))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((12))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services or assistance, capable of preventing the need for out-of-home placement while protecting the child. ~~((Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.~~

~~((13))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((14))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((15))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

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

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

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

services will be delivered. The description shall identify the services chosen and approved by the parent;

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

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

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

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

Sec. 2. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the

parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative and shall make an express finding that the department's efforts have been made by the department in this regard;

(d) What services, including housing services or assistance if appropriate, were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order, including why placement with a relative is not appropriate at this time. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing services and assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. If the court does not place the child with a relative, the court shall make an express finding why placement with a relative did not occur. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home,

specifying the services, including housing services and assistance if appropriate, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 4. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410

s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

services and assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives and if not, the court shall make specific findings detailing the reasons why the child is not in a relative placement;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing services and assistance under ((RCW 13.34.130 and this section)) this chapter is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an

out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose. For purposes of this section, "homelessness or the lack of adequate and safe housing" constitutes the primary reason for out-of-home placement when the provision of housing services or assistance would likely prevent the need for out-of-home placement or shorten the length of stay in out-of-home placement. Nothing in this section shall be construed to create an entitlement to housing assistance and services, nor create judicial authority to order the provision of services to any person or family if the services or funding are unavailable or the child or family is not eligible for such services.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 5. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

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

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

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

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

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

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

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

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

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

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

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

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

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

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

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

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

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

(C) Being placed for adoption;

(D) Being placed with a guardian;

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

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

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

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

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

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

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

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

(ii) In the situation in which the department or supervising agency is recommending a placement other than the current foster parent or relative, make an express finding of the reasons

the department or agency is recommending that the child be moved.

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

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

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

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

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

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

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

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

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

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

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

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

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

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

- (a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (c) Parent-child visits;
- (d) Statutory preference for placement with a relative, if appropriate; and
- (e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

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

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 8. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

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

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

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

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the

attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

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

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

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

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

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

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

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

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

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

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

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

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

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

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

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

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child with a document containing the information contained in RCW 74.13.031(16). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 10. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

((+)) (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

((2)) (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

((3)) (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

((4)) (d) The foster parent has advocated for services on behalf of the foster child;

((5)) (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

((6)) (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department. The department shall take immediate personnel action against any employee based, in part, on findings by the ombudsman that the department employee has more likely than not engaged in retaliation against a foster parent under this section.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

Senators Hargrove, Stevens and Roach spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Regala and Stevens to Substitute Senate Bill No. 5811.

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

MOTION

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

On page 1, line 1 of the title, after "placements;" strike the remainder of the title and insert "amending RCW 13.34.030, 13.34.065, 13.34.145, 74.13.031, and 74.13.333; reenacting and amending RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW."

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Prentice and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5746, by Senator Hargrove

Modifying sentencing provisions for juveniles adjudicated of certain crimes.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5746 was substituted for Senate Bill No. 5746 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~((13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~(: -PROVIDED, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~(: -PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~(: -PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (E) of this subsection and remove the proceeding back to juvenile court with the court's

approval. In deciding whether or not to approve the motion to waive exclusive adult jurisdiction, the court shall only consider the facts of the alleged offense as they relate to: The seriousness of the alleged offense and the extent to which the juvenile was involved; whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; and whether the alleged offense is against persons or property, greater weight being given to offenses against persons, especially if personal injury resulted from the offense.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.40.020 and 2004 c 120 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an

offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

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

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who ~~((has not been previously transferred to adult court pursuant to RCW 13.40.110 or who))~~ is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.110 and 1997 c 338 s 20 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:

(a) The respondent is ~~((fifteen,))~~ sixteen~~(;)~~ or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

~~((2))~~ (3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

~~((3))~~ (4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 4. RCW 13.40.308 and 2007 c 199 s 15 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than ~~((five days of home detention))~~ three months of community supervision, forty-five hours of community restitution, ~~((and))~~ a two hundred dollar fine, and a

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((~~at~~))~~ a standard range sentence that includes six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, ~~((and))~~ a four hundred dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than five days of home detention and))~~ no less than three months of community supervision, forty-five hours of community restitution ~~((; or (ii) no home detention and ninety hours of community restitution))~~, a two hundred dollar fine, and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((~~at~~))~~ a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, ~~((and))~~ a four hundred dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than one day of home detention, one))~~ three months of community supervision ~~((; and))~~ fifteen hours of community restitution ~~((; or (ii) no home detention, one month of supervision, and thirty hours of community restitution))~~ and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, ~~((two days of home detention, two))~~ three months of community supervision, thirty hours of community restitution, ~~((and))~~ a one hundred fifty dollar fine and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, ~~((seven days of home detention, three))~~ six months of community supervision, forty-five hours of community restitution, ~~((and))~~ a one hundred fifty dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 5746.

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

MOTION

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

On page 1, line 2 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 13.40.020, 13.40.110, and 13.40.308; reenacting and amending RCW 13.04.030; and prescribing penalties."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5301, by Senators Hargrove and Parlette

Concerning permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5301.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brandland, Holmquist, Honeyford, King, McCaslin, Morton and Schoesler

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senator Prentice

Modifying the definition of gambling.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Roach, Stevens and Zarelli

Excused: Senator Rockefeller

SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5002, by Senators Jacobsen and Swecker

Creating the Washington heritage livestock and poultry breed recognition program.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5677, by Senator Hatfield

Regarding compliance with the dairy nutrient management program. Revised for 1st Substitute: Regarding the dairy nutrient management program.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5677 was substituted for Senate Bill No. 5677 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5677.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5677 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Delvin and Tom

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5913, by Senators Pflug, Keiser and Shin

Concerning online access to the University of Washington health sciences library by certain health care providers.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5913 was substituted for Senate Bill No. 5913 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5913 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5913.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Rockefeller

SUBSTITUTE SENATE BILL NO. 5913, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5718, by Senators Regala, Stevens, Holmquist, Hobbs, Carrell and Hatfield

Concerning the commitment of sexually violent predators.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kauffman

Absent: Senator Pridemore

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5973, by Senators Kauffman, McAuliffe, Oemig, Shin, Hobbs, Kohl-Welles and Kline

Closing the achievement gap in order to provide all students an excellent and equitable education. Revised for 2nd Substitute: Closing the achievement gap in K-12 schools.

MOTIONS

On motion of Senator Kauffman, Second Substitute Senate Bill No. 5973 was substituted for Senate Bill No. 5973 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Second Substitute Senate Bill No. 5973 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Hobbs spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5973.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5973 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6048, by Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen

Concerning the state's education system.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

(2) In enacting this legislation, the legislature intends to continue to review, evaluate, and revise the definition and funding of basic education in order to continue to fulfill the state obligation under Article IX of the state Constitution to define and fund a program of basic education for children residing in the state and attending public schools. The legislature also intends to continue to strengthen and modify the structure of the entire K-12 educational system, including nonbasic education programmatic elements, in order to build the capacity to anticipate and support potential future enhancements to basic education as the educational needs of our citizens continue to evolve.

(3) The legislature further intends to fulfill the state's obligation under Article IX to establish a general and uniform system of public schools and build upon the actions previously taken by the legislature to address the inequities that exist in the current system. However, the legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education to reflect certain needs and circumstances of each school district, including district size and certain student characteristics. It is the intent of the legislature to address these differences using a rational basis for the differences in order to promote equity and uniformity of educational opportunity.

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

(5) For practical and educational reasons, major changes of the program of basic education and the funding formulas to support it cannot occur instantaneously. The legislature intends to build upon the previous efforts of the legislature and the work of the basic education task force, the state board of education, the professional educator standards board, and others. However, an implementation strategy must be determined for the instructional program; financial experts must develop the details of the funding formulas that are based on prototypical schools; changes to the systems of educator certification, evaluation, mentoring, and compensation must be established; a data and reporting system must be designed; the capacity of districts to help their schools improve student achievement must be increased; and a system in which the state and school districts share accountability for achieving state educational standards requires new mechanisms that will clearly define the relationship of expectations for the state, school districts, and schools. As development of these formulas, processes, and systems progresses, the legislature shall monitor the progress. The legislature intends to begin a schedule for implementation of a redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year. It is the legislature's intent that when the system has the capacity to fully implement these reforms and enhancements they will be included in a definition and funding of basic education.

(6) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act constitute the legislature's definition of basic education under Article IX of the state Constitution. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors.

NEW SECTION. Sec. 3. OVERSIGHT. It is the intent of the legislature to maintain an active and ongoing role in monitoring and overseeing the development and implementation of the new basic education funding formula and redefinition of basic education. The state board of education, professional educator standards board, office of financial management, and the technical working groups established under sections 111, 401, and 502 of this act shall present status reports on the progress in completing the tasks assigned under the provisions of this act to a joint work session of the house of representatives and senate education committees as required by the legislature.

PART I
PROGRAM AND FUNDING OF BASIC EDUCATION

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

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

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

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

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. This program includes the following:

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

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

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

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

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

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

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

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

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

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

(6) "Classified employee" means a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the

daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

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

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

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

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

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

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

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

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

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

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

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

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

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

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

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

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

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

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

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten ~~((PROVIDED, That))~~. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and

28A.150.260, and such related supplemental program approval requirements as the state board may establish.

(5) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an ~~((amount which, when combined with an appropriate portion of such locally available revenues, other than))~~ allocation based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of this act. The basic education instructional allocation shall be net of receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020 ~~((as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).~~

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ~~((28A.150.250 and))~~ 28A.150.260, 28A.150.390, and section 108 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula ~~((and ratios))~~ provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ~~((28A.150.100 and))~~ 28A.150.410.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students. PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))~~

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ~~((28A.150.250;))~~ 28A.150.260 ~~((;))~~ and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured ~~((PROVIDED, That))~~. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ~~((The basic education allocation for~~

~~each annual average full-time equivalent student shall be determined in accordance with the following procedures)) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:~~

~~(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ((based on a ratio of students to staff)) for the distribution of a basic education instructional allocation for each ((annual average full-time equivalent student enrolled in a)) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:~~

- ~~—(a) Certificated instructional staff and their related costs;~~
- ~~—(b) Certificated administrative staff and their related costs;~~
- ~~—(c) Classified staff and their related costs;~~
- ~~—(d) Nonsalary costs;~~
- ~~—(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and~~
- ~~—(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))~~

~~(2)((~~†~~)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.~~

~~(3)(a) To the extent the technical details of the formula have been adopted by the legislature, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.~~

~~(b) For the purposes of this section, prototypical schools are defined as follows:~~

- ~~(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;~~
- ~~(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven~~

~~and eight; and~~

~~(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.~~

~~(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall at a minimum specify:~~

- ~~(i) Basic average class size;~~
 - ~~(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and~~
 - ~~(iii) Average class size in grades kindergarten through three.~~
- ~~(d) The minimum allocation for each level of prototypical school shall include allocations for staff in addition to classroom teachers.~~

~~(4) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.~~

~~(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:~~

~~(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.~~

~~(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.~~

~~(6) The allocations under subsections (3)(b), (c)(i), and (d) and (4) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.~~

~~(7) The distribution formula shall include allocations to school districts to support staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.~~

~~(8) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among~~

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

middle and high school students.

~~(9)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.~~

~~(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.~~

~~(c)) (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).~~

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((: PROVIDED, That the definition)) and shall be included as part of the superintendent's biennial budget request((: PROVIDED, FURTHER, That)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ((appropriations)) ways and means committee and the senate ways and means committee((: PROVIDED, FURTHER, That)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

~~((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.~~

~~(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4):)~~

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each

amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION.

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ((28A.150.250;)) 28A.150.260(3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((: and other state and local funds, excluding special excess levies)).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) (b), (c)(i), and (d) and (4), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 109. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ~~((from the state general fund))~~ for the current use of the common schools such amounts as needed for state support to ~~((the common schools))~~ school districts during the ensuing biennium ~~((as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010))~~ for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of

basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 110. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

GRADUATION REQUIREMENTS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007:))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. **Sec. 111. FUNDING WORKING GROUP.** (1) The legislature intends to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented beginning in the 2011-12 school year to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of the funding formulas and a concurrent implementation schedule.

(3) In addition to any other details the technical working group deems necessary, the technical working group shall:

(a) Based on the intent established in RCW 28A.150.260, determine how to adjust the actual allocations to school districts from the school prototypes and what additional data might be necessary to allow adjustments based on the actual number of full-time equivalent students in each grade level at each school in the district;

(b) Recommend whether there should be additional class size categories, in addition to those in RCW 28A.150.260, that should be specified in the omnibus appropriations act for prototypical schools;

(c) Recommend what staff categories, in addition to classroom teachers, should have specified allocations included in the omnibus appropriations act for prototypical schools. In developing the list, the working group shall at a minimum consider the following categories:

(i) Principals, including assistant principals and other certificated building-level administrators;

(ii) Teacher or classified employee librarians, a function that includes information literacy, technology, and media to support school library media programs;

(iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;

(iv) Guidance counselors, a function that includes parent outreach and graduation advisor;

(v) Professional development coaches;

(vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;

(vii) Office support, technology support, and noninstructional aides;

(viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees;

(ix) Student and staff safety; and

(x) Teacher mentor enhancement; and

(d) Recommend whether additional categories of enhancements to the annual average full-time equivalent student allocation should be included in the omnibus appropriations act for prototypical schools, any recommended criteria for those enhancements, and whether restrictions on when those enhancements apply should be included. The working group shall at a minimum give consideration to the following potential enhancements:

(i) Based on student enrollment in exploratory career and technical education courses;

(ii) Based on student enrollment in laboratory science courses;

(iii) Based on student enrollment in preparatory career and technical education courses;

(iv) Based on enrollment in preparatory career and technical education courses offered through a skill center; and

(v) Based on the enrollment of highly capable students.

(4) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(5) The working group shall be monitored and overseen by the legislature as established in section 3 of this act. The working group shall submit its recommendations to the legislature by December 1, 2009.

NEW SECTION. **Sec. 112.** A new section is added to chapter 28A.300 RCW to read as follows:

CAPACITY AND PHASE IN OF BASIC EDUCATION ENHANCEMENTS. (1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall annually make determinations on the educational system's capacity to accommodate increased resources in relation to the recommended elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

(a) Review the recommendations of the superintendent of public instruction submitted under subsection (1) of this section; and

(b) Use the information as it continues to redefine and enhance an evolving program of basic education that serves the educational needs of the citizen's of Washington; and ensure that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

(3) It is the intent of the legislature that as state support for the common schools is increased, increases in appropriations that are not basic education appropriations and that are above the maintenance level of the prior budget cycle shall be used primarily for the purposes of building system capacity to support:

(a) Class size reductions in grades kindergarten through three; or

(b) Increasing and enhancing a statewide beginning teacher mentoring and support system.

(4) "System capacity" for purposes of this section includes, but is not limited to, the ability of schools and districts to provide the capital facilities necessary to support a particular instructional program, the staffing levels necessary to support an instructional program both in terms of actual numbers of staff as well as the experience level and types of staff available to fill positions, the higher education systems capacity to prepare the next generation of educators, and the availability of data and a data system capable of helping the state allocate its resources in a manner consistent with evidence-based practices that are shown to improve student learning.

(5) The office of the superintendent of public instruction shall report to the legislature on an annual basis beginning December 1, 2010.

PART II

CERTIFICATION AND PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 201. INTENT. The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) By January 1, 2010, the professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level of certification and along the entire career continuum. In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(b) By January 1, 2010, the professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in

classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work. The proposal shall establish a timeline for when the assessment will be required for successful completion of a Washington state-approved teacher preparation program. The timeline shall take into account the capacity of the K-12 education and higher education systems to accommodate the new assessment. The proposal and timeline shall also address how the assessment will be included in state-reported data on preparation program quality; and

(c) A recommendation on the length of time that a residency certificate issued to a teacher is valid and within what time period a teacher must meet the minimum level of performance for and receive a professional certificate in order to continue being certified as a teacher. In developing this recommendation, the professional educator standards board shall consult with interested stakeholders including the Washington education association, the Washington association of school administrators, association of Washington school principals, and the Washington state school directors' association and shall include with its recommendation a description of each stakeholder's comments on the recommendation.

(3) The update and proposal in subsection (2)(a) and (b) of this section shall include, at a minimum, descriptions of:

(a) Estimated costs and statutory authority needed for further development and implementation of these assessments;

(b) A common and standardized rubric for determining whether a teacher meets the minimum level of performance of the assessments; and

(c) Administration and management of the assessments.

(4) To the extent that funds are appropriated for this purpose and in accordance with the timeline established in subsection (2) of this section, recognizing the capacity limitations of the education systems, the professional educator standards board shall develop the system and process as established in subsections (1), (2), and (3) of this section throughout the remainder of the 2010-11 and 2011-12 school years.

(5) Beginning no earlier than September 1, 2011, award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board and on the results of the evaluation authorized under RCW 28A.410.210(14) and under this section, and may not require candidates to enroll in a professional certification program.

(6) Beginning July 1, 2011, educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the professional educator standards board.

Sec. 203. RCW 28A.415.360 and 2007 c 402 s 9 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) ~~((The expected outcomes of these programs are))~~ A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) Skillful guidance for students participating in alternative assessment activities;

(e) Increased rigor of course offerings especially in mathematics, science, and reading;

(f) Increased student opportunities for focused, applied mathematics and science classes;

(g) Increased student success on state achievement measures; and

(h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction (~~(regarding the use of the funds;)~~ documenting how the use of the funds (~~(is associated with)~~ contributes to measurable improvement in the (~~(expected)~~) outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

PART III SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT

NEW SECTION. Sec. 301. INTENT. (1) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability. The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, potentially, state-funded intervention strategies.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.305 RCW to read as follows:

PRINCIPLES. (1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases

the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on student growth using criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The accountability index shall take into account the level of state resources a school or school district receives in support of the program of basic education. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the system of voluntary support is implemented. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2012, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and potential intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 111 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

PART IV COMPENSATION

NEW SECTION. Sec. 401. A new section is added to chapter 43.41 RCW to read as follows:

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) The role of and types of bonuses available;
- (d) Ways to accomplish salary equalization over a set number of years; and
- (e) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and
- (c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature as established in section 3 of this act. The working group shall make an initial report to the legislature by

December 1, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

PART V OTHER FINANCE

NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.500 RCW to read as follows:

NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. **Sec. 502.** LOCAL FUNDING WORKING GROUP. (1) Beginning July 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under this act and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The local funding working group shall be monitored and overseen by the legislature as established in section 3 of this act. The working group shall report to the legislature December 1, 2011.

PART VI GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

Sec. 601. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((The learning assistance program requirements in))~~ This chapter ~~((are))~~ is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ~~((programs))~~ supplemental instruction and services to assist underachieving students. ~~((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 602. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

LAP ADJUSTMENTS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade))~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 603. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ((The distribution formula shall be based on one or more family income factors measuring economic need.

~~((2))~~ In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. ~~The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~((a))~~ If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior

school year:

~~((b))~~ The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

~~((c))~~ School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))

Sec. 604. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools ~~((and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).~~

Sec. 605. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

TBIP ADJUSTMENTS. ~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program ~~((; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~

Sec. 606. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

EDUCATION BY OTHER DISTRICTS. (1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education ~~((; PROVIDED, That)).~~ Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW ~~((28A.150.100;))~~ 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ~~((28A.160.220))~~ 28A.300.035, and 28A.300.170 ~~((; and 28A.500.010))~~ shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

NEW SECTION. **Sec. 607.** The following acts or parts of acts are each repealed:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

(5) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

(6) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

PART VII MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 701.** Part headings and captions used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** Sections 1, 3, 102, and 108 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. **Sec. 703.** Sections 101 through 109 and 601 through 607 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 704.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

On page 3, after line 5, strike all of section 2 through line 13.

Renumber the sections consecutively and correct any internal references accordingly.

Senators King and Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Oemig spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, after line 5 to the striking amendment to Senate Bill No. 6048.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 4, line 27 of the amendment, after "facilities;" strike "and"

On page 4, line 30 of the amendment, after "28A.160.180" insert "; and

(e) The highly capable program"

On page 8, line 10 of the amendment, after "28A.180.080;" strike "and"

On page 8, line 13 of the amendment, after "28A.155.020" insert "; and

(g) The supplemental instruction under the highly capable program"

On page 37, after line 2, insert the following:

"NEW SECTION. **Sec. 606.** A new section is added to chapter 28A.185 RCW to read as follows:

Every child deserves a chance to soar. Washington cannot provide a world class education unless it provides a basic education for our most talented students to be funded in the manner as those who are learning at grade level. Therefore, the program for highly capable students shall be considered part of the program of basic education and phased in as such in accordance with section 112 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.185 RCW;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 4, line 27 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Jarrett moved that the following amendment by Senator Jarrett to the striking amendment be adopted.

On page 5, beginning on line 26 of the amendment, strike all of subsection (8) and insert the following:

"(8) "Instructional hours" means those hours students are provided the opportunity to engage in academic and career and technical instruction planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals, intermissions for class changes, or recess."

On page 12, line 24 of the amendment, strike "and" and on line 25, after "(iii)" insert "Basic average class size for exploratory career and technical education courses;

(iv) Basic average class size for career and technical courses, including those offered through a skill center; and

(v)"

On page 34, after line 4 of the amendment, insert the following:

"**Sec. 601.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

YOUTH CHALLENGE PROGRAM. Basic and nonbasic education funding, including applicable (~~vocational entitlements~~) career and technical education enhancements and special education program money, generated under this chapter and under state appropriations acts shall be allocated directly to the military department for a national guard youth challenge program for students earning high school graduation credit under RCW (~~28A.305.170~~) 28A.300.165. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The monthly full-time equivalent enrollment reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section."

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 38, line 24 of the title amendment, after "28A.415.360," insert "28A.150.310."

Senators Jarrett and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Oemig and King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jarrett on page 5, line 26 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Jarrett failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

On page 21, line 4, after "Constitution." strike all material through "requirements." on line 11

On page 24, after line 7, insert the following:

"NEW SECTION. Sec. 112. STATE FUNDING SOURCES WORKING GROUP.

(1) The legislature recognizes that defining a new program of basic education and establishing new allocations of state funding deemed necessary to support school districts in offering that program carries with it the responsibility to identify long-term funding sources sufficient to support additional costs to the state that result. The legislature finds that while making ample provision for the education of all children residing within its borders is the state's paramount duty, it does not negate its responsibility for other essential state programs and services. The legislature further finds that while a redefined program of basic education and the resources necessary to support it is appropriate for both practical and educational reasons, it does not diminish the long-term funding obligations accruing from it, or the legislature's responsibility to demonstrate how it will meet them. The legislature therefore intends that work to identify long-term funding sources to finance the program and state allocations established under this act shall proceed concurrently with the work of the working group established in sections 111.

(2) The office of financial management shall convene a working group to identify new, long-term funding sources deemed sufficient to support the revised program of basic education and funding allocations adopted under this act.

(3) The working group shall include:

(a) A representative of the office of the governor;
(b) The superintendent of public instruction or the superintendent's designee;

(c) Two members of the house of representatives, with one member representing each of the major caucuses and appointed by the speaker of the house of representatives;

(d) Two members of the senate, with one member representing each of the major caucuses and appointed by the president of the senate;

(e) Four members of the public having expertise in state finances, appointed by the governor from a list of three names submitted by the leaders of each major caucus of the legislature;"

Renumber remaining sections consecutively and correct internal references accordingly.

On page 38, line 15, after "**703.**" strike everything through "2011." on line 16 and insert the following:

"(1) Sections 101 through 105, 108, 109, and 601 through 607 of this act take effect September 1, 2011.

(2) Sections 1, 2, 106, 107, and 113 of this act take effect only if a new revenue source that (a) is dedicated to the purposes of these sections, (b) supplements and does not supplant existing

revenue sources that support K-12 education, and (c) references these sections by section and bill or chapter number, is enacted into law by June 30, 2011. If such a revenue source is not enacted by that date, sections 1, 2, 106, 107, and 113 of this act are null and void."

Senators King, Zarelli and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Oemig spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Pflug: "Thank you Mr. President, I object to the gentleman's characterization of this amendment as a deception. I think that he's impugning the good gentleman who brought it forward with good intentions."

REPLY BY THE PRESIDENT

President Owen: "Senator Oemig, please be careful in what you say as it may impugn the motives of the other members. That was very close."

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 21, line 4 to the striking amendment to Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator King to the striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Excused: Senator Rockefeller

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 37, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 607. The legislature recognizes that student learning experiences are enhanced through many activities selected by students and parents outside the classroom environment. The legislature finds that recognizing the value of these educational activities through awarding high school physical education, visual and performing arts, and elective credits for participation in these activities will help encourage parental involvement in their children's education, improve student learning through encouraging students to take advantage of a broader variety of educational opportunities, and provide students with the time to take additional academic courses during the school day.

Sec. 608. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school

FIFTY-SEVENTH DAY, MARCH 9, 2009

graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board. The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. The board shall ~~((reports [report]))~~ report its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) The state board of education shall provide by rule for high school credit equivalencies for physical education, visual and performing arts, and elective requirements for educational experiences selected by parents and students consistent with policies adopted by local school boards under section 3 of this act.

(5) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

~~((5))~~ (6) Students who have taken and successfully completed high school courses under the circumstances in subsection ~~((4))~~ (5) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

~~((6))~~ (7) At the college or university level, five quarter or

three semester hours equals one high school credit.

NEW SECTION. Sec. 609. A new section is added to chapter 28A.320 RCW to read as follows:

A school district board of directors shall grant high school credit for certain educational experiences selected by parents and students consistent with the policies adopted by the school board. By September 1, 2010, each school district board of directors shall adopt a policy granting high school credit for certain educational experiences selected by students or parents. The policy shall describe the number of credits granted and the equivalencies for the district's current high school graduation requirements for physical education, visual and performing arts, and electives. Experiences qualifying for educational credit shall include but not be limited to activities under the supervision of the Washington interscholastic activities association or other nonprofit voluntary entity responsible for interschool extracurricular activities; other activities approved by the school board and recognized by regional organizations; and other activities approved by the school board."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 38, line 25 of the title amendment, after "28A.180.080," strike "and 28A.225.200" and insert "28A.225.200, and 28A.230.090"

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.320 RCW;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Oemig spoke against adoption of the amendment to the striking amendment.

Senator Roach demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 37, after line 24 to the striking amendment to Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Schoesler, Shin and Tom

Excused: Senator Rockefeller

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 37, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 607. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district shall develop and implement a policy to routinely communicate with the parents or legal guardians of kindergarten students regarding the status of the student's initial skills in the academic areas of reading, mathematics, and writing, including letter and number recognition. If the student is behind in these initial skills then the school district shall provide supplemental materials to the parents or guardians that may be used to assist the student in acquiring the initial skills."

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 39, line 4 of the title amendment, after "28A.500 RCW;" insert "adding a new section to chapter 28A.320;"

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 37, after line 24 to the striking amendment to Senate Bill No. 6048.

The motion by Senator Roach failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Oemig to Senate Bill No. 6048.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380, 28A.230.090, 28A.415.360, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and 28A.155.180; and providing an effective date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Senate Bill No. 6048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Jarrett spoke in favor of passage of the bill.

Senators Schoesler and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6048 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridmore, Ranker, Regala, Roach and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

ENGROSSED SENATE BILL NO. 6048, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5491, by Senators Brandland, Zarelli and Becker

Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority.

MOTION

On motion of Senator Brandland, Second Substitute Senate Bill No. 5491 was substituted for Senate Bill No. 5491 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 1, beginning on line 5, strike the remainder of the bill and insert the following:

"Sec. 1. RCW 28A.400.270 and 1990 1st ex.s. c 11 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.400.275 and 28A.400.280.

(1) "School district employee benefit plan" means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage and the amount of employer contributions, as well as the characteristics of benefit providers and the specific benefits or coverage offered. It shall not include coverage offered to district employees for which there is no contribution from public funds.

(2) "Fringe benefit" does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.400.210.

(3) "Basic benefits" are determined through local bargaining until September 1, 2012, and are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage. Beginning September 1, 2012, basic benefits are determined by the public employees' benefits board and administered by the Washington state health care authority.

(4) "Benefit providers" include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(5) "Group term life insurance coverage" means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) "Group long-term disability insurance coverage" means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

Sec. 2. RCW 28A.400.275 and 1990 1st ex.s. c 11 s 5 are each amended to read as follows:

(1) Any contract for employee benefits executed after April 13, 1990, between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district employee benefits. The term of the contract may not exceed one

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

year. After September 1, 2012, any contract for employee benefits between a school district and a bargaining unit is null and void unless basic benefits are provided through plans administered by the Washington state health care authority.

(2) School districts shall ~~((annually))~~ submit to the Washington state health care authority ~~((summary descriptions of all benefits offered under the district's employee benefit plan.))~~ all information deemed necessary by the health care authority for the administration of the employee benefit plans provided to school district employees, including all information requested between the effective date of this section and September 1, 2012, requested for preparing for the enrollment of school district employees in benefit plans administered by the Washington state health care authority. Until September 1, 2012, the districts shall also submit data to the health care authority specifying the total number of employees and, for each employee, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent. The plan descriptions and the data shall be submitted in a format and according to a schedule established by the health care authority.

(3) Any benefit provider offering a benefit plan by contract with a school district under subsection (1) of this section shall agree to make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district is required to report to the Washington state health care authority under this section.

(4) This section shall not apply to benefit plans offered in the 1989-90 school year.

Sec. 3. RCW 28A.400.350 and 2001 c 266 s 2 are each amended to read as follows:

(1) (a) The board of directors of any of the state's school districts or educational service districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in (b) of this subsection, such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law.

(b) Beginning September 1, 2012, a school district or educational service district shall purchase basic benefits as defined in RCW 28A.400.270 for employees and dependents through the state health care authority, except that the coverage may be purchased through other parties if required by any collective bargaining agreement signed before the effective date of this section. Upon the expiration of such a collective bargaining agreement, the school district or educational service district shall purchase coverage through the state health care authority.

(2) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

Sec. 4. RCW 41.05.011 and 2008 c 229 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes:

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

(a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district or educational service district, except that prior to September 1, 2012, only if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; and (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g).

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Employer" means the state of Washington.

(16) "Employing agency" means a division, department, or separate agency of state government; a county, municipality, school district, educational service district, or other political subdivision; and a tribal government covered by this chapter.

(17) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

(18) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(19) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(20) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

Sec. 5. RCW 41.05.021 and 2007 c 274 s 1 and 2007 c 114 s 3 are each reenacted and amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state and school district employees' insurance benefits and retired or disabled (~~school~~) employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for state and school district employees and retired or disabled state and school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) ~~Until September 1, 2012,~~ to publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority; and

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

Sec. 5. RCW 41.05.050 and 2007 c 114 s 4 are each amended to read as follows:

(1) Every: (a) Department, division, or separate agency of state government; (b) county, municipal, school district, educational service district, or other political subdivisions; and (c) tribal governments as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, other political subdivision, or a tribal government for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups (~~except as provided in subsection (4) of this section~~).

(2) If the authority at any time determines that the participation of a county, municipal, other political subdivision, or a tribal government covered under this chapter adversely impacts insurance rates for state employees, the authority shall implement limitations on the participation of additional county, municipal, other political subdivisions, or a tribal government.

(3) The contributions of any: (a) Department, division, or separate agency of the state government; (b) county, municipal, or other political subdivisions; and (c) any tribal government as are covered by this chapter, shall be set by the authority, subject

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Beginning September 1, 2003, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees ~~(for groups of district employees enrolled in authority plans as of January 1, 2003. However, during the 2005-07 fiscal biennium, the authority shall collect from each participating school district and educational service district an amount equal to the insurance benefit allocations provided in section 504, chapter 518, Laws of 2005, plus any additional funding provided by the legislature for school employee health benefits, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of July 1, 2005.~~

~~(b) For all groups of district employees enrolling in authority plans for the first time after September 1, 2003, the authority shall collect from each participating school district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to state employees, only if the authority determines that this method of billing the districts will not result in a material difference between revenues from districts and expenditures made by the authority on behalf of districts and their employees.~~

~~(c) If the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all district employees enrolled in authority plans.~~

~~(d) The authority may charge districts a one-time set-up fee for employee groups enrolling in authority plans for the first time). The authority may collect these amounts in accordance with the district fiscal year.~~

~~((e)) (b) For the purposes of this subsection(:~~

~~(i)), "district" means school district and educational service district((; and~~

~~(ii) "Tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.~~

~~(f) Notwithstanding this subsection and RCW 41.05.065(3), the authority may allow districts enrolled on a tiered rate structure prior to September 1, 2002, to continue participation based on the same rate structure and under the same conditions and eligibility criteria).~~

(5) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

(6) The authority shall explore opportunities to change the start of the benefit year to September to accommodate the September 1, 2012, merger of school districts and educational service districts.

Sec. 7. RCW 41.05.065 and 2007 c 156 s 10 and 2007 c 114 s 5 are each reenacted and amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria subject to the requirements of RCW 41.05.066. ~~((The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.)) School districts and educational service districts may contractually agree with the authority to benefits eligibility criteria that differ from the criteria applicable to state employees.~~

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay. A school district or educational service district may collect additional contributions from part-time employees not to exceed the cost of the benefits provided to these employees.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and ~~((retired))~~ school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering. For the purposes of this subsection, employees and retired employees include the employees and retired employees of school districts and educational service districts.

(a) Participation of eligible employees or retired employees ~~((and retired school employees))~~ in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee~~(s)~~ or retired employee~~(s; and retired school employee are)~~ is solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees~~((retired school employees))~~, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees~~(s)~~ and retired employees~~((and retired school employees))~~ the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits

board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees~~(s)~~ and retired employees~~((and retired school employees))~~ designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

NEW SECTION. Sec. 8. (1) By the effective date of this act, the health care authority, in coordination with the office of the superintendent of public instruction, shall convene a work group on the provision and procurement of health benefits for K-12 employees.

(2) The health care authority shall invite representatives from the following organizations to participate in the work group:

- (a) Representatives of school districts;
- (b) Representatives of educational service districts;
- (c) Representatives of labor organizations representing K-12 employees;
- (d) Representatives of health carriers;
- (e) Members of the house of representatives and the senate; and

(f) Representatives of other relevant entities as the health care authority may deem appropriate.

(3) By December 15, 2009, the health care authority shall report the findings of the work group to the governor and the fiscal committees of the legislature. The report may recommend changes to the processes for funding and procurement of health benefits for K-12 employees. The options investigated by the work group must include the centralized provision of health benefits for K-12 employees by the health care authority as required under this act."

On page 1, line 1 of the title, after "Relating to", strike the remainder and insert "the provision and procurement of health and related insurance coverage for school district and educational service district employees; amending RCW 28A.400.270, 28A.400.275, 28A.400.350, 41.05.011, and 41.05.050; reenacting and amending RCW 41.05.021 and 41.05.065; and creating a new section."

Senators Brandland and Kastama spoke in favor of adoption of the amendment.

Senators Keiser and McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 1, line 5 to Second Substitute Senate Bill No. 5491.

The motion by Senator Brandland failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Second Substitute Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5491.

ROLL CALL

FIFTY-SEVENTH DAY, MARCH 9, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Regala

Excused: Senator Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,

ENGROSSED HOUSE BILL NO. 1385,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,

ENGROSSED HOUSE BILL NO. 1616,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618,

ENGROSSED HOUSE BILL NO. 1815,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 8:31 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, March 10, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 10, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen and Parlette.

The Sergeant at Arms Color Guard consisting of Pages Matthew Evan Stubbs and Justin Michael Wargo, presented the Colors. Pastor Erik Wilson Weiberg of Ballard First Lutheran Church of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, SECOND SUBSTITUTE HOUSE BILL NO. 1021, SECOND SUBSTITUTE HOUSE BILL NO. 1081, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123, HOUSE BILL NO. 1184, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349, SECOND SUBSTITUTE HOUSE BILL NO. 1373, SECOND SUBSTITUTE HOUSE BILL NO. 1481, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889, SECOND SUBSTITUTE HOUSE BILL NO. 1938, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961, ENGROSSED HOUSE BILL NO. 1986, SUBSTITUTE HOUSE BILL NO. 2003, SUBSTITUTE HOUSE BILL NO. 2147, SUBSTITUTE HOUSE BILL NO. 2198, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills: SUBSTITUTE HOUSE BILL NO. 1201, SUBSTITUTE HOUSE BILL NO. 1300, SUBSTITUTE HOUSE BILL NO. 1321, SUBSTITUTE HOUSE BILL NO. 1329, SUBSTITUTE HOUSE BILL NO. 1347, SUBSTITUTE HOUSE BILL NO. 1413, SUBSTITUTE HOUSE BILL NO. 1572, HOUSE BILL NO. 1579,

SUBSTITUTE HOUSE BILL NO. 1621, SUBSTITUTE HOUSE BILL NO. 2010, SECOND SUBSTITUTE HOUSE BILL NO. 2106, SECOND SUBSTITUTE HOUSE BILL NO. 2113, SECOND SUBSTITUTE HOUSE BILL NO. 2130, SECOND SUBSTITUTE HOUSE BILL NO. 2167, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills: ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, ENGROSSED HOUSE BILL NO. 1530, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills: HOUSE BILL NO. 1395, SUBSTITUTE HOUSE BILL NO. 2095, SECOND SUBSTITUTE HOUSE BILL NO. 2114, HOUSE BILL NO. 2164, SUBSTITUTE HOUSE BILL NO. 2223, SUBSTITUTE HOUSE BILL NO. 2275, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1038 by House Committee on General Government Appropriations (originally sponsored by Representatives Orcutt, Blake, Kretz, Van De Wege, Warnick, McCune, Pearson, Kristiansen and Kessler)

AN ACT Relating to forest products addressed by chapter 76.48 RCW; amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; and repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1062 by House Committee on Finance (originally sponsored by Representatives Takko, Warnick, Blake, Orcutt, Ericks and Morris)

AN ACT Relating to the expiration date, goals, and legislative reporting provisions of the electrolytic processing business tax exemption; amending RCW 82.16.0421 and 82.32.560; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1357 by House Committee on Health Care & Wellness (originally sponsored by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood)

AN ACT Relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education; adding a new section to chapter 28B.85 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1362 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway)

AN ACT Relating to conveyances used in prostitution-related offenses; and amending RCW 9A.88.140.

Referred to Committee on Judiciary.

EHB 1385 by Representatives Haler, Van De Wege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith and Johnson

AN ACT Relating to sexual misconduct by school employees; and amending RCW 9A.44.093 and 9A.44.096.

Referred to Committee on Judiciary.

SHB 1418 by House Committee on Education (originally sponsored by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson)

AN ACT Relating to establishing a statewide dropout reengagement system; amending RCW 28A.310.180, 28A.305.190, 28B.50.030, 28B.50.535, and 28B.15.067; adding new sections to chapter 28A.175 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1429 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives O'Brien, Bailey, Sells, Hinkle, Cody, Kessler, Hudgins, Ericks, Moeller, Morrell and Ormsby)

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Health & Long-Term Care.

ESHB 1445 by House Committee on Ways & Means (originally sponsored by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos)

AN ACT Relating to domestic partners under the Washington state patrol retirement system; amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, and 43.43.295; and reenacting and amending RCW 43.43.285.

Referred to Committee on Transportation.

EHB 1460 by Representatives Morrell, Anderson, Bailey and Cody

AN ACT Relating to critical access hospitals not subject to certificate of need reviews; and amending RCW 70.38.105.

Referred to Committee on Health & Long-Term Care.

HB 1463 by Representatives Seaquist, Angel and Finn

AN ACT Relating to the deferral of sales and use taxes due on the state route number 16 corridor improvements project; and amending RCW 47.46.060.

Referred to Committee on Ways & Means.

HB 1491 by Representatives Pedersen, Rodne, Rolfes, Seaquist, Kenney, Upthegrove, Cody, Chase, Nelson, Moeller, Carlyle, Hunter, Roberts, Morrell, White, Wood, Dickerson and Goodman

AN ACT Relating to vehicles overtaking and passing pedestrians or bicycles; and amending RCW 46.61.100 and 46.61.110.

Referred to Committee on Transportation.

EHB 1616 by Representative Simpson

AN ACT Relating to the state pension benefits of certain domestic partners; and amending RCW 41.05.080, 41.05.195, 41.26.030, 41.26.048, 41.26.460, 41.26.470, 41.26.510, and 41.26.520.

Referred to Committee on Ways & Means.

E2SHB 1618 by House Committee on General Government Appropriations (originally sponsored by Representatives White, Nelson, Hudgins, Kenney, Sullivan, Carlyle, Hasegawa, Santos, Green, Miloscia, Orwall, Pedersen, Cody, Dickerson, Lias, Kelley, Pettigrew, Goodman, Simpson, Morrell and Ormsby)

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135, 28A.525.050, and 28A.335.130; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 1683 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Goodman, Nelson, Campbell, Williams, Orwall, Green, Ormsby, Moeller and Pedersen)

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

AN ACT Relating to modifying provisions relating to consumer protection act violations; amending RCW 19.86.090; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1733 by House Committee on Finance (originally sponsored by Representatives Goodman, Blake, Springer, Eddy, Dunshee, Rolfes and Kessler)

AN ACT Relating to the property tax current use valuation programs; and amending RCW 84.34.020, 84.34.108, and 84.33.140.

Referred to Committee on Ways & Means.

SHB 1761 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hasegawa, Appleton and Hurst)

AN ACT Relating to the ethical use of legislative web sites; amending RCW 42.52.180; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1769 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell)

AN ACT Relating to orders for housing assistance in dependency matters; amending RCW 13.34.030 and 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138.

Referred to Committee on Human Services & Corrections.

EHB 1815 by Representatives Sullivan, Orcutt, Hinkle, Simpson, Blake, Kristiansen, Haigh, Ericks, Van De Wege, Hope, Newhouse, Roach, Armstrong, Morrell, Takko, Campbell, McCune and Rolfes

AN ACT Relating to current use valuation under the property tax open space program; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Ways & Means.

HB 1830 by Representative Santos

AN ACT Relating to business definitions for public contracting; and amending RCW 39.04.010, 39.04.155, and 39.29.006.

Referred to Committee on Government Operations & Elections.

SHB 1838 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt and Blake)

AN ACT Relating to the creation of a raffle-only limited recreational rainbow trout fishery in Spirit Lake; amending RCW 77.32.050, 77.08.010, 9.46.400, and 9.46.010; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1845 by House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen)

AN ACT Relating to medical support obligations; amending RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 1878 by Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darnelle, Moeller and Kenney

AN ACT Relating to transfers of accumulated leave of employees of the state school for the blind and the school for the deaf; and amending RCW 28A.310.240 and 28A.400.300.

Referred to Committee on Ways & Means.

2SHB 1899 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Warnick and Hinkle)

AN ACT Relating to physicians holding a retired active license; amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section to chapter 18.71 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1900 by House Committee on Judiciary (originally sponsored by Representatives Kelley and Hurst)

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.380.

Referred to Committee on Judiciary.

HB 1912 by Representatives Armstrong, Hunt and Moeller

AN ACT Relating to maintenance and construction activities in support of facilities used to house sexually violent predators; amending RCW 71.09.2501, 43.21C.270, 90.58.390, and 77.55.071; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

ESHB 1926 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Ericksen, Appleton, Pettigrew, Kenney, Moeller and Ormsby)

AN ACT Relating to exempting from certificate of need requirements hospice agencies that serve the unique cultural or religious needs of religious groups or ethnic minorities; and amending RCW 70.38.111.

Referred to Committee on Health & Long-Term Care.

2SHB 1946 by House Committee on Education Appropriations (originally sponsored by Representatives Carlyle, Anderson, Wallace, Angel, White, Schmick, Hasegawa, Goodman, Sullivan, Haigh, Hudgins, Kenney and Maxwell)

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

AN ACT Relating to higher education online technology; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Ways & Means.

2SHB 1951 by House Committee on General Government Appropriations (originally sponsored by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams and Van De Wege)

AN ACT Relating to creating a program for public-private partnerships for the operation and management of salmonid hatcheries now closed or scheduled for closure by the department of fish and wildlife during the 2009-2011 biennium; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1952 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Ormsby, Blake, Flannigan, Maxwell, Pettigrew, Springer, Hudgins, Liias, Morrell, White, Conway, Hasegawa, Chase, Sullivan, Dickerson, Wood and Santos)

AN ACT Relating to the building communities fund program competitive process; and amending RCW 43.63A.125.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1953 by House Committee on Ways & Means (originally sponsored by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle)

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SHB 1957 by House Committee on Capital Budget (originally sponsored by Representatives Jacks, Warnick and Van De Wege)

AN ACT Relating to qualified applicants and procedures within the Washington wildlife and recreation program; and amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1959 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Rodne, Williams and Armstrong)

AN ACT Relating to land use and transportation planning for marine container ports; reenacting and amending RCW 47.06.140; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SHB 1972 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dunshee, Blake and Williams)

AN ACT Relating to accessing land for outdoor recreation; amending RCW 77.32.380 and 77.12.880; creating a new section; and repealing RCW 77.12.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1981 by House Committee on Finance (originally sponsored by Representatives Driscoll, Parker, Wood and Ormsby)

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.045, and 82.62.050; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2071 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Green, Kagi, Miloscia, Pettigrew, Nelson, Haler, Priest, Goodman, Conway, Ormsby, Santos and Kenney)

AN ACT Relating to increasing the earning potential of parents of needy families; amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 2072 by House Committee on Transportation (originally sponsored by Representatives Wallace, Clibborn and Wood)

AN ACT Relating to advancing effective transportation for persons with special transportation needs; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 47.01 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2125 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Santos and Kenney)

AN ACT Relating to community preservation and development authorities; amending RCW 43.167.010, 43.167.020, 43.167.030, and 43.167.050; adding new sections to chapter 43.167 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

ESHB 2128 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist and Simpson)

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

AN ACT Relating to meeting the goal of all children in Washington state having health care coverage by 2010; amending RCW 74.09.470 and 74.09.480; and creating new sections.

43.325.030, 43.325.040, and 43.325.070; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SHB 2157 by House Committee on General Government Appropriations (originally sponsored by Representative Springer)

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

AN ACT Relating to the consolidation of certain salmon recovery activities and programs within the recreation and conservation office; amending RCW 77.85.030, 77.85.020, 77.85.250, 77.85.140, and 77.85.005; adding new sections to chapter 79A.25 RCW; creating new sections; recodifying RCW 77.85.020, 77.85.030, and 77.85.250; repealing RCW 77.85.100; and providing expiration dates.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

Senator Fraser moved adoption of the following resolution:

SHB 2160 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Bailey, Kelley, Wood and Morrell)

SENATE RESOLUTION

8628

By Senators Fraser, Parlette, Fairley, Brandland, Shin, Prentice, Marr, King, Berkey, Pflug, Eide, Carrell, Murray, Regala, Franklin, Haugen, Stevens, Roach, and Oemig

AN ACT Relating to health carrier payment of wellness incentives; and amending RCW 48.30.140 and 48.30.150.

WHEREAS, In 1910, Washington became the fifth state to enact a state constitutional amendment granting the right to vote to women, and the first state to do so in the 20th century; and

Referred to Committee on Health & Long-Term Care.

HB 2165 by Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick and Morrell

WHEREAS, Washington's enactment revitalized the national women's suffrage movement, culminating in approval of the nineteenth amendment to the United States Constitution in 1920 to grant this right to women nationwide; and

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass energy demonstration project; amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section.

WHEREAS, To commemorate the centennial of the 1909 legislature adopting a proposed constitutional amendment, chapter 18 (House Bill 59), Laws of 1909, to grant the right to vote to Washington women in all elections, which was placed on the 1910 general election ballot and approved in November of 1910, reprinted below are key provisions from that measure:

Referred to Committee on Natural Resources, Ocean & Recreation.

AN ACT to amend article six (VI) of the Constitution of the State of Washington relating to the qualification of voters within the state.

SHB 2196 by House Committee on Ways & Means (originally sponsored by Representatives Ericks and Ormsby)

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

AN ACT Relating to including service credit transferred from the law enforcement officers' and firefighters' retirement system plan I in the determination of eligibility for military service credit; and amending RCW 41.26.195.

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to article six (VI) of the Constitution of the State of Washington, and it is hereby proposed that said article six (VI) be amended, by striking from said article six (VI) all of sections one (1) and (2) and inserting in lieu thereof the following, to be known as section one (1): Section 1. All persons of the age of twenty-one years or over . . . shall be entitled to vote at all elections . . . There shall be no denial of the elective franchise at any election on account of sex. . . .

Referred to Committee on Ways & Means.

SHB 2214 by House Committee on Transportation (originally sponsored by Representative Simpson)

SECTION 3. There shall be printed on all ballots provided for the said election the words: "For the proposed amendment of article six (VI) of the Constitution relating to the qualifications of voters within this state"; "Against the proposed amendment to article six (VI) of the Constitution, relating to the qualifications of voters within this state." . . . ;

AN ACT Relating to the reasonable costs of financing consolidated rental car facilities and common use transportation equipment and facilities; amending RCW 14.08.120; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 2289 by House Committee on Capital Budget (originally sponsored by Representative McCoy)

NOW, THEREFORE, BE IT RESOLVED, That the 2009 Washington State Senate express its appreciation to the male members of the 1909 Legislature, the male voters of 1910, and the thousands of advocates, both women and men, for this major advance in expanding the implementation of the great principles of democracy; and

AN ACT Relating to expanding the energy freedom program; amending RCW 43.325.010, 43.325.020,

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

BE IT FURTHER RESOLVED, That the 2009 Washington State Senate express its appreciation to the Washington Women's History Consortium and the Washington State Historical Society for its leadership in commemorating this historic advancement, including preparation of traveling displays and encouraging local commemorative activities throughout the state; and

BE IT FURTHER RESOLVED, That the 2009 Washington State Senate further encourage citizens to organize and participate in educational and celebratory activities throughout the state during 2009 and 2010 to commemorate this historic advancement, thereby encouraging voter registration and involvement in democratic processes.

Senators Fraser, Regala, Kastama and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Shanna Stevenson, Coordinator, Washington Women's History Consortium; Sue Lean, Vice Chair Washington Women's History Consortium Advisory Board; Dorothy Young Sale, Board Member, Washington Women's History Consortium Advisory Board; Dave Nicandri, Director, Washington State Historical Society who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

SECOND READING

SENATE BILL NO. 5005, by Senators Jacobsen and Swecker

Creating a program to certify and market certain cattle from Washington as either "natural beef cattle" or "natural grass-fed beef cattle." Revised for 1st Substitute: Regarding naturally raised beef cattle.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5005 was substituted for Senate Bill No. 5005 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Haugen and Parlette

SUBSTITUTE SENATE BILL NO. 5005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5562, by Senators Morton, Hargrove, Jacobsen, Sheldon, Holmquist, Schoesler, Shin and Stevens

Concerning forestry operations.

The measure was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5562.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5562 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Parlette

SENATE BILL NO. 5562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5828, by Senators Jarrett, McAuliffe, Tom and Hobbs

Authorizing certain school districts and educational service districts to designate a district treasurer.

MOTION

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

On motion of Senator Jarrett, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senators King and Jarrett be adopted.

On page 7, line 22, after "RCW 28A.320.320." insert the following:

"(6) This section applies only to boards of directors of educational service districts that provide services to school districts located in a county where the county treasurer is not elected by the voters."

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Jarrett on page 7, line 22 to Substitute Senate Bill No. 5828.

The motion by Senator King carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5828.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fraser, Regala, Schoesler and Sheldon

Excused: Senators Haugen and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5473, by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon

Expediting completion of projects of statewide significance.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5473 was substituted for Senate Bill No. 5473 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Zarelli be adopted.

On page 4, line 5, after "office of" strike "permit" and insert

"((~~permit~~)) regulatory"

On page 4, line 18, after "office of" strike "permit" and insert "~~((permit))~~ regulatory"

On page 4, line 35, after "significance." insert "The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite."

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Zarelli on page 4, line 5 to Substitute Senate Bill No. 5473.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5473.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:49 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:29 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2021,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2227,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,
 ENGROSSED HOUSE BILL NO. 2040,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 12, 2009."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 12, 2009 by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5649, by Senators Rockefeller, Hobbs, Pridemore, Kohl-Welles, Keiser, Fraser, Sheldon, Shin, McAuliffe, Kline and Oemig

Regarding energy efficiency in buildings.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5649 was substituted for Senate Bill No. 5649 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Fraser be adopted.

On page 16, after line 32, strike all of section 302, and insert the following:

NEW SECTION. Sec. 302. (1) The department of community, trade, and economic development and the Washington State University energy extension program shall review:

(a) Low-income weatherization programs, as authorized under chapter 70.164 RCW, weatherization, weatherization services, and energy efficiency programs administered by the state;

(b) The low-income energy assistance program funded by the federal government pursuant to the federal low-income energy assistance act (Title 42 U.S.C. 8623 et seq.);

(c) Weatherization and energy efficiency programs funded by private entities, utilities, the federal government, and other entities; and

(d) Administrative and overhead costs incurred by weatherization and energy efficiency programs.

(2) By July 1, 2010, the department of community, trade, and economic development and the Washington State University energy extension program shall provide to the governor and the appropriate committees of the legislature a report with findings from the review required in subsection (1) of this section and recommendations for the coordination of the state's energy efficiency and weatherization programs, including the low-income energy assistance and low-income weatherization programs under chapter 70.164 RCW and the weatherization program created in section 102 of this act.

(a) The recommendations must include:

(i) Identification of best practices and opportunities to consolidate and create efficiencies and economies of scale;

(ii) Identification of legislative action necessary to maximize the state's receipt of funding for weatherization and energy efficiency purposes; and

(iii) Identification of methods to minimize costs through coordination and potential consolidation of programs.

(b) If the report finds that administrative efficiencies may best be achieved by the transition of functions from one state agency or entity to another, then the recommendations must also include:

(i) Identification of statutory changes necessary to ensure an expeditious and efficient transition with the least programmatic disruption; and

(ii) A timeline for the process that includes methods to phase and synchronize the transition of administrative procedures, records, files, and staff in accordance with the goals and intent of this chapter.

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and Fraser on page 16, after line 32 to Second Substitute Senate Bill No. 5649.

The motion by Senator Rockefeller carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5649.

ROLL CALL

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler, Stevens and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5138, by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline and Pridemore

Creating an integrated climate change response strategy.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker be adopted.

On page 3, line 13, after "ecology.", insert the following:

"However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 3, line 13 to Second Substitute Senate Bill No. 5138.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5560, by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen and Murray

Regarding state agency climate leadership.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted.

On page 4, beginning on line 28, after "Passenger vehicles" strike all material through "section." on line 31, and insert "are exempt if used: (a) By the Washington state patrol; or (b) for natural resource management in a fifty percent off-pavement capacity."

On page 5, beginning on line 24, after "Passenger vehicles" strike all material through "section." on line 26, and insert "are exempt if used: (1) By the Washington state patrol; or (2) for natural resource management in a fifty percent off-pavement capacity."

On page 6, line 6, after "by" strike "July" and insert "December"

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 4, line 28 to Second Substitute Senate Bill No. 5560.

The motion by Senator Ranker carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 7, line 31, after "**Sec. 10.**" strike "This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act." and insert "If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

omnibus appropriations act, this act is null and void."

Senator Schoesler spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 7, line 31 to Second Substitute Senate Bill No. 5560.

The motion by Senator Schoesler failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5560.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler and Stevens

Excused: Senators Parlette and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5724, by Senator Pridemore

Concerning the generation of electricity from biomass energy that is a renewable resource.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Berkey was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5724.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey, Parlette and Zarelli

SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5921, by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles

Creating a clean energy collaborative. Revised for 1st Substitute: Creating a clean energy leadership initiative.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5921 was substituted for Senate Bill No. 5921 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5921 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5921.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5921 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator King

Excused: Senators Parlette and Zarelli

SUBSTITUTE SENATE BILL NO. 5921, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5854, by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser

Reducing climate pollution in the built environment.

MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5854 was substituted for Senate Bill No. 5854 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Hargrove and Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of

investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) The department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group to inform the initial development of the strategic plan. Membership of the work group may include, but is not limited to, representatives from:

(a) A municipal code enforcement officer employed by a municipality;

(b) A residential builder, recommended by a statewide association representing residential contractors;

(c) A commercial builder, recommended by a statewide association representing commercial general contractors;

(d) An architect licensed in the state who is knowledgeable of environmentally sound building practices and standards, recommended by the American institute of architects Washington chapter;

(e) A professional engineer licensed in Washington state, recommended by a statewide association of structural engineers;

(f) A historic preservation representative, recommended by the Washington historic preservation commission, with experience implementing the state's standards for the treatment of historic properties;

(g) A conservation group working in energy efficiency;

(h) The Northwest power planning and conservation council;

(i) An investor-owned utility providing electricity service;

(j) An investor-owned utility providing natural gas service;

(k) A public utility district;

(l) A municipal electric utility;

(m) An electric cooperative;

(n) A representative of the energy services companies industry;

(o) A representative from the legal profession;

(p) A representative from a financial institution or entity familiar with municipal bonds;

(q) An electrical engineer licensed in Washington state, recommended by a statewide association of electrical engineers;

(r) A consulting design firm working on building renewable energy solutions;

(s) A representative from a labor union representing workers in energy or building and construction industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries;

(t) A representative of an equipment manufacturer;

(u) A mechanical HVAC engineer licensed in Washington state, recommended by a statewide association of mechanical HVAC engineers;

(v) A commercial or industrial developer, recommended by the national association of industrial office properties;

(w) A realtor, recommended by a statewide association of realtors;

(x) A construction materials supplier, recommended by a statewide aggregate and concrete association; and

(y) A rental housing property owner, recommended by a statewide multifamily housing association.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~((No later than January 1, 1991,))~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework(~~(The Washington state energy code shall be designed to));~~ and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~((require:~~

~~—(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use~~

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

equivalent to that used in typical buildings constructed with:

— (i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);

— (ii) In zone 1, walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 @ value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

— (iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);

— (iv) Floors over unheated spaces insulated to a level of R-30 @ value includes insulation only);

— (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

— (vi) Double glazed windows with values not more than U-0.4;

— (vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

— (viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

— (b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

— (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);

— (ii) Walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

— (iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);

— (iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 @ value includes insulation only);

— (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

— (vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

— (vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the

Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

— (viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

— (c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.

— (d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

— (5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

((6)) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((1986)) 2006 edition, or as amended by the council by rule.

((7)) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code ((and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990)).

((8)) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.)) The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any,

of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, the department shall recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(2) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(3) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(4) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(5) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(6) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(7) Schools are strongly encouraged to follow the provisions in subsections (1) through (6) of this section.

(8) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(9) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW.

NEW SECTION. Sec. 10. Provisions of sections 3, 7, and 8 of this act shall be in effect only during fiscal periods in which specific appropriations are provided referencing this act or chapter number and the relevant section number."

Senator Kilmer spoke in favor of adoption of the striking amendment.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 14, line 19 of the amendment, after "Sec. 10." strike "Provisions of sections 3, 7, and 8 of this act shall be in effect only during fiscal periods in which specific appropriations are provided referencing this act or chapter number and the relevant section number." and insert the following:

"If specific funding for the purposes of sections 3, 7, and 8 of this act, referencing sections 3, 7, and 8 of this act by bill or chapter numbers and section numbers, is not provided by June 30, 2009, in the omnibus appropriations act, sections 3, 7, and 8 of this act is null and void.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Kilmer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 14, line 19 to the striking amendment to Second Substitute Senate Bill No. 5854.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Hargrove and Rockefeller to Second Substitute Senate Bill No. 5854.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 19.27A.020; adding new sections to chapter 19.27A RCW; and creating new sections."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5854 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Honeyford spoke in favor of passage of the bill.

Senator Carrell spoke against passage of the bill.

POINT OF INQUIRY

Senator Hatfield: "Would Senator Carrell yield to a question? Will this be on the test?"

Senator Carrell: "Well, the test is if you can make a house like that for less than a million bucks."

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5854.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5854 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Delvin, King, McCaslin and Morton

Excused: Senators Parlette and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:29 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6037, by Senators Fairley and Pridemore

Removing oversight of the department of licensing from specific businesses and professions.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 64, at the beginning of line 26, strike "(((H)))" and insert "(1)"

On page 65, beginning on line 5, strike all material through "~~18.11 RCW-)~~" and insert "(2) Notwithstanding subsection (1) of this section, counties shall not license auctioneers that (~~are licensed~~) maintain a surety bond as required by the state under chapter 18.11 RCW."

Senator Fairley spoke in favor of adoption of the amendment.

MOTION

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

On motion of Senator Brandland, Senators Carrell, Hewitt, Holmquist, Honeyford, King and Roach were excused.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 64, line 26 to Substitute Senate Bill No. 6037.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell, Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5802, by Senators Oemig, McAuliffe, Hobbs, Kauffman, Jarrett, Tom and Shin

Changing professional educator standards board provisions.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senator King be adopted.

On page 3, at the beginning of line 26, strike all material through "~~(10)~~" on line 34 and insert the following:

"~~(9)~~) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the

constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.

~~((10))~~"

On page 4, line 3, after "~~(13))~~" insert "(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, line 26 to Substitute Senate Bill No. 5802.

The motion by Senator King failed and the amendment was not adopted by a rising vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 4, line 16, after "schools" insert "and private schools"

On page 4, beginning on line 21, after "(4)" insert "One member of the board shall be a private school teacher.

(5)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Swecker, the amendment by Senator Swecker on page 4, line 16 to Substitute Senate Bill No. 5802 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 4, line 21, after "(4)" insert the following:

"All appointments to the board made by the governor shall be subject to confirmation by the senate.

(5)"

Renumber the subsections consecutively, correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, line 21 to Substitute Senate Bill No. 5802.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5802.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Ranker, Regala, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens and Zarelli

Absent: Senator Pridemore

Excused: Senators Carrell, Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5880, by Senators McAuliffe, Oemig, Hobbs and McDermott

Providing flexibility in the education system.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 2. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of community, trade, and economic development, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;
(ii) Crisis counseling techniques;
(iii) Community resources;
(iv) Rights and responsibilities regarding reporting;
(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The office of the superintendent of public instruction shall not require annual training under subsection (2) of this section. The office of the superintendent of public instruction may consider offering training every four years, except for new employees who shall receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff in accordance with this section.

(4) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

~~((4))~~ (5) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

Sec. 3. RCW 28A.300.270 and 1994 sp.s. c 7 s 602 are each amended to read as follows:

(1) The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state.

(2) The office of the superintendent of public instruction shall not require annual training sessions. The training may be offered every four years.

Sec. 4. RCW 28A.300.450 and 2004 c 247 s 2 are each amended to read as follows:

(1) A financial literacy public-private partnership is established, composed of up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members. The chair of the partnership shall be selected by the members of the partnership.

(2) To the extent funds are appropriated or are available for this purpose, technical and logistical support may be provided by the office of the superintendent of public instruction, the organizations composing the partnership, and other participants in the financial literacy public-private partnership. The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.

(3) The members of the committee shall be appointed by July 1, 2004.

(4) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(5) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

(6) This section is suspended until July 1, 2011.

Sec. 5. RCW 28A.300.490 and 2007 c 406 s 2 are each amended to read as follows:

(1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the superintendent of public instruction school safety center, the school safety center advisory committee, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.

(4) This section is suspended until July 1, 2011.

Sec. 6. RCW 28A.300.520 and 2007 c 384 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

(3) This section is suspended until July 1, 2011.

Sec. 7. RCW 28A.320.080 and 1995 c 77 s 21 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) ~~((In addition to providing))~~ To the extent funds are available, provide free instruction in lip reading for children disabled by defective hearing~~(s))~~ and make arrangements for free instruction in lip reading to adults disabled by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.505 RCW.

Sec. 8. RCW 28A.625.020 and 1991 c 255 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, administrators, classified staff, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

~~((+))~~ (a) Five teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher. Teachers shall include educational staff associates;

~~((+))~~ (b) Five principals or administrators from the state;

~~((+))~~ (c) One school district superintendent from the state;

~~((+))~~ (d) One school district board of directors from the state; and

~~((+))~~ (e) Three classified staff from each congressional district of the state.

(2) This section is suspended until July 1, 2011.

Sec. 9. RCW 28A.625.042 and 1994 c 279 s 4 are each amended to read as follows:

(1) All recipients of the Washington award for excellence in education shall receive a certificate presented by the governor and the superintendent of public instruction, or their designated representatives, at a public ceremony or ceremonies in appropriate locations.

(2) In addition to the certificate under subsection (1) of this section, the award for teachers, classified employees, superintendents employed by second-class school districts, and principals or administrators shall include a recognition award of at least two thousand five hundred dollars. The amount of the recognition award for superintendents employed by first-class school districts shall be at least one thousand dollars. The recognition award shall not be considered compensation for the purposes of RCW 28A.400.200.

(3) In addition to the certificate under subsection (1) of this section, the award for the school board shall include a recognition award not to exceed two thousand five hundred dollars. The school board must use its recognition award for an educational purpose.

(4) This section is suspended until July 1, 2011.

Sec. 10. RCW 28A.625.050 and 1995 c 335 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.010 through 28A.625.065. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent is encouraged to consult with teachers, educational staff associates, principals, administrators, classified employees, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW 28A.625.020(1) (a) and ((2)) (b), such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

(2) This section is suspended until July 1, 2011.

Sec. 11. RCW 28A.625.360 and 2006 c 263 s 804 are each amended to read as follows:

(1) The professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the professional educator standards board.

(3) This section is suspended until July 1, 2011.

Sec. 12. RCW 28A.625.370 and 2006 c 263 s 820 are each amended to read as follows:

(1) The award for the teacher educator shall include:

((+)) (a) A certificate presented to the teacher educator by the governor, the chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and

((2)) (b) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

(2) This section is suspended until July 1, 2011.

Sec. 13. RCW 28A.625.380 and 2006 c 263 s 821 are each amended to read as follows:

(1) The professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The board is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about

the nominee's teacher preparation program.

(2) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.625.390 and 2006 c 263 s 822 are each amended to read as follows:

(1) The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The professional educator standards board shall award the grant after the board has approved the grant application as long as the written grant application is submitted to the board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

(2) This section is suspended until July 1, 2011.

Sec. 15. RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop ~~((regulations))~~ rules and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. Employees may be provided the policy online. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, ~~((regulations,))~~ procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) The office of the superintendent of public instruction shall not require annual training to address the policies of this section. Beginning in 2011, training may be offered every four years, except for new employees who shall receive training within the first year of their hire date.

(g) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sec. 16. RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read as follows:

To the extent funds are available, public school districts must comply with high-performance public ~~((building(s))) buildings~~ requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530.

Sec. 17. RCW 28A.210.370 and 2005 c 462 s 2 are each amended to read as follows:

(1) The superintendent of public instruction and the

secretary of the department of health shall develop a uniform policy for all school districts providing for the in-service training for school staff on symptoms, treatment, and monitoring of students with asthma and on the additional observations that may be needed in different situations that may arise during the school day and during school-sponsored events. To the extent possible, the in-service training shall be offered online and no more than once every three years. The policy shall include the standards and skills that must be in place for in-service training of school staff.

(2) All school districts shall adopt policies regarding asthma rescue procedures for each school within the district.

(3) All school districts must require that each public elementary school and secondary school grant to any student in the school authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if:

(a) A health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

(b) The student has demonstrated to the health care practitioner, or the practitioner's designee, and a professional registered nurse at the school, the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(c) The health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

(d) The student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under (c) of this subsection and other documents related to liability.

(4) An authorization granted under subsection (3) of this section must allow the student involved to possess and use his or her medication:

(a) While in school;

(b) While at a school-sponsored activity, such as a sporting event; and

(c) In transit to or from school or school-sponsored activities.

(5) An authorization granted under subsection (3) of this section:

(a) Must be effective only for the same school and school year for which it is granted; and

(b) Must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

(6) School districts must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(7) School districts must require that information described in subsection (3)(c) and (d) of this section be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(8) Nothing in this section creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

Sec. 18. RCW 28A.210.380 and 2008 c 173 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities ~~((for--off))~~ of school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis. To the extent possible, the training course shall be offered online and no more than once every three years;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis.

Sec. 19. RCW 39.35D.040 and 2006 c 263 s 331 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section

into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The superintendent of public instruction shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction implement this chapter.

(6) School districts are required to comply with this section only to the extent federal or state funds are available.

NEW SECTION. Sec. 20. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.210.360 (Model policy on access to nutritious foods and developmentally appropriate exercise--School district policies) and 2004 c 138 s 2;

(2) RCW 28A.210.365 (Food choice, physical activity, childhood fitness--Minimum standards--District waiver or exemption policy) and 2007 c 5 s 5; and

(3) RCW 28A.170.050 (Advisory committee--Members--Duties) and 1997 c 13 s 3 & 1987 c 518 s 209.

NEW SECTION. Sec. 21. Sections 4 through 6, 8 through 14, 16, and 19 of this act expire July 1, 2011.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

MOTION

Senator Tom moved that the following amendment by Senator Tom to the striking amendment be adopted.

On page 6, after line 26 of the amendment, insert the following:

"**Sec. 8.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

The membership of the school directors' association ~~((shall))~~ may comprise the members of the boards of directors of the school districts of the state.

Sec. 9. RCW 28A.345.050 and 1983 c 187 s 2 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each member school district shall be due and payable on the first day of January of each year."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Tom, King, Roach and Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Haugen and Hobbs spoke against adoption of the amendment to the striking amendment.

POINT OF PERSONAL PRIVILEGE

Senator Roach: "Mr. President, members of the Senate, it is so cold out here I've know taken to wearing a jacket, you know, so we've got three layers, four layers here to make sure..."

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom on page 6, after line 26 to the striking amendment to Substitute Senate Bill No. 5880.

The motion by Senator Tom carried and the amendment to the striking amendment was adopted by a rising vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Murray and Tom to the striking amendment be adopted.

Beginning on page 16, line 31 of the amendment, strike all of section 20 and insert the following:

"NEW SECTION. **Sec. 20.** RCW 28A.170.050 (Advisory committee--Members--Duties) and 1997 c 13 s 3 & 1987 c

On page 17, beginning on line 16 of the title amendment, after "RCW" strike all material through "28A.210.365, and" on line 17

Senators Kohl-Welles, Keiser, Franklin and Kauffman spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Brandland and Hobbs spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Murray and Tom on page 16, line 31 to the striking amendment to Substitute Senate Bill No. 5880.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe as amended to Substitute Senate Bill No. 5880.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.450, 28A.300.490, 28A.300.520, 28A.320.080, 28A.625.020, 28A.625.042, 28A.625.050, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020, 28A.150.520, 28A.210.370, 28A.210.380, and 39.35D.040; repealing RCW 28A.210.360, 28A.210.365, and 28A.170.050; providing an expiration date;

and declaring an emergency."

On page 17, line 14 of the title amendment, after "28A.320.080," insert "28A.345.020, 28A.345.050,"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5880.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Kohl-Welles and Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5880, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5889, by Senators Hobbs, McAuliffe, McDermott and Oemig

Providing flexibility in the education system.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year;))~~ (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ~~((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year;))~~ The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1) through (8)))~~ (a) through ((8)) (h) of this ((section)) subsection. The

FIFTY-EIGHTH DAY, MARCH 10, 2009

school district plan shall include the following:

~~((+))~~ (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((a))~~ (i) Achievement goals for the students;

~~((b))~~ (ii) Roles of the student, parents, or guardians and teachers in the plan;

~~((c))~~ (iii) Communication procedures regarding student accomplishment; and

~~((d))~~ (iv) Plan reviews and adjustments processes;

~~((4))~~ (d) How state level and classroom assessments are used to inform instruction;

~~((5))~~ (e) How focused and intentional instructional strategies have been identified and implemented;

~~((6))~~ (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((7))~~ (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((8))~~ (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall (~~annually~~) submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each

amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules (~~and regulations~~) regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules (~~and regulations~~) shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall (~~print and distribute the~~) provide to appropriate school officials and personnel, access and notice of these rules (~~and regulations~~) of the state board of health (~~above provided to appropriate school officials and personnel~~), Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

(1) Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening.

(2) Except to the extent necessary to comply with the federal individuals with disabilities education act (IDEA) or to serve children who are eligible for free or reduced-price lunch, this section is suspended until July 1, 2011.

Sec. 5. RCW 28A.210.030 and 1991 c 3 s 289 are each amended to read as follows:

(1) The person or persons completing the screening prescribed in RCW 28A.210.020 shall promptly prepare a record of the screening of each child found to have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by RCW 28A.155.010 through 28A.155.100, and send copies of such records and recommendations to the parents or guardians of such children and shall deliver the original records to the appropriate school official who shall preserve such records and forward to the superintendent of public instruction and the secretary of health visual and auditory data as requested by such officials.

(2) Except to the extent necessary to comply with the federal individuals with disabilities education act (IDEA) or to serve children who are eligible for free or reduced-price lunch, this section is suspended until July 1, 2011.

Sec. 6. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall (~~print and distribute~~) provide access to appropriate school officials the rules (~~and regulations~~) adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 7. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 8. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the

information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 9. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ~~((booklet))~~ outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 10. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 11. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The verification report shall require school districts to report only the information necessary to comply with this section.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade];))~~ the seventh or eighth ~~((grades [grade]))~~ grade, and the eleventh or twelfth ~~((grades [grade]))~~ grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to each complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics. The verification report shall require school districts to report only the information necessary to comply with this section.

Sec. 12. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

Sec. 13. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount. This subsection is suspended until July 1, 2011;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the

several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 14. RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the ~~((2000-01))~~ 2011-12 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the ~~((2000-01))~~ 2011-12 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

Sec. 15. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 16. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts ~~((shall))~~ may provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to ~~((the))~~ parents ~~((on an annual basis))~~ upon their request.

Sec. 17. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide online notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, and shall provide written notice upon the request of the parent or guardian.

Sec. 18. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 19. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who

transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education.

Sec. 20. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

FIFTY-EIGHTH DAY, MARCH 10, 2009

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test~~)SAT(~~))~~ or the ~~((American college test~~)ACT(~~))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test~~)PSAT(~~))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three

on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12):~~

~~—(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:~~

~~—(i) The student's results on the Washington assessment of student learning;~~

~~—(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;~~

~~—(iii) Any credit deficiencies;~~

~~—(iv) The student's attendance rates over the previous two years;~~

~~—(v) The student's progress toward meeting state and local graduation requirements;~~

~~—(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;~~

~~—(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;~~

~~—(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;~~

~~—(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and~~

~~—(x) Available programs offered through skill centers or community and technical colleges.~~

~~—(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~—(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~—(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)~~

Sec. 21. RCW 28A.655.075 and 2007 c 396 s 16 are each

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 22. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide online notification, or written notification (~~((annually or upon enrollment))~~) upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and

(e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

NEW SECTION. **Sec. 23.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.210.130 (Immunization program-- Superintendent of public instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s 4;

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

(2) RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;

(3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;

(4) RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4; and

(5) RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6.

NEW SECTION. Sec. 24. Sections 4, 5, 13, 15, 18, and 21 of this act expire July 1, 2011.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Substitute Senate Bill No. 5889.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.040, 28A.300.118, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, and 28A.300.412; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5890, by Senators McDermott, McAuliffe, Oemig and Hobbs

Providing flexibility in the education system.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 5890 was substituted for Senate Bill No. 5890 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McDermott moved that the following striking amendment by Senator McDermott and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows, to the extent funds are available:

(1) In accordance with rules (~~and regulations~~) adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

Sec. 2. RCW 28A.215.010 and 2006 c 263 s 410 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, and rules (~~(-and regulations)~~) governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities ((~~shall~~)) are encouraged to meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

an appropriation from the general school fund of the district.

Sec. 3. RCW 28A.220.030 and 2000 c 115 s 9 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules ~~((and regulations))~~ governing the operation and scope of the traffic safety education program; and each school district shall submit a report in even-numbered years to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, to the extent funds are available, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

(5) By January 1, 2010, the superintendent shall survey districts regarding the impact of the rules and minimum hours of training established under the authority of this section. The superintendent shall revise the rules and minimum hours based on that survey in order to reduce the burden on school districts.

Sec. 4. RCW 28A.230.160 and 1990 c 33 s 241 are each amended to read as follows:

During the school week preceding the eleventh day of November of each year, there shall be presented in each common school as defined in RCW 28A.150.020 educational activities suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of the activities ~~((approximating at least sixty minutes total))~~ for observance throughout the week shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of these activities if such aid be solicited.

Sec. 5. RCW 28A.230.205 and 2007 c 459 s 3 are each amended to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in RCW 28A.300.455 shall make available to school districts the list of identified financial

literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2)(a) Each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under RCW 28A.300.460.

(b) This subsection is suspended until July 1, 2011.

(3) For the purposes of RCW 28A.300.455~~((;))~~ and 28A.300.460~~((;))~~ and this section, it is not necessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements or to develop grade level expectations.

Sec. 6. RCW 28A.300.405 and 2000 c 210 s 4 are each amended to read as follows:

(1) Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

~~((+))~~ (a) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

~~((+))~~ (b) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties.

(2) This section is suspended until July 1, 2011.

Sec. 7. RCW 28A.300.410 and 2000 c 210 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) ~~((through and))~~ and (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms.

(9) Except to the extent private funds are available, this section is suspended until July 1, 2011.

Sec. 8. RCW 28A.300.455 and 2007 c 459 s 1 are each amended to read as follows:

(1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) ~~((By June 30, 2009;))~~ Beginning July 1, 2011, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. An interim report shall be submitted to the same parties by June 30, 2007, with a final report by June 30, ~~((2009))~~ 2013.

Sec. 9. RCW 28A.320.128 and 2002 c 206 s 1 are each amended to read as follows:

(1) ~~((By September 1, 2003;))~~ Each school district board of directors shall ~~((adopt a))~~ have a policy that addresses ~~((the following issues:~~

~~—(a)) procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm(";~~

~~—(b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and~~

~~—(c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student.~~

~~(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy))."~~

~~((3))~~ (2) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

~~((4))~~ (3) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

NEW SECTION. **Sec. 10.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in programming) and 1969 ex.s. c 223 s 28A.02.090;

(2) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c 7 s 611; and

(3) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

NEW SECTION. **Sec. 11.** Sections 5 through 7 of this act expire July 1, 2011.

NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senator McDermott spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McDermott and others to Substitute Senate Bill No. 5890.

The motion by Senator McDermott carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.185.030, 28A.215.010, 28A.220.030, 28A.230.160, 28A.230.205, 28A.300.405, 28A.300.410, 28A.300.455, and 28A.320.128; repealing RCW 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5890.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:51 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5248, by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach

Enacting the interstate compact on educational opportunity for military children.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kauffman and Oemig

Excused: Senators Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5321, by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman

Extending a local sales and use tax that is credited against the state sales and use tax.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted.

On page 2, line 31, after "(3)" strike "(b)" and insert "(a)"

Senator Prentice spoke in favor of adoption of the amendment.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 2, line 31 to Substitute Senate Bill No. 5321.

The motion by Senator Prentice carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, McCaslin, Morton, Pflug and Stevens

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5484, by Senators Marr, Roach, Keiser, Tom, Hobbs, Kline, Oemig, Franklin, Shin, Kilmer and Kauffman

Concerning developmental screening.

MOTIONS

On motion of Senator Marr, Second Substitute Senate Bill No. 5484 was substituted for Senate Bill No. 5484 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Second Substitute Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5484.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin,

McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Parlette and Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5525, by Senators Carrell, Hargrove, Stevens, Regala, Brandland, Kauffman and McAuliffe

Concerning rental vouchers to allow release from state institutions.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pridemore, Ranker, Regala, Roach, Schoesler, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Pflug and Sheldon

Absent: Senators Brown, Prentice and Tom

Excused: Senators Parlette and Rockefeller

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5719, by Senators Swecker and Brown

Modifying title and registration requirements for kit vehicles.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

On motion of Senator Marr, Senators Brown, Prentice and Tom were excused.

the adoption of the amendment by Senators Marr and Jarrett on page 5, line 16 to Substitute Senate Bill No. 5529.

The motion by Senator Marr carried and the amendment was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5719.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

REMARKS BY THE PRESIDENT

President Owen: “ ‘*Mr. Speaker.*’? I have the twelve years to be called ‘Mr. President.’”

Voting nay: Senator Fraser

PERSONAL PRIVILEGE

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

Senator Jarrett: “I apologize for misapprehending the presiding officer. Please accept my apologies.”

SUBSTITUTE SENATE BILL NO. 5719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPLY BY THE PRESIDENT

SECOND READING

President Owen: “It’s quite all right.”

SENATE BILL NO. 5529, by Senators Jarrett and King

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5529.

Regarding architects.

ROLL CALL

MOTION

On motion of Senator Jarrett, Substitute Senate Bill No. 5529 was substituted for Senate Bill No. 5529 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

MOTION

Senator Marr moved that the following amendment by Senators Marr and Jarrett be adopted.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

On page 5, line 16, after "board;" strike "((or))" and insert "or"

Voting nay: Senators Holmquist and Honeyford

On page 5, beginning on line 17, after "Have" strike all material through "board" on line 35, and insert "((eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect))a high school diploma or equivalent and twelve years' practical architectural work experience, which may include designing buildings as a principal activity and post-secondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of practical architectural work experience for post-secondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program"

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6104, by Senators Prentice and Tom

Addressing state agency hours of operation.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6104.

The President declared the question before the Senate to be

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SENATE BILL NO. 6104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5957, by Senators Jacobsen and Fraser

Regarding the department of natural resources' authority for transactions involving certain commercial lands, natural resource lands, or forest lands at risk of development.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford and Schoesler

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SUBSTITUTE SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5779, by Senators McAuliffe, Hobbs, Jarrett and Tom

Regarding adoption of school environmental health and safety rules.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5779 was substituted for Senate Bill No. 5779 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, King and Brandland spoke in favor of passage of the bill.

Senators Jacobsen and Oemig spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5779.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Franklin, Fraser, Jacobsen, Kastama, Kauffman, Oemig and Roach

Excused: Senators Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown, Prentice and Tom were excused.

SECOND READING

SENATE BILL NO. 5509, by Senators Marr, Kauffman and Shin

Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:00 p.m., on motion of Senator Eide, the Senate was recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5380, by Senators McCaslin and Marr

Addressing the statute of limitations for certain crimes.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5380 was substituted for Senate Bill No. 5380 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Parlette and Stevens were excused.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5380.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Jacobsen and Jarrett

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5179, by Senator Haugen

Concerning the revaluation of property impacted by government restrictions.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield and Pridemore

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate. The President has an announcement he'd like to make to you all this evening. In the spirit of the hard work that you're doing and the fact that you're here so late, the President is providing a treat for you this evening, if these girls would come out, and I am actually going to suspend my rule of decorum on eating on the floor and allow you to have some Girl Scout cookies this evening. So, if the girls would come out, you can help yourself. And while there are a couple of sugar-free. I don't know where they are. Do the girls know where the sugar free are? The President would like to make another announcement, if you'd mind. These girls, Girl Scouts started a new program called Operation Cookie Drop. Operation Cookie Drop is a program that allows cookie customers to purchase Girl Scout cookies and donate them to the U. S. military personnel. The local Girl Scout Council collects the donated cookies from each troop and gives them to military bases and the Puget Sound USO to distribute to all branches of the military. Last year this Council collected more than seventy-two thousand boxes of donated cookies. The last day for cookie sales will be Sunday, March 15. The President has made arrangements just to store some of these Girl Scout cookies that, if anybody wants to go in, not that I can or can't encourage you or tell you to buy any or anything like that, but there will be some. If you want to talk to those girls about

FIFTY-EIGHTH DAY, MARCH 10, 2009

how to go about buying them or anything, that's your business, you know. They will be in the Democratic Caucus or you need some for your office or you know for yourselves or whatever. Let me introduce these magnificent young ladies from Troop 41568. From Lacey, Kendrin Dick who's a cadet; Katy Berand, who is a junior; their leaders are Jill Dick and Mel Berand. The troop from Lacey is Janice Ramsey and Natalie Ramsey and their leader is Elaine Ramsey; troop from Lacey, Katelyn Groves is a cadet and leader Heather Groves, Service Unit 623 Manager is Pam Luhr. I should note that Senator Fraser helped me make these arrangements so enjoy."

PARLIAMENTARY INQUIRY

Senator McCaslin: "What time does the milk get here?"

PERSONAL PRIVILEGE

Senator Brandland: "These with coffee would go really nicely with these cookies."

SECOND READING

SENATE BILL NO. 5571, by Senators Oemig and Kohl-Welles

Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5571 was substituted for Senate Bill No. 5571 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5680, by Senators Jarrett, Zarelli, Shin, Kohl-Welles and Oemig

Modifying the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SENATE BILL NO. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6024, by Senators Brandland, Hargrove, McAuliffe, Stevens and Carrell

Addressing applications for public assistance from persons currently ineligible to receive assistance.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6024 was substituted for Senate Bill No. 6024 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6024.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6024 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 6024, having received the constitutional majority, was declared passed. There being no

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5987, by Senators Regala, Hargrove and Shin

Authorizing the Washington state department of corrections to develop training for corrections personnel.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5987 was substituted for Senate Bill No. 5987 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5987.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6088, by Senators Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin

Addressing commute trip reduction for state agencies.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5840, by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt

Modifying the energy independence act.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5840 was substituted for Senate Bill No. 5840 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Marr moved that the following striking amendment by Senators Marr and Brown be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.285.020 and 2007 c 1 s 2 are each amended to read as follows:

Increasing energy conservation and the use of appropriately sited renewable energy facilities builds on the strong foundation of low-cost renewable hydroelectric generation in Washington state and will promote energy independence in the state and the Pacific Northwest region. It shall be the policy of the state to recognize and promote the use of low-cost renewable hydroelectric generation to firm, shape, and integrate other renewable energy resources into the northwestern electric grid for delivery to Washington residents. Making the most of our plentiful local resources will stabilize electricity prices for Washington residents, provide economic benefits for Washington counties and farmers, create high-quality jobs in Washington, provide opportunities for training apprentice workers in the renewable energy field, protect clean air and water, and position Washington state as a national leader in clean energy technologies.

Sec. 2. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of community, trade, and economic development or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water, except as provided in (b) and (c) of this subsection, that commences operation after March 31, 1999, where ~~((i))~~ the facility is located ~~((in the Pacific Northwest, or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services))~~ within the geographic boundary of the western electricity coordinating council or its successor entity; ((or))

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation ~~((projects owned by a qualifying utility and))~~ facilities located in the Pacific Northwest or to hydroelectric generation in water supply pipes, irrigation pipes ((and)), or canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments; or

(c) Twenty-five percent of electricity from a biomass energy powered generation facility located in Washington, and that commenced operation before March 31, 1999.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~((or first-growth))~~ forests where the clearing occurred after December 7, 2006; ~~((and))~~ (i) byproducts of pulping or wood manufacturing processes that are not derived from old growth forests, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (j) wooden demolition or construction debris; black liquors derived from algae and other sources; and (l) biomass energy based on animal waste, food waste, yard waste, biosolids, or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) ((black liquor byproduct from paper production; (iii))) wood from old growth forests; or ((iv)) (iii) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 3. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ~~((Beginning))~~ By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility ~~((has a useful thermal energy output of no less than thirty-three percent of the total energy output))~~ is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be: ((i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and ((ii)) counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources ~~((or))~~, acquire equivalent renewable energy credits, or use up to twenty-five percent of conservation achieved in excess of a biennial acquisition target under subsection (1) of this section, or a combination of ~~((both))~~ these options, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, ~~((2015))~~ 2013;

(ii) At least four percent of its load by January 1, 2014, and each year thereafter through December 31, 2015;

~~((iii))~~ (iii) At least ~~((nine))~~ ten percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; ~~((and~~

~~((iii)))~~ (iv) At least ~~((fifteen))~~ sixteen percent of its load by January 1, 2020, and each year thereafter through December 31, 2024; and

~~((v))~~ (v) At least twenty percent of its load by January 1, 2025, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

~~((e))~~ (e) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

~~((f))~~ (f) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Qualifying utilities may purchase or contract for purchase renewable energy credits in advance of or throughout the target year, the preceding year, or the subsequent year for meeting the requirements of this section. Each renewable energy credit may be used only once to meet the requirements of this section.

~~((g))~~ (g) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; ~~((or))~~

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

(iii) Efficiency improvements to hydroelectric generation

facilities whose energy output is marketed by the Bonneville power administration that is attributable to any other utility other than the qualifying utility.

~~((g))~~ (h) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

~~((h))~~ (i) (i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((i))~~ (j) A qualifying utility that acquires solar energy may count that acquisition at four times its base value where the energy is produced using solar inverters and modules manufactured in Washington state.

~~((k))~~ (k) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 4. RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. ~~((For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) (d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.))~~ A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate alternative compliance

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

Sec. 5. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ~~((t))~~ (e) or ~~((t))~~ (k) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ~~((December 31, 2007))~~ June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

(e) The department shall report to the legislature by December 1, 2009, with recommendations on implementing the state's policy of recognizing and promoting the use of low-cost hydroelectric generation to firm, shape, and integrate other renewable energy resources into the northwestern electric grid for delivery to Washington residents. The report must include recommendations for promoting hydroelectric generation based upon the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department shall also consider information and recommendations from integration service providers and users.

NEW SECTION. Sec. 6. The joint legislative audit and review committee shall evaluate the feed-in tariff program contemplated in Substitute House Bill No. 1086 (2009). The evaluation shall include comparisons of the feed-in tariff program with the energy independence act, chapter 19.285

RCW, the net-metering program in chapter 80.60 RCW, and the renewable energy cost recovery program in chapter 82.16 RCW. In making the comparisons, the following factors must be examined: (1) the effectiveness of each program in encouraging the deployment of renewable energy systems; and (2) the effect of each program on ratepayers. The evaluation is due December 1, 2010."

Senator Marr spoke in favor of adoption of the striking amendment.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin and others to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert "; or"

(d) Electricity from existing hydroelectric generation facilities located in Washington with a rated capacity of thirty megawatts or less and owned by a qualifying utility or joint operating agency formed under RCW 43.52.360"

Senators Delvin and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin and others on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

The motion by Senator Delvin carried and the amendment to the amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert "; or"

(d) Up to fifty megawatts of electricity from a generation facility located in the Pacific Northwest that is powered by water and that has been relicensed after 1985 by the federal energy regulatory commission under the federal power act"

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840 was withdrawn.

MOTION

Senator Morton moved that the following amendment by Senator Morton to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert "; or"

(d) Electricity produced from an impoundment located in Washington that has not generated electricity with water since 1990 and that is modified or repowered after the effective date of this section to produce electricity"

Senator Morton spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

The motion by Senator Morton failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 33 of the amendment, before "from" strike "Twenty-five percent of electricity" and insert "Electricity"

Senators Honeyford and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 33 to the striking amendment to Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Parlette

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "1999" insert "; or

(d) Up to fifty megawatts of electricity from a generation facility located in the Pacific Northwest and owned by a qualifying utility or joint operating agency formed under RCW 43.52.360 that is powered by water and that has been relicensed after 1985 by the federal energy regulatory commission under the federal power act"

Senators Honeyford and Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Excused: Senator Parlette

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert "; or

(d) Electric generating capacity from a hydroelectric generation project set aside specifically to facilitate eligible renewable resource integration when: (i) The integration provider can provide in-hour generation following and regulating reserve services where such services are identified in a contract or where such services are self-provided to integrate eligible renewable resource generation within the Pacific Northwest; (ii) the integration provider can demonstrate all integration services are provided by hydroelectric generating projects; (iii) the hydroelectric generating capacity made available for integration is limited to the firming requirements of the eligible renewable resource receiving services; and (iv) the generating capacity comes from a nonfederal facility"

Senators Holmquist and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Holmquist demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 32 to the striking amendment Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, King, Kohl-Welles, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Parlette

MOTION

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

Senator Holmquist moved that the following amendment by Senators Holmquist and Morton to the striking amendment be adopted.

On page 5, line 29 of the amendment, before "conservation" strike "up to twenty-five percent of"

Senators Holmquist, Schoesler and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Marr and Brown spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Morton on page 5, line 29 to the striking amendment to Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Holmquist and Morton and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Fraser, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Parlette

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 7, line 32 of the amendment, after "at" strike "four" and insert "six"

Senators Honeyford and Marr spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 7, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Marr and Brown as amended to Substitute Senate Bill No. 5840.

The motion by Senator Marr carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the energy independence act; amending RCW 19.285.020, 19.285.030, 19.285.040, 19.285.070, and 19.285.080; and creating a new section."

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 5840 was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr, Hargrove, Sheldon and Brown spoke in favor of passage of the bill.

Senators Honeyford, Carrell, Holmquist, Pridemore and Pflug spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5840.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5840 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Marr, McDermott, Murray, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Fairley, Fraser, Holmquist, Honeyford, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oemig, Pflug, Pridemore, Roach, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5840 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5688, by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom

Expanding the rights and responsibilities of state registered domestic partners.

MOTION

On motion of Senator Murray, Second Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Murray moved that the following amendment by Senator Murray be adopted.

On page 5, line 7, after "purpose," insert "except where inconsistent with federal law or regulations applicable to federal benefit programs,"

On page 5, line 14, after "(2)" strike "All" and insert "Except where inconsistent with federal law or regulations applicable to federal benefit programs, all"

On page 97, line 23, after "partnerships." insert "Nothing in this act shall be construed as creating or requiring the creation of any medical assistance program, as that term is defined in RCW 74.09.010, for state registered domestic partners that is analogous to federal medical assistance programs extended to married persons."

On page 98, line 2, after "partnerships." insert "Nothing in

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

this act shall be construed as creating or requiring the creation of any medical assistance program, as that term is defined in RCW 74.09.010, for state registered domestic partners that is analogous to federal medical assistance programs extended to married persons."

On page 111, line 21, after "173," insert "174,"

Senator Murray spoke in favor of adoption of the amendment.

Senator Swecker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 5, line 7 to Second Substitute Senate Bill No. 5688.

The motion by Senator Murray carried and the amendment was adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 111, after line 23, insert the following:

"**NEW SECTION. Sec. 202.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 4, line 21 of the title, strike "and" and after "dates" insert "; and providing for submission of this act to a vote of the people"

Senator Swecker spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 111, after line 23 to Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kauffman, King, McCaslin, Morton, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Absent: Senator Pflug

Excused: Senator Parlette

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 111, after line 23, insert the following:

"**NEW SECTION. Sec. 202.** If any provision of this act or its application to any person or circumstance is held invalid, the act shall be considered invalid in its entirety, and the act and the application of any provision of the act to any person or circumstance shall be considered null and void and of no effect."

On page 4, line 20 of the title, after "91.08 RCW;" insert "creating a new section;"

Senator Swecker spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 111, after line 23 to Second Substitute Senate Bill No. 5688.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray, McDermott, Franklin, Ranker, Kline, Kauffman and Brandland spoke in favor of passage of the bill.

Senators Stevens, Swecker, Roach and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Second Substitute Senate Bill No. 5688 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5952, by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes.

The measure was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5952.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Benton, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Parlette

SENATE BILL NO. 5952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5850, by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin

Protecting workers from human trafficking violations.

MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic employers of foreign workers" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(2) "Foreign worker" or "worker" means a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. "Foreign worker" or "worker" does not include persons who hold an H-1B visa and come to work in the state.

(3) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

NEW SECTION. Sec. 2. (1) Domestic employers of foreign workers and international labor recruitment agencies

must provide a disclosure statement as described in this section to foreign workers who have been referred to or hired by a Washington employer.

(2) The disclosure statement must:

(a) Be provided in the primary language spoken by the worker;

(b) State that the worker may be considered an employee under the laws of the state of Washington and is subject to state worker health and safety laws and may be eligible for workers' compensation insurance and unemployment insurance;

(c) State that the worker may be subject to both state and federal laws governing overtime and work hours, including the minimum wage act under chapter 49.46 RCW;

(d) Include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing;

(e) Include an itemized listing of the international labor recruitment agency's fees;

(f) State that the worker has the right to control over his or her travel and labor documents, including his or her visa, at all times and that the employer may not require the employee to surrender those documents to the employer or to the international labor recruitment agency while the employee is working in the United States;

(g) Include a list of services or a hot line a worker may contact if he or she thinks that he or she may be a victim of trafficking.

(3) The department of labor and industries may create a model disclosure form and post the model form on its web site so that domestic employers of foreign workers and international labor recruitment agencies may download the form, or mail the form upon request. The disclosure statement must be given to the worker no later than the date that the worker arrives at the place of employment in Washington.

NEW SECTION. Sec. 3. For purposes of establishing personal jurisdiction under this chapter, an international labor recruitment agency or a domestic employer of a foreign worker is deemed to be doing business in Washington and is subject to the jurisdiction of the courts of Washington state if the agency or employer contracts for employment services with a Washington resident or is considered to be doing business under any other provision or rule of law.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 5. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

(1) Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management.

(2) The office of crime victims advocacy shall supply the commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission

FIFTY-EIGHTH DAY, MARCH 10, 2009

2009 REGULAR SESSION

shall disseminate this information to licensees by: Providing the information on the commission's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the commission. The commission shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 6. RCW 18.83.090 and 1996 c 191 s 68 are each amended to read as follows:

(1) The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal.

(2) The office of crime victims advocacy shall supply the board with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The board shall disseminate this information to licensees by: Providing the information on the board's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the board. The board shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.225.040 and 2001 c 251 s 4 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) The office of crime victims advocacy shall supply the committee with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The committee shall disseminate this information to licensees by: Providing the information on the committee's web site; including the

information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the committee. The committee shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection;

(11) Maintain the official record of all applicants and licensees; and

~~((++))~~ (12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Swecker to Second Substitute Senate Bill No. 5850.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 18.71.080, 18.83.090, and 18.225.040; adding a new chapter to Title 19 RCW; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5850.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen, Parlette and Zarelli
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5850, having received the constitutional majority, was

FIFTY-EIGHTH DAY, MARCH 10, 2009

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:06 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 11, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 11, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Kauffman, Keiser and Rockefeller.

The Sergeant at Arms Color Guard consisting of Pages Alex Bassett and Calvin Foucault, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
 HOUSE BILL NO. 1197,
 HOUSE BILL NO. 1287,
 HOUSE BILL NO. 1374,
 SUBSTITUTE HOUSE BILL NO. 1419,
 SUBSTITUTE HOUSE BILL NO. 1435,
 SUBSTITUTE HOUSE BILL NO. 1565,
 SUBSTITUTE HOUSE BILL NO. 1597,
 SUBSTITUTE HOUSE BILL NO. 1751,
 HOUSE BILL NO. 1753,
 SUBSTITUTE HOUSE BILL NO. 1776,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879,
 SUBSTITUTE HOUSE BILL NO. 1914,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935,
 SECOND SUBSTITUTE HOUSE BILL NO. 1985,
 SUBSTITUTE HOUSE BILL NO. 2042,
 SUBSTITUTE HOUSE BILL NO. 2052,
 SUBSTITUTE HOUSE BILL NO. 2079,
 SECOND SUBSTITUTE HOUSE BILL NO. 2119,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267,
 ENGROSSED HOUSE BILL NO. 2279,
 SUBSTITUTE HOUSE BILL NO. 2287,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6121 by Senators Tom, Zarelli and Keiser

AN ACT Relating to the surcharge to fund biotoxin testing and monitoring; amending RCW 77.32.555; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1007 by House Committee on Capital Budget (originally sponsored by Representatives Morris, Chase, Morrell, Lias, Anderson, Upthegrove, Seaquist, Hudgins and Moeller)

AN ACT Relating to creating a sustainable energy trust; amending RCW 43.180.020; adding a new section to chapter 43.180 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

2SHB 1021 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Campbell, Morrell and Moeller)

AN ACT Relating to prior notice of hospital surveys and audits; and amending RCW 70.41.120 and 70.41.122.

Referred to Committee on Health & Long-Term Care.

E2SHB 1078 by House Committee on General Government Appropriations (originally sponsored by Representatives Kelley, Roach, Kirby, Warnick, Bailey and Sells)

AN ACT Relating to exchange facilitators; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 1081 by House Committee on Transportation (originally sponsored by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller and Jacks)

AN ACT Relating to local improvement district financing of railroad crossing protection devices; and amending RCW 35.43.040.

Referred to Committee on Transportation.

ESHB 1123 by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Morrell, Hunter, Pedersen, Chase, Ormsby, Simpson, Wood and Conway)

AN ACT Relating to reducing the spread of methicillin-resistant staphylococcus aureus; amending RCW 43.70.056; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 1131 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Pettigrew, Haler, Ericks, Bailey, Lias, Hasegawa, Hudgins, Darneille, Chase, Dunshee, Kelley, Sullivan and Nelson)

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

AN ACT Relating to the Washington state economic development commission; amending RCW 43.162.010 and 43.162.020; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

HB 1184 by Representative Chase

AN ACT Relating to modifying the loan repayment period for conservation projects funded by municipal utilities; and amending RCW 35.92.360.

Referred to Committee on Environment, Water & Energy.

SHB 1201 by House Committee on Human Services (originally sponsored by Representatives O'Brien, Dickerson, Hurst and Appleton)

AN ACT Relating to the community integration assistance program; and amending RCW 71.24.470, 71.24.480, and 72.09.370.

Referred to Committee on Human Services & Corrections.

SHB 1300 by House Committee on Human Services (originally sponsored by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith)

AN ACT Relating to access to information on mental health services received by persons who have been committed for custody or supervision or who have been civilly committed after being found incompetent to stand trial for a felony; amending RCW 71.05.020, 71.05.390, 71.05.445, and 71.05.630; adding a new section to chapter 71.05 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1321 by House Committee on Finance (originally sponsored by Representatives Kenney, McCoy, Haler, Chandler, Ericks, Ormsby, Hasegawa, Pettigrew, Walsh, Klippert and Armstrong)

AN ACT Relating to the tax on cleaning up radioactive waste and other by-products of weapons production and nuclear research and development; amending RCW 82.04.263; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1329 by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Conway, Kagi, Hunt, Seaquist, Sells, Priest, Kenney, Ormsby, Wood, Haigh, White, Chase, Herrera, Morrell, Liias, Green, Cody, Appleton, Hasegawa, Carlyle, Simpson, McCoy, Sullivan, Orwall, Goodman, Campbell, Hudgins, Moeller, Nelson and Santos)

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.56.465, 41.04.810, 43.01.047, 43.215.350, and 74.15.020; reenacting and amending RCW 43.215.010; adding a new section to chapter 43.215 RCW; adding a new section to chapter

74.08A RCW; adding a new section to chapter 74.12 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 1347 by House Committee on Ways & Means (originally sponsored by Representatives Santos, Roach, Morrell, Moeller, Chase and Roberts)

AN ACT Relating to financial education; amending RCW 28A.300.450, 28A.300.460, 28A.300.465, and 28A.655.070; adding new sections to chapter 28A.300 RCW; and repealing RCW 28A.300.455, 28A.300.470, and 28A.230.205.

Referred to Committee on Ways & Means.

ESHB 1349 by House Committee on Human Services (originally sponsored by Representatives Green, Moeller, Dickerson, Cody and Kenney)

AN ACT Relating to additional grounds for renewal of orders for less restrictive treatment; amending RCW 71.05.320; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 1373 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Dickerson, Kagi, Green, Cody, Darneille, Dunshee, Roberts, Goodman, Appleton, Kenney, Orwall, Hurst, Moeller, Takko, Chase, Rolfes, Carlyle, Simpson, Nelson, Conway and Ormsby)

AN ACT Relating to equitable access to appropriate and effective children's mental health services; and amending RCW 74.09.521.

Referred to Committee on Ways & Means.

HB 1395 by Representatives Wallace, Anderson, Hasegawa, Sells, Chase and Kenney

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SHB 1413 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Nelson, Quall and Blake)

AN ACT Relating to water discharge fees; amending RCW 90.48.465; and creating new sections.

Referred to Committee on Environment, Water & Energy.

2SHB 1481 by House Committee on Finance (originally sponsored by Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen)

AN ACT Relating to electric vehicles; amending RCW 43.19.648; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.08 RCW; adding a new

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

section to chapter 82.12 RCW; adding a new section to chapter 79.13 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 47.38 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

ESHB 1514 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Hinkle, Cody and Morrell)

AN ACT Relating to adding and deleting counseling professions subject to the authority of the secretary of health under the uniform disciplinary act; amending RCW 18.130.040 and 18.130.040; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

EHB 1530 by Representatives Kirby and Bailey

AN ACT Relating to creating the guaranteed asset protection waiver model act; amending RCW 63.14.010; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1572 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Liias, Appleton, Miloscia and Williams)

AN ACT Relating to all mail elections; amending RCW 29A.04.008, 29A.04.019, 29A.04.128, 29A.04.031, 29A.04.220, 29A.04.255, 29A.04.580, 29A.04.470, 29A.08.113, 29A.08.130, 29A.08.140, 29A.08.145, 29A.08.430, 29A.08.440, 29A.08.720, 29A.08.775, 29A.08.810, 29A.08.820, 29A.12.085, 29A.12.090, 29A.12.110, 29A.12.160, 29A.16.010, 29A.16.040, 29A.16.060, 29A.16.120, 29A.16.130, 29A.24.081, 29A.24.131, 29A.28.021, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.115, 29A.36.131, 29A.36.161, 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.120, 29A.44.010, 29A.44.030, 29A.44.040, 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.090, 29A.44.140, 29A.44.150, 29A.44.160, 29A.44.170, 29A.44.190, 29A.44.205, 29A.44.207, 29A.44.210, 29A.44.225, 29A.44.231, 29A.44.260, 29A.44.265, 29A.44.270, 29A.44.410, 29A.44.430, 29A.44.490, 29A.44.530, 29A.46.260, 29A.48.010, 29A.48.040, 29A.48.060, 29A.52.141, 29A.52.311, 29A.52.351, 29A.53.080, 29A.56.010, 29A.56.490, 29A.60.010, 29A.60.030, 29A.60.040, 29A.60.050, 29A.60.110, 29A.60.120, 29A.60.160, 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.190, 29A.60.190, 29A.60.230, 29A.60.235, 29A.64.041, 29A.80.041, 29A.84.050, 29A.84.510, 29A.84.550, 29A.84.730, 36.83.110, 85.38.125, and 90.72.040; reenacting and amending RCW 29A.04.611, 29A.08.620, 29A.40.110, 29A.60.070, and 29A.60.165; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.48 RCW; adding a new section to chapter 29A.80 RCW; recodifying RCW 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.110, 29A.40.120, 29A.40.150, and 29A.44.430; repealing RCW 29A.16.020, 29A.16.030, 29A.16.110, 29A.16.140,

29A.16.150, 29A.16.170, 29A.40.010, 29A.40.020, 29A.40.030, 29A.40.040, 29A.40.050, 29A.40.130, 29A.40.140, 29A.44.020, 29A.44.080, 29A.44.110, 29A.44.120, 29A.44.130, 29A.44.180, 29A.44.201, 29A.44.221, 29A.44.250, 29A.44.280, 29A.44.290, 29A.44.310, 29A.44.320, 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.420, 29A.44.450, 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.510, 29A.44.520, 29A.48.020, 29A.48.030, 29A.60.060, 29A.60.200, 29A.84.540, 29A.84.545, and 29A.84.680; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 1579 by Representatives Appleton, Hasegawa and Nelson

AN ACT Relating to a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SHB 1621 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Bailey, Rodne, Nelson, Simpson and Moeller)

AN ACT Relating to regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 31.04.015, 31.04.025, 31.04.035, 31.04.045, 31.04.102, 31.04.105, 31.04.145, and 31.04.165; adding new sections to chapter 31.04 RCW; creating a new section; and providing effective dates.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1669 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Hunt, Hasegawa, Appleton, Miloscia, Warnick, Kirby, Williams and Ormsby)

AN ACT Relating to the deposit of public funds; amending RCW 39.58.010, 35.38.060, 35.58.510, 36.48.060, and 43.08.280; adding new sections to chapter 39.58 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 1701 by House Committee on Ways & Means (originally sponsored by Representatives Hudgins, McCoy and Hasegawa)

AN ACT Relating to authorizing the department of information services to engage in high-speed internet activities; amending RCW 43.105.350; adding new sections to chapter 43.105 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1703 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Pedersen, Green, White, Wood, Bailey, Moeller, Morrell, Walsh, Nelson and Kenney)

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

AN ACT Relating to child immunization exemptions; and amending RCW 28A.210.090.

Referred to Committee on Health & Long-Term Care.

ESHB 1709 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Nelson, White, Cody, Carlyle, Orwall, McCoy, Darneille and Ormsby)

AN ACT Relating to fee and installment plan assistance for borrowers at risk of default on small loans; amending RCW 31.45.010, 31.45.073, 31.45.084, and 42.56.230; adding new sections to chapter 31.45 RCW; creating new sections; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1741 by House Committee on Education (originally sponsored by Representatives Darneille, Quall, Lias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell)

AN ACT Relating to crimes that require dismissal or certificate revocation for school employees; amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 1747 by House Committee on Ways & Means (originally sponsored by Representatives Rolfes, Chase, Upthegrove, Hasegawa, Eddy, Lias, Ormsby, Pedersen, Dunshee, McCoy, Morris, Carlyle, Dickerson, Hudgins, Moeller, Sells, Kenney, White and Nelson)

AN ACT Relating to reducing climate pollution in the built environment; amending RCW 19.27A.020; adding new sections to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1883 by House Committee on Local Government & Housing (originally sponsored by Representatives Morris and Quall)

AN ACT Relating to creating regulatory restrictions applicable to metropolitan park districts; amending RCW 35.61.010, 35.61.020, 35.61.001, and 35.61.130; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 1889 by House Committee on Education (originally sponsored by Representatives Sullivan, Priest, Ormsby, Santos and Simpson)

AN ACT Relating to paraeducator tutors; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1938 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney)

AN ACT Relating to children's interests in maintaining postadoption contact with their siblings; amending RCW 26.33.295 and 26.33.190; reenacting and amending RCW 13.34.136; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Ways & Means.

ESHB 1939 by House Committee on Transportation (originally sponsored by Representatives Takko, Armstrong, Morris, Springer, Eddy, Wood, Warnick, Ericksen, Sells, Kenney, Simpson, Moeller, Ormsby and Wallace)

AN ACT Relating to vehicle dealer documentary service fees; and amending RCW 46.70.180.

Referred to Committee on Transportation.

E2SHB 1961 by House Committee on Ways & Means (originally sponsored by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen and Wood)

AN ACT Relating to implementing the federal fostering connections to success and increasing adoptions act of 2008; amending RCW 74.13.031, 74.13.020, 74.13.031, and 13.34.234; adding a new section to chapter 13.34 RCW, creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

EHB 1986 by Representatives Hasegawa, Anderson, Wallace, White and Sells

AN ACT Relating to peer mentoring; adding a new section to chapter 28B.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2003 by House Committee on Education (originally sponsored by Representatives Orwall, Sullivan, Quall, Priest and Maxwell)

AN ACT Relating to the professional educator standards board membership and duties; amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2010 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Nelson)

AN ACT Relating to state funding for local projects; amending RCW 43.155.070, 43.160.060, 43.160.900, 39.102.040, and 47.26.282; and creating a new section.

Referred to Committee on Ways & Means.

E2SHB 2021 by House Committee on Education Appropriations (originally sponsored by Representatives Kenney, Probst, Wallace, Sullivan, Priest, Maxwell, Chase,

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Ormsby, Hudgins, Jacks, Liias, White, Sells, Morrell, Kelley, Darneille, Wood and Roberts)

AN ACT Relating to revitalizing student financial aid; amending RCW 28B.92.060, 28B.92.030, 28B.15.0681, 28B.76.500, 28B.15.820, and 28B.12.060; adding a new section to chapter 28B.101 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.12 RCW; adding a new chapter to Title 28B RCW; creating a new section; repealing RCW 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.030, and 28B.101.040; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

EHB 2040 by Representatives Conway and Condotta

AN ACT Relating to the work of the joint select committee on beer and wine regulation; amending RCW 66.28.180; adding new sections to chapter 66.28 RCW; and repealing RCW 66.28.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2095 by House Committee on Transportation (originally sponsored by Representatives Orwall, Finn, Upthegrove, Simpson, Rodne and Quall)

AN ACT Relating to clarifying the permitting, training, and licensing process for driver training schools; and amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, and 46.82.360.

Referred to Committee on Transportation.

2SHB 2106 by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Roberts, Kenney and Morrell)

AN ACT Relating to improving child welfare outcomes through the phased implementation of strategic and proven reforms; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 2113 by House Committee on Education Appropriations (originally sponsored by Representatives Kagi, Chase, Quall and Morrell)

AN ACT Relating to placements of students in residential habilitation centers; adding new sections to chapter 28A.190 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

2SHB 2114 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Seaquist and Cody)

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding new sections to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

2SHB 2130 by House Committee on Finance (originally sponsored by Representatives Probst, Jacks, Morris, Morrell, Kenney, Conway and Ormsby)

AN ACT Relating to tax incentives for renewable energy manufacturing facilities; amending RCW 82.32.5351; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2147 by House Committee on Education (originally sponsored by Representatives Liias, Pettigrew, Quall, McCoy, Chase and Kenney)

AN ACT Relating to closing the achievement gap in order to provide all students an excellent and equitable education; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 2164 by Representatives Pettigrew, Haler, Santos, McCoy, Miloscia, Kagi, Hunt, Kenney, Sullivan, Darneille, Seaquist, Roberts, Chase, Hasegawa, Dickerson and Goodman

AN ACT Relating to evaluating selected child welfare practices to determine their impact on remediating racial disproportionality in Washington's child welfare system; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 2167 by House Committee on Ways & Means (originally sponsored by Representatives Maxwell, Priest, Green, Quall, Moeller, White, Orwall, Sullivan, Van De Wege, Liias and Probst)

AN ACT Relating to flexibility in the education system; amending RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.040, 28A.210.080, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.118, 28A.300.525, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, 17.21.415, and 28A.650.015; reenacting and amending RCW 28A.230.125; repealing RCW 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.092, 28A.230.185, 28A.300.412, 28A.600.320, 28A.600.415, 28A.630.045, and 28A.630.881; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2198 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Hinkle, Van De Wege, Hasegawa, Takko, Jacks, Appleton, Williams, Chase, Eddy, Morris, Roberts and White)

AN ACT Relating to requiring the availability of child restraint systems by rental car businesses; amending RCW 46.87.023; and providing an effective date.

Referred to Committee on Transportation.

SHB 2223 by House Committee on Transportation

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(originally sponsored by Representatives Clibborn, Johnson and Morrell)

MOTION

AN ACT Relating to commercial driver's license applicants who operate commercial motor vehicles for agribusiness purposes; amending RCW 46.25.060; and providing an expiration date.

Referred to Committee on Transportation.

E2SHB 2227 by House Committee on Education Appropriations (originally sponsored by Representatives Probst, Orwall, Santos, Nelson, Sullivan, Lias, Williams, Carlyle, Maxwell, Conway, Morrell, White, Goodman, Jacks, Kenney and Seaquist)

AN ACT Relating to green jobs; amending RCW 43.330.310; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 49.04 RCW; and creating new sections.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 2275 by House Committee on Finance (originally sponsored by Representatives Kretz, Springer, Shea, Sullivan, Blake, Jacks, Warnick, Short, Hinkle, Schmick, Armstrong, Parker and McCune)

AN ACT Relating to a sales and use tax exemption for the nonhighway use of propane by farmers; amending RCW 82.08.865 and 82.12.865; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 2278 by House Committee on Finance (originally sponsored by Representatives Pettigrew, Chandler, Blake, Johnson, Bailey and Schmick)

AN ACT Relating to the sales and use tax exemption for livestock nutrient management equipment and facilities; and amending RCW 82.08.890 and 82.12.890.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5262, by Senators Kline, Brandland and Shin

Allowing law enforcement access to driver's license photographs for the purposes of identity verification.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on the second reading and read the second time.

Senator Kline moved that the following amendment by Senators Kline and Carrell be adopted.

On page 2, after line 2, insert the following:

"(5) The department may make the file available to judicial officers for the purpose of verifying identity of an individual in a court proceeding. The department may make the file available only if the requesting judicial officer declares to the department that he or she has given notice to the parties that the request to the department will be made."

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Carrell on page 2, after line 2 to Substitute Senate Bill No. 5262.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "enforcement" insert "and court"

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Haugen, Kauffman and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Keiser and Kohl-Welles

Excused: Senators Fairley, Kauffman and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

On motion of Senator Eide, Senators Keiser and Kohl-Welles were excused.

SECOND READING

SENATE BILL NO. 5332, by Senators Haugen, Swecker and Delvin

Administering the Washington state patrol retirement system. Revised for 1st Substitute: Addressing the administration of the Washington state patrol retirement system.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Fairley and Rockefeller

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5115, by Senators Honeyford, Kline and Roach

Modifying the judicial conduct commission.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5115 and the bill passed the Senate

by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senators Brown and Tom

Excused: Senators Fairley and Rockefeller

SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin

Adding additional appropriate locations for the transfer of newborn children.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman, Hargrove, Roach and Kohl-Welles spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Delvin, Hewitt, Honeyford, McCaslin, Morton and Zarelli

Excused: Senators Fairley and Rockefeller

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6068, by Senators Swecker, Haugen, King and Shin

Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6068.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Tom

Excused: Senator Rockefeller

SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5698, by Senators Murray, Kohl-Welles and Delvin

Regulating soil and wetland science professions.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5698 was substituted for Senate Bill No. 5698 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5698 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5698.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5698 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Voting nay: Senators Becker, Carrell, Hatfield, Holmquist, Honeyford, King, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5705, by Senator Swecker

Regarding voting rights in special districts.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5705 was substituted for Senate Bill No. 5705 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Rockefeller

SUBSTITUTE SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Brown and Murray were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9149, Dan Newhouse, as Director of the Department of Agriculture, be confirmed.

Senators Hatfield, Delvin, McCaslin, Schoesler, King, Honeyford, Kline and Morton spoke in favor of passage of the motion.

APPOINTMENT OF DAN NEWHOUSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9149, Dan Newhouse as Director of the Department of Agriculture.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9149, Dan Newhouse as Director of the Department of Agriculture and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Murray and Rockefeller
Gubernatorial Appointment No. 9149, Dan Newhouse, having received the constitutional majority was declared confirmed as Director of the Department of Agriculture.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and former Representative and newly confirmed Director of Department of Agriculture, Dan Newhouse, who was seated in the gallery.

MOTION

At 10:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:31 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5931, by Senators Murray, Delvin and Kline

Regarding mental health counselor privilege. Revised for 1st Substitute: Regarding licensed mental health practitioner privilege.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5931 was substituted for Senate Bill No. 5931 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Shin were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5931.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5886, by Senator Kline

Regulating legal proceedings involving public hazards.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that an informed public is better able to protect itself against risk of loss from public hazards and that, to have an informed public: (1) Access to reasonable information regarding public hazards is required; and (2) courts should not be used to shield information necessary to protect the safety of the public. The legislature further finds that the marketplace works most efficiently when competition is based on consumers being able to make fully informed choices about items placed in the stream of commerce. Therefore, the legislature intends there to be a presumption against the sealing of court documents relative to public hazards as defined in this act.

Sec. 2. RCW 4.24.611 and 1994 c 42 s 2 are each amended to read as follows:

As used in RCW 4.24.601 and this section:

(1)(a) "Product liability/substance claim" means a claim for damages for personal injury, wrongful death, or property damage caused by a ~~((product or hazardous or toxic substances; that is an alleged hazard to the public and that presents an alleged risk of similar injury to other members of the public))~~ public hazard.

(b) "Confidentiality provision" means any terms in a court order or a private agreement settling, concluding, or terminating a product liability/substance claim, that limit the possession, disclosure, or dissemination of information about ~~((an alleged hazard to the public))~~ a public hazard, whether those terms are integrated in the order or private agreement or written separately.

(c) "Members of the public" includes any individual, group of individuals, partnership, corporation, or association.

(d) "Public hazard" means a condition of a product that has caused, or can be reasonably expected to cause death or serious bodily harm or other serious harm to a person unaware of the condition.

(2) Except as provided in subsection (4) of this section, members of the public have a right to information necessary for a lay member of the public to understand the nature, source, and extent of the risk from alleged hazards to the public.

(3) Except as provided in subsection (4) of this section, members of the public have a right to the protection of trade secrets as defined in RCW 19.108.010, other confidential research, development, or commercial information concerning products or business methods.

(4)(a) Nothing in this chapter shall limit the issuance of any protective or discovery orders during the course of litigation pursuant to court rules. At the conclusion of the litigation, the court shall review all discovery or protective orders issued during litigation for compliance with this section.

(b) Confidentiality provisions may be entered into or ordered or enforced by the court only if the court finds, based on the evidence, that the confidentiality provision ((is in the public interest)) does not conceal the existence of a public hazard. In determining ((the public interest)) whether to allow a confidentiality provision to be entered, the court shall balance

FIFTY-NINTH DAY, MARCH 11, 2009

the right of the public to information regarding the alleged risk to the public from the product or substance as provided in subsection (2) of this section against the right of the public to protect the confidentiality of information as provided in subsection (3) of this section.

(c) No agreement between parties involving the final resolution of a case in litigation involving a public hazard may require a party to agree to withhold or remain silent on information regarding a public hazard as a condition of achieving a settlement of the litigation.

(5)(a) Any confidentiality provisions that are not adopted consistent with the provisions of this section are voidable by the court.

(b) Any confidentiality provisions that are determined to be void are severable from the remainder of the order or agreement notwithstanding any provision to the contrary and the remainder of the order or agreement shall remain in force.

(c) Nothing in RCW 4.24.601 and this section prevents the court from denying the request for confidentiality provisions under other law nor limits the scope of discovery pursuant to applicable court rules.

(6) In cases of third party actions challenging confidentiality provisions in orders or agreements, the court has discretion to award to the prevailing party actual damages, costs, reasonable attorneys' fees, and such other terms as the court deems just.

~~(7) (The following acts or parts of acts are each repealed on May 1, 1994:~~

~~— (a) RCW 4.24.600 and 1993 c 17 § 1;~~

~~— (b) RCW 4.24.610 and 1993 c 17 § 2;~~

~~— (c) RCW 4.24.620 and 1993 c 17 § 3;~~

~~— (d) RCW 4.16.380 and 1993 c 17 § 5; and~~

~~— (e) 1993 c 17 § 4 (unmodified).)) Except for monetary damage claims reduced to final judgment by a superior court, this section applies to all causes of action that exist on or after July 1, 2009.~~

Sec. 3. RCW 4.24.601 and 1994 c 42 s 1 are each amended to read as follows:

The legislature finds that public health and safety is promoted when the public has knowledge that enables members of the public to make informed choices about risks to their health and safety. Therefore, the legislature declares as a matter of public policy that the public has a right to information necessary to protect members of the public from harm caused by ~~((alleged hazards to the))~~ a public hazard. The legislature also recognizes that protection of trade secrets, other confidential research, development, or commercial information concerning products or business methods promotes business activity and prevents unfair competition. Therefore, the legislature declares it a matter of public policy that the confidentiality of such information be protected and its unnecessary disclosure be prevented."

Senator Kline spoke in favor of adoption of the striking amendment.

Senator Carrell spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Hargrove to Senate Bill No. 5886.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "hazards;" strike the remainder of the title and insert "amending RCW 4.24.611 and 4.24.601; and creating a new section."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Morton, Sheldon and Stevens

Absent: Senator Shin

ENGROSSED SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION 8643

By Senators Jacobsen, Haugen, and Kohl-Welles

WHEREAS, The University of Washington Department of Scandinavian Studies started out as a cordial conversation between three Swedish-American students who wished to see their proud language taught at their university; and

WHEREAS, Carl E. Magnusson, professor of engineering, assisted the students in addressing the issue before the university's board of regents. The board received a petition with hundreds of signatures from Scandinavian residents and students wishing to have their native languages taught; and

WHEREAS, Magnusson was quoted saying, "Members of the legislature as well as candidates running for legislative offices were approached through letters and in personal interviews, and their cooperation was solicited." Legislation creating the department passed the Senate on March 10, 1909, and the House on March 11, 1909; and

WHEREAS, In 1910, David Nyvall was appointed as the first professor of Scandinavian by the board of regents. That first year, courses in Swedish, Norwegian, history of Norwegian and Danish literature, history of Swedish literature, and Old Norse grammar were taught; and

WHEREAS, In 1912, Edwin J. Vickner assumed the chair of the department, expanding course offerings and enrollment, and winning regional and national recognition. Vickner also pioneered the teaching of Scandinavian literature in English translation; and

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

WHEREAS, In 1994, the Baltic Studies program was established and the University of Washington became the only American university to teach the Estonian, Latvian, and Lithuanian languages every year, and is this year celebrating its fifteenth anniversary; and

WHEREAS, The department's library collection is now one of the nation's top five research collections and is considered the best all-around collection on the West Coast. The library has the most important Hans Christian Andersen collection outside of Denmark; its Faroese and Latvian collections are regarded as the most noteworthy in the United States; and

WHEREAS, To this day, the department remains just one of a few that was created specifically at the request and perseverance of our state's citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Department of Scandinavian Studies on its one hundredth anniversary for continuing to preserve and cultivate the Scandinavian and Baltic cultures not only in the state of Washington, but the entire United States of America.

Senators Jacobsen, Kohl-Welles and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced faculty staff of the University of Washington's Department of Scandinavian Studies and supporters who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Jacobsen: "As the President was dealing with those names I recall the campaign event. My very first campaign I was running I agreed to work with Nita Rinehart and Marlin Applewick and we were going to hand out each other's campaign pieces and, Applewick should really should be Applewick but the customs changed his name to 'wick', so anyway I was out there handing the three pieces to this lady at this house. She didn't know who I was yet but she saw those three names. She pointed at the name Jacobsen and said, 'Ah, at last a good American name.'"

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5735, by Senators Rockefeller, Hargrove, Jacobsen, Ranker, Fraser, Keiser, Jarrett, Franklin, Shin, Kohl-Welles, Regala, McAuliffe and Kline

Reducing greenhouse gas emissions.

MOTION

On motion of Senator Marr, Second Substitute Senate Bill No. 5735 was substituted for Senate Bill No. 5735 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senators Pridemore and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 FINDINGS. (1) The legislature reaffirms the state limits on greenhouse gas emissions adopted in RCW 70.235.020. Despite the recent economic downturn, the output of greenhouse gas emissions continues. It remains essential to fashion a long-term strategy for reduction of greenhouse gas emissions, consistent with previously enacted reduction goals of the state. The legislature further finds that full implementation of current policies regarding energy efficiency, new clean energy technologies, efficient building practices, new energy efficient transportation technologies, and other policies and programs may achieve nearly one-half of the estimated statewide emissions reductions needed to meet the state's 2020 emissions limits, but that additional reduction strategies will be needed.

(2) Therefore, it is the intent of the legislature by this act to provide a thorough review and set of recommendations to the 2011 legislature regarding the merits of implementing a multisector emissions reduction program in the state, as well as recommended additional complementary policies to achieve the state's emission reduction requirements.

NEW SECTION. Sec. 2 POLICY DECLARATION. When presenting the state's position on any regional or national emissions reduction program that relies on a multisector, market-based approach to regulating greenhouse gas emissions, the state shall adhere to the following policies:

(1) Assuring that biomass combustion for electricity or process steam production is considered carbon neutral;

(2) Assuring equitable economic benefits and opportunities for electric utilities operating in Washington that use hydroelectric generation;

(3) Recognition must be provided to those emissions sources that have taken early action to reduce their emissions;

(4) That the state's forest and agricultural lands that are managed in ways that increase carbon sequestration be recognized for the use of offsets to regulatory limits on emissions; and

(5) Assuring the protection of low and moderate income households.

NEW SECTION. Sec. 3 EMISSIONS CAPS. (1) In order to assist Washington in meeting the requirements in RCW 70.235.020, the department of ecology shall recommend a greenhouse gas emissions reduction program that sets statewide and sector emission caps for persons that annually emit at or above twenty-five thousand metric tons of carbon dioxide equivalents. The emissions reduction program must recognize early actions, complementary policies, and offsets as specified in section 5 of this act. The emissions reduction program must include protocols for directing technical and financial incentives to those persons who monitor and demonstrate their emissions reductions. No element of the program recommendations in this section may be implemented unless specifically authorized by a future act of the legislature.

(2) The department of ecology's recommendations must include the following program design elements:

(a) Phase one of the emissions reduction program should be designed to begin in 2012 and covers the following sectors: (i) Electricity generated in the state or generated out-of-state and delivered to the state by long-term financial commitments under chapter 80.80 RCW; (ii) industrial and commercial fuel combustion; and (iii) industrial process emissions;

(b) Phase two of the emissions reduction program should be designed to begin in 2015 and covers the following sectors: (i) Transportation fuel combustion; (ii) residential fuel combustion; and (iii) fuel delivered or sold for industrial and commercial combustion where the fuel is used by persons not otherwise covered by the program in 2012. Phase two of the program may include complementary measures, except that measures for

FIFTY-NINTH DAY, MARCH 11, 2009

transportation fuels must focus on emissions reductions, not raising revenues, and consideration must be given to differing rural and urban circumstances;

(c) For each compliance period, emissions caps must decline evenly in each sector until the state greenhouse gas emissions are reduced as required by RCW 70.235.020;

(d) Except for purposes of reporting, the following carbon dioxide emissions are not covered by the program:

(i) Emissions from industrial combustion of biomass in the form of fuel wood, wood waste, wood by-products, and wood residuals as long as the region's silvicultural sequestration capacity is maintained or increased; and

(ii) Emissions from the combustion of biofuels or the biofuel component of blended fuels as the term "biofuel" is defined in RCW 43.325.010; and

(e) No more than forty-nine percent of a sector's total emissions reductions from 2012 to 2020 may be satisfied with offsets.

(3) The recommendations in this section must be submitted to the appropriate committees of the legislature by December 1, 2010.

NEW SECTION. Sec. 4. ALTERNATIVE STRATEGIES FOR ACHIEVING EMISSIONS REDUCTIONS. (1) The department of ecology shall report to the legislature on alternative strategies the state may implement to meet the requirements in RCW 70.235.020. The report must include the following: A comprehensive examination of all measures, not market-based, that the state could employ to reduce the emissions of greenhouse gases, such as:

(a) Regulatory emissions caps and other performance oriented regulations;

(b) Economic and fiscal measures that would supplement a regulatory approach;

(c) Measures for substantially reducing greenhouse gas emissions from the electricity sector, including measures to facilitate the transition from electricity generation derived from any coal-fired facility to generation with significantly reduced emissions;

(d) Measures for reducing transportation emissions in urban areas of the state, including programs providing incentives and assistance for the deployment of electric vehicles and the necessary infrastructure for such vehicles and policies directing the increased use of these vehicles within state agency fleets; and

(e) Measures for reducing emissions by increasing energy efficiency in buildings and commercial and industrial applications.

(2) The report must include an analysis of the alignment of policies and standards among the participating jurisdictions in the western climate initiative.

(3) The report must include recommendations for establishing a performance auditing mechanism to monitor the effectiveness of emissions reduction strategies.

(4) The report must include recommendations on complementary measures the state may undertake to supplement a national emissions reduction program.

(5) The report must incorporate an economic analysis by the forecasting office of the office of financial management, in consultation with members of the governor's council of economic advisors, of the impact to Washington consumers, businesses, and citizens if Washington entered into a regional or federal emissions reduction program. The economic analysis must include:

(a) Various economic scenarios, such as when Washington has a robust economy and when Washington is in an economic downturn;

(b) The economic impact sector by sector, including the impact to the forest products manufacturing sector and Washington's port districts;

(c) How to address trade competition from countries and states that are not participating in an emissions reduction program;

(d) How to ensure that economic benefits are available to both urban and rural communities; and

(e) The impact on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income households.

(6) The report must be submitted to the appropriate committees of the legislature by December 1, 2010.

NEW SECTION. Sec. 5. OFFSETS. (1) The department of ecology shall recommend criteria for issuing and accepting offset credits for offset projects that may be used to meet a person's compliance obligation in a state, regional, or national emissions reduction program. The department must give priority to investigating and developing criteria for offset projects within the forestry, agriculture, and waste management sectors, but must also develop criteria for recognizing offsets from all sources of emissions reductions that are additional to existing regulatory requirements and that are reductions beyond business as usual emission levels. The department shall present the state's policy on forestry offset projects established under section 6 of this act as the state's position when developing the criteria for forestry offset projects within any other regional or national cap and trade emissions reduction program.

(2) With regard to forestry offsets, the department of ecology must give first priority for issuing offset credits for forestry offset projects located in Washington. Second priority must be given to offset projects within Washington, Oregon, Idaho, and Montana. Third priority must be given to offset projects that are located in any other jurisdiction in the United States. One offset credit must be issued for up to each metric ton of emissions as measured in carbon dioxide equivalent associated with an offset project.

(3) Except as provided in this section, the department of ecology may accept offset credits for compliance purposes from other jurisdictions as well as annex 1 countries from the United Nations framework convention on climate change, but only if an offset project is not available in Washington.

(4) The department of ecology may also accept for compliance purposes offset credits from developing countries, but only if an offset project is not available in Washington. Offset credits from developing countries must be in accordance with the clean development mechanism of the Kyoto protocol or if the clean development mechanism is replaced, a protocol developed by the department. The department may develop criteria for these offset projects to ensure similar rigor to offset projects within the state.

(5) Any offset credit that is used to meet a compliance obligation must conform to the rules adopted by the department of ecology.

(6) Upon receipt by the department of ecology of an offset credit to meet a compliance obligation, the department shall retire the offset credit.

(7) The department of ecology shall ensure that all offset credits that it issues are tracked to ensure that the department knows who holds a given offset credit and when it is retired.

(8) The department of ecology shall consult with tribal governments upon request on any offset criteria that may affect tribal governments, such as the voluntary development of offset projects by tribes.

(9) The recommendations in this section must be submitted to the appropriate committees of the legislature by December 1, 2010.

NEW SECTION. Sec. 6. FORESTRY OFFSET POLICY. The department of ecology, in consultation with the forest practices board, the department of natural resources, and the forest carbon working group, shall develop the state's policy for forestry offset projects within Washington. The agencies and

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

the working group shall use the 2008 report of the forest carbon working group as the starting point in developing the policy. The final policy must be completed by December 31, 2009, unless the department of ecology notifies the agencies and working group that the policy is needed sooner. The public must be provided with the opportunity to review and comment on the policy as it is developed. The policy must include:

(1) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(2) How to ensure that any carbon that is reduced or sequestered by a forestry offset project will be eligible for an offset credit within a regional or national cap and trade emissions reduction program;

(3) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics, timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(4) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use after one hundred years;

(5) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a regional or national cap and trade emissions reduction program; and

(6) Recommendations for how to verify or certify carbon stocks that will not be administratively burdensome.

NEW SECTION. Sec. 7. FINANCIAL INCENTIVES FOR FORESTRY. The department of ecology, in consultation with the forest practices board, the department of natural resources, and the forest carbon working group, shall develop and deliver to the legislature by December 1, 2010, legislation to implement a financial incentives program for forestry and forest products that will recognize activities such as:

(1) Forest landowners maintaining and actively managing their forest land using management activities such as thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timber stand improvement, and fire management;

(2) Forest landowners continuing the production of wood products while maintaining or increasing their carbon stocks on the ground;

(3) Retention by forest landowners of high carbon stocks where there is no obligation to retain such stocks; and

(4) The use by developers and builders of wood building materials instead of more intensive fossil fuel products such as concrete and steel.

NEW SECTION. Sec. 8. WESTERN CLIMATE INITIATIVE. The director of the department of ecology is authorized to continue discussions with other jurisdictions in the western climate initiative.

NEW SECTION. Sec. 9. A new section is added to chapter 47.38 RCW to read as follows:

(1) As a necessary and desirable step to expedite the transition to transportation technologies and infrastructure with reduced emissions, the department shall implement an electric vehicle and alternative fuel vehicle infrastructure program that accelerates planning and allocation of funding for pilot projects to demonstrate the feasibility of large scale deployment of charging and alternative fuels distribution infrastructure. The program must include the provisions in this section and other electric vehicle programs being implemented by the department.

(2) The governor shall direct the department, in collaboration with the states of Oregon and California, to develop a multistate electric vehicle infrastructure initiative. The objective of the initiative is to implement large scale demonstration projects that support the charging and other necessary infrastructure for electric vehicles along shared interstate highways and in major urban areas in the three states. The governor shall work in a multistate collaboration to seek major federal funding for planning and projects in the initiative.

(3) As an element of the program authorized under this section, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies. To the extent permitted under federal programs, regulations, or laws, the department may enter into partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The pilot project may allow for commercial activities only as necessary to attain basic economic sufficiency. The department is not responsible for providing capital equipment nor operating refueling or recharging services. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department;

(b) Ensure that a pilot project site does not compete with existing retail businesses for the provision of the same refueling services or recharging technologies in the same geographic area;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any commercial activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

NEW SECTION. Sec. 10. A regional transportation planning organization containing any county with a population in excess of one million in collaboration with representatives from the department of ecology, the department of transportation, the department of community, trade, and economic development, local governments, and the office of regulatory affairs must seek federal or private funding for the planning for, deployment of, or regulations concerning electric vehicle infrastructure.

NEW SECTION. Sec. 11. ACCOUNT CREATED. The emissions reduction assistance account is created in the state treasury. All appropriations to the account and twenty-five percent of all federal funds received pursuant to H.R. 1, P.L. 111-5 for the purpose of assisting with energy efficiency and renewable energy, including federal funds received for the state energy program, must be deposited in the account. Other funds, gifts, grants, and endowments from public or private sources, in trust or otherwise, may be directed into the account. Any moneys received from sponsor match payments must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for:

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(1) Assisting persons in achieving emissions reductions under section 3 of this act;

(2) Assisting the transition of coal-fired facilities to cleaner-burning technologies;

(3) Reducing price impacts for consumers with incomes within two hundred fifty percent of the federal poverty level;

(4) Strategies to create jobs and provide for worker transition, especially in and for those communities and workers that have been disproportionately affected by economic downturns, through efforts to reduce emissions, reduce energy use, and develop clean energy supplies;

(5) Supporting transit and transportation projects that will reduce greenhouse gas emissions;

(6) Energy efficiency and renewable energy incentives including matching electric utility sponsored programs that support customer energy efficiency investment, new renewable energy resource development, including related transmission, energy storage, and integration technologies;

(7) Promoting emissions reductions and carbon sequestration in agriculture, forestry, waste management, and other uncapped sectors;

(8) Efforts funded by local governments to reduce community greenhouse gas emissions;

(9) Adaptation to climate change impacts, including impacts on affected species, habitats, and communities; and

(10) Research, development, demonstrations, and deployment of technology to reduce greenhouse gas emissions.

NEW SECTION. **Sec. 12.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 13.** Sections 2 and 11 of this act are each added to chapter 70.235 RCW.

NEW SECTION. **Sec. 14.** This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 1, line 22, after "Policy Declaration." strike everything through line 9 on page 2 and insert the following language:

"(1) The Department of Ecology is authorized to continue its participation in the western climate initiative as initiated by the western regional climate action initiative signed by the governor on February 26, 2007, subject to conditions set forth in subsection (2) of this section.

(2) The state's participation in the development of a regional cap and trade program, and its efforts to inform congress of the state's position regarding elements of a national cap and trade program, will be directed by the following policies:

(a) No allowances may be auctioned by the state while Washington participates in a regional cap and trade program;

(b) Biomass combustion for electricity or process steam production is carbon neutral;

(c) The point of regulation for the electricity sector in Washington may only be imposed upon the source of emissions located within the state;

(d) New entrants must be encouraged, but not to the detriment of existing covered entities and sectors;

(e) Combustion of residential and commercial fuel must be regulated outside a cap and trade program through complementary policies that promote energy efficiency;

(f) A mechanism must be developed to protect the financial integrity of the state's electric utilities that derive more than ten percent of their supply from hydropower facilities by mitigating their cost of compliance as a result of low water conditions, but

not by setting aside allowances in a manner that reduces the allocation of allowances to other covered entities or sectors;

(g) Early actions taken by regulated and potentially regulated entities to reduce their greenhouse gas emissions prior to the implementation of a national or regional cap and trade system must be recognized;

(h) Offset criteria must recognize the vital contribution that the sequestration of greenhouse gases by forestry, forest products and agricultural sectors in the state can make to sustaining an effective means for regulated entities to comply with greenhouse gas reduction requirements in a cost effective manner;

(i) Cost containment and market design mechanisms must be included in a cap and trade system to protect the state's economy from volatile and escalating costs of allowances or offsets; and

(j) A national cap and trade system must take precedence over a regional cap and trade program."

On page 7, line 23, strike all of section 8 through line 25 and renumber the remaining sections of the bill accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 22 to the striking amendment to Second Substitute Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Absent: Senator Brandland

Excused: Senator Haugen

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin to the striking amendment be adopted.

On page 2, after line 9, strike all of section 3.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Delvin and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Senators Rockefeller and Marr spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 2, after line 9 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Delvin failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 3, line 21, after The, strike the department of ecology, and insert "William D. Ruckelshaus Center"

Senators Honeyford, Delvin and Parlette spoke in favor of adoption of the amendment to the striking amendment.

Senators Rockefeller, Marr and Fraser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 21 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 7, after line 22, strike all of section 8.

Re-number the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 7, after line 22 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker to the striking amendment be adopted.

On page 9, after line 9 of the amendment, insert the following:

"(4) The department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section."

Senators Haugen and Rockefeller spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 9, after line 9 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Jacobsen and Swecker to the striking amendment be adopted.

On page 9, line 28 of the amendment, after "for", insert "the following purposes, however at least ten percent of the revenues in the account must be used for the purposes identified in subsection (5) of this section"

On page 10, line 4 of the amendment, after "projects" insert ", including telework projects,"

Senators Haugen and Rockefeller spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Jacobsen and Swecker on page 9, line 28 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Haugen carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 10, after line 18, insert the following:

"**NEW SECTION. Sec. 12.** The department shall adopt by rule criteria for issuing early reduction allowances to sectors proposed to be covered under the regional cap and trade program. The department shall present the state's policy on early reduction allowances established under this section as the state's position when developing the criteria for early reduction allowances within the regional cap and trade program and to inform congress of the state's position to be considered in a national cap and trade program.

(2) The department shall adopt by rule criteria for issuing early action credits. The department shall review and approve applications submitted by persons for emission reductions made after January 1, 1990, and prior to January 1, 2008, provided those emission reductions were achieved for the purposes of reducing greenhouse gas emissions, increasing renewable energy use, or increasing energy efficiency in product manufacturing. If early reduction credits are offered in a form other than allowances, the department shall request authorization from the legislature for providing an appropriate form of credit for early actions."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 10, after line 18 to the striking amendment to Second Substitute Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Brandland

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 10, line 23, after "Sec. 14." strike "This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act." and insert the following:

"If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senators Benton and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senators Rockefeller and Marr spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 10, line 23 to the striking amendment to Second Substitute Senate Bill No. 5735.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pridemore and Hargrove as amended to Second Substitute Senate Bill No. 5735.

The motion by Senator Rockefeller carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "emissions;" strike the remainder of the title and insert "adding a new section to chapter 47.38 RCW; adding new sections to chapter 70.235 RCW; and creating new sections."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Kastama, Hargrove, Pridemore, Marr and Brown spoke in favor of passage of the bill.

Senators Honeyford, Holmquist, Schoesler, Delvin, Sheldon and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore,

Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Brandland

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Dairy Ambassadors representing the State Dairy Federation who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5895, by Senators Tom, Kohl-Welles, Fraser and McDermott

Addressing residential real property construction improvements through consumer education, warranty protections, legal remedies, municipal liability, third-party inspections, contractor registration requirements, worker certification standards, and bonding requirements. Revised for 2nd Substitute: Addressing residential real property construction improvements through warranty protections, legal remedies, third-party inspections, contractor registration requirements, worker certification standards, and bonding requirements.

MOTION

On motion of Senator Tom, Second Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 4, line 17 after "entity." insert ""Construction professional" does not include a supplier of materials who has otherwise had no involvement in performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property."

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 4, line 17 to Second Substitute Senate Bill No. 5895 was withdrawn.

MOTION

Senator Holmquist moved that the following striking amendment by Senators Holmquist and King be adopted. Strike everything after the enacting clause and insert the following:

"PART 1. NOTICE AND RIGHT TO CURE

Sec. 1. RCW 64.50.010 and 2002 c 323 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in *RCW 64.34.020(12) and a declarant as defined in *RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residential construction board claim" means a claim of construction defect for a residence for which either the claimant or the construction professional in good faith believes can be remedied for a total cost of fifty thousand dollars or less.

(7) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

((7)) (8) "Response notice" means a written response provided by a construction professional pursuant to RCW 64.50.020(2).

(9) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

((8)) (10) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

Sec. 2. RCW 64.50.020 and 2002 c 323 s 3 are each amended to read as follows:

(1) In every construction defect action brought against a construction professional, the claimant shall, no later than forty-five days before filing an action, serve written notice of claim on the construction professional. The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response notice on the claimant by registered mail or personal service. The written response notice shall:

(a) Propose to inspect the residence that is the subject of the claim, including a description of the scope of the inspection, and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the

defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the ~~((inspection proposal or the))~~ settlement offer made by the construction professional pursuant to subsection (2) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the ~~((inspection proposal or))~~ settlement offer, then at anytime thereafter the construction professional may terminate the ~~((proposal or))~~ offer by serving written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4)(a) If the ~~((claimant elects to allow the))~~ construction professional proposes to inspect ~~((in accordance with the construction professional's proposal))~~ pursuant to subsection (2)(a) of this section, the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Whether conducted by a third party inspector or the construction professional, the person conducting the inspection shall produce a written report which shall describe the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, a timetable for the completion of such construction, and an estimate of the costs of repair.

(c) Within fourteen days following completion of the inspection and delivery of the inspection report, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant ~~((including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of such construction));~~

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

((e)) (d) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of ~~((b))~~ (c) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

((f)) (e) If the claimant rejects the offer made by the construction professional pursuant to ~~((b))~~(c)(i) or (ii) of this subsection to either remedy the construction defect or to

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional.

(f) For claims that are not residential construction board claims, after service of the rejection notice pursuant to subsection (e) of this subsection (4), the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. For claims that are not residential construction board claims, if the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to ((b)) (c)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the offer by serving written notice to the claimant.

(5)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)((b)) (c)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

(7) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection (2)(a) or (5) of this section.

(8) Prior to commencing any action with a court or the residential construction board alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection (6) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling statutes of limitations and repose. Claims for defects discovered after the commencement or recommencement of an action may be added to such action only after providing notice to the construction professional of the defect and allowing for response under subsection (2) of this section.

PART II. RESIDENTIAL CONSTRUCTION BOARD & CONSUMER EDUCATION OFFICE

NEW SECTION. Sec. 3. For the purposes of sections 4 through 14 of this act, the following definitions apply unless the context clearly requires otherwise:

(1) "Board" means the residential construction board created under section 4 of this act.

(2) "Contractor" means a person registered under chapter 18.27 RCW who performed services for the construction, alteration or repair of a residence.

(3) "Defect" means a deficiency, an inadequacy or an insufficiency arising out of or relating to the construction, alteration or repair of a residence. "Defect" includes a

deficiency, an inadequacy or an insufficiency in a system, component or material incorporated into a residence.

(4) "Mediator" means a person selected by the residential construction board to investigate defect complaints under this act.

(5) "Owner" means a person that possesses an interest in a residence or in land that is a residential site or has entered into a contract for the purchase of an interest in the residence or land. Owner includes, but is not limited to, a subsequent purchaser of a residence from any owner.

(6) "Residence" means a single-family house, duplex, triplex, or quadraplex.

NEW SECTION. Sec. 4. A residential construction board is created in the office of the attorney general. The board shall consist of seven members, appointed by the governor. The governor shall appoint initial members of the board to staggered terms of from two to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the board hold their office until successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. Existing members of the board may be re-appointed for additional terms. The board shall select from its members a chair person, vice chair person, and any other officer the board determines is necessary to perform its duties. The board shall consist of:

(a) Three members possessing a minimum of ten years of experience in the construction of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(b) One member possessing a minimum of ten years of experience in the remodeling of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(c) One architect licensed under chapter 18.08 RCW or professional engineer registered under chapter 18.43 RCW;

(d) One building inspector employed by a city or county; and

(e) One member of the general public.

NEW SECTION. Sec. 5. (1) The board shall form and manage a consumer education office whose duties shall include:

(a) Educating consumers about contracting for residential construction services, including the requirements of chapter 18.27 RCW and methods available to protect themselves against loss;

(b) Producing written and electronic consumer education materials about contracting for residential construction services and legal resources available to consumers;

(c) Creating a pamphlet explaining a homeowner's legal rights and remedies and provide contractors and other construction professionals with a downloadable version of the brochure to attach to contracts for purchase and sale of new residential real property or the substantial remodel of existing residential real property. The office shall periodically update this pamphlet;

(d) Identifying and working collaboratively with agencies and organizations who are already engaged in consumer education efforts in the area of residential construction, such as the department of labor and industries, the department of licensing, local governments, the construction industry, financial institutions, and other interested organizations and individuals, to increase outreach to consumers;

(e) Sharing consumer education materials with and serve as a resource for agencies and organizations who are already engaged in consumer education;

(f) Developing a uniform manner of receiving, cataloging, analyzing, and responding to consumer complaints about residential construction;

(g) Identifying which agencies and organizations are already receiving complaints and coordinate with them to ensure that all

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

agencies and organizations are requesting the same information from complaining consumers and that all consumers are referred to the office;

(h) Entering into data-sharing agreements with the department of labor and industries, local governments, and other agencies with enforcement duties in residential construction to increase assistance to consumers and enforcement of construction-related laws; and

(i) Reporting to the legislature on an annual basis the total number of complaints, the nature of the complaints, the monetary value of the complaints, whether complaints have been resolved, and any other information that the office deems relevant. The first report is due on January 1, 2010, and subsequent reports are due on November 1st of each year thereafter.

(2) The board shall:

(a) Manage a residential construction defect complaint resolution process consistent with the requirements of this act; and

(b) Report to the legislature on an annual basis any recommendations for changes in law or rule to improve the quality of residential home construction.

NEW SECTION. Sec. 6. (1) The board shall solicit and review qualifications for mediators based on the following standards:

(a) Minimum of ten years of experience in residential construction;

(b) Current contractors registration in the state or former contractors registration in the state, provided registration was not terminated by an action of the department of labor and industries; and;

(c) Other qualifications the board may deem appropriate.

(2)(a) The board shall select mediators the board deems, by a majority vote, meet the qualifications for the board. There shall be no right of appeal of a selection decision made by the board. All qualified mediator names shall be compiled into a single ranked list. Names of newly selected mediators shall be added to the bottom of the list.

(b) Mediators shall not be employees of the board or the state.

Mediators shall be paid on a per case basis at a rate set by the board.

(c) Mediators may be removed from the list for any reason by a vote of the majority of members of the board. There shall be no right of appeal of a removal decision made by the board.

NEW SECTION. Sec. 7. (1) The board shall assign a mediator to each complaint filed with the board. The board shall assign the mediator from the top of the list of mediators approved by the board by providing written notice to the arbitrator, owner, and contractor of the assignment.

(2) A mediator may reject an assignment for any reason by providing written notice to the board within five business days of receiving the assignment notice from the board. A mediator shall reject an assignment if the mediator is aware of any common financial interest between the mediator and the owner or contractor. (3) The mediator shall disclose in writing within three business days of receiving the assignment notice to the board, the owner, and the contractor any pre-existing personal or professional relationships between the mediator and the owner or the contractor. Presence of a pre-existing relationship shall not be a basis for requiring a mediator to reject an assignment.

(4) The owner may reject up to one mediator for any reason, by providing written notice to the board of the rejection within five business days of receiving the assignment notice from the board.

(5) The contractor may reject up to one mediator for any reason, by providing written notice to the board of the rejection within five business days of receiving the assignment notice

from the board.

(6) If a mediator assignment is rejected for any reason, the board shall assign the next mediator in the manner provided for under this section.

(7) After the mediator is assigned to a complaint, regardless of whether the mediator rejects or is rejected from further investigation of the complaint, the mediator's name shall be added at the bottom of the list of approved mediators and shall be available for assignment to future cases as the mediator's name advances on the list.

NEW SECTION. Sec. 8. If an owner files a complaint with the board against any contractor to assert a claim arising out of or related to the construction, alteration or repair of a residence located in this state and the owner has not followed the procedure set forth in chapter 64.50 RCW, the board shall dismiss the complaint without prejudice.

NEW SECTION. Sec. 9. The board shall have the jurisdiction to receive all owner complaints regarding residential construction defects.

NEW SECTION. Sec. 10. A complaint under section 12 of this act must arise from the performance, or a contract for the performance, of work that requires a contractor registered under chapter 18.27 RCW.

NEW SECTION. Sec. 11. The board must receive the complaint no later than six years after the completion of construction as defined by RCW 4.16.310. If a claim is filed with the board within the applicable statute of limitations, the filing of the claim tolls the statute of limitations for the period of time until the board issues a decision under section 12 of this act.

NEW SECTION. Sec. 12. (1) Prior to commencing any construction defect action with a court or filing a claim under a written express warranty complying with section 16 of this act, an owner must submit a complaint to the board.

(2) The owner must file the complaint with the board in a form prescribed by the board.

(3) The board shall suspend processing of the complaint if:

(a) The amount of the complaint exceeds \$50,000; or

(b) The board determines that the nature or complexity of the dispute described in the complaint is such that a court is the appropriate forum for the adjudication of the dispute; or

(c) The board determines the contractor is not registered under chapter 18.27 RCW.

(4) The board may dismiss or close the complaint if any of the following conditions apply:

(a) The owner does not respond to a mediator request and the request is necessary to the mediator's investigation of the complaint;

(b) The owner does not allow the mediator to conduct one or more on-site meetings to mediate or investigate the complaint; or

(c) The owner does not permit the contractor against whom the complaint is filed to be present at an on-site investigation made by the mediator; or

(d) The mediator determines that the contractor against whom the complaint is filed is capable of complying with recommendations made by the mediator relative to the complaint, but the owner does not permit the contractor to comply with the recommendations.

(5) Upon acceptance of the complaint, the board shall assign a mediator to the complaint in the form and manner prescribed by this act.

(6) The mediator shall initiate proceedings to determine the validity of the complaint.

(7) At a minimum, the mediator shall conduct one or more on-site meetings to mediate or investigate the complaint.

(8) If the mediator is unable to resolve the complaint under this section, the mediator shall issue a written decision, including an indication of an amount of damages. In

FIFTY-NINTH DAY, MARCH 11, 2009

determining whether a complaint should result in an award of damages, the mediator shall consider:

(a) The fitness of the materials selected and used by the contractor;

(b) Whether the work was performed in accordance with accepted trade practices;

(c) Whether the work was performed in compliance with code regulations in effect at the time it was constructed;

(d) Whether the resulting building or improvement was suitable for its intended purpose; and

(e) Failure of the current or former owner to conduct normal and routine maintenance of the residence.

(9) The mediator shall deliver the decision to the board. The board shall forward the decision to the owner and contractor.

(10) The basis for a mediator's decision identified in subsection (8) of this section does not constitute a legal cause of action.

NEW SECTION. Sec. 13. Notwithstanding the provisions of chapter 7.06 RCW, any other provision of law or any contractual provision, failure of a contractor to initiate mediation proceedings within thirty days after notification by the board of a complaint under section 12 of this act is a waiver by the contractor of any contractual right to mediation or arbitration.

NEW SECTION. Sec. 14. (1) Within twenty days after the filing of the mediator's decision with the board, the owner or the contractor may reject the decision of the mediator by delivering written notice of the rejection to the board. The board shall forward written notice of the rejection to the owner and the contractor within five days of receiving the rejection of the decision.

(2) Upon receipt of written notice of rejection of the mediator's decision, an owner pursuing a claim under an implied warranty of habitability may file with the clerk of a superior court with jurisdiction a written notice of request for a trial de novo on all issues of law and fact. Such trial de novo shall thereupon be held, including a right to jury, if demanded. Any owner pursuing a claim under an express written warranty may file the claim in the form and manner prescribed by the warranty contract.

Sec. 15. RCW 18.27.075 and 2001 c 159 s 14 are each amended to read as follows:

(1) The department shall charge a fee of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW.

(2) The department shall also charge a fee of one hundred dollars per year for issuing or renewing a certificate of registration. The department shall remit this fee, without overhead or administrative expense, to the office of the attorney general for the exclusive purpose of funding the activities of the residential construction board and office of consumer education created by this act.

PART III. WARRANTIES

NEW SECTION. Sec. 16. (1) Except as provided in subsections (2) or (3) of this section, the implied warranty of habitability may not be contractually disclaimed, waived, modified, or limited. The implied warranty of habitability transfers from the homeowner to subsequent purchasers. Subsequent purchasers of a residence may bring an action for breach of implied warranty of habitability.

(2) The implied warranty of habitability may be disclaimed or waived if the contractor or seller provides to the homeowner a transferable written express warranty at the time of closing that meets or exceeds the standards approved by the United States

department of housing and urban development.

(3) The implied warranty of habitability may be modified or limited, provided the contractor performing work disclaims specifically listed components or features of the construction selected or specified by the owner.

(4) A disclaimer, waiver, modification, or limitation of an implied warranty of habitability under subsection (2) or (3) of this section must be:

(a) Written;

(b) Conspicuous;

(c) Typed or printed in ten-point bold face type; and

(d) Signed by the homeowner;

(5) Damages awarded for a breach of the implied warranty of habitability are the cost of repairs. However, if it is established that the cost of repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

(6) This section shall not apply to condominium units created pursuant to chapters 64.32 or 64.34 RCW.

NEW SECTION. Sec. 17. Sections 3 through 14 and section 16 of this act are each added to chapter 64.50 RCW

On page 1, line 1 of the title, after "Relating to", strike the remainder of the title and insert "establishing a residential construction board; amending RCW 18.27.075, 54.50.010, and 64.50.020; and adding new sections to chapter 64.50 RCW."

Senator Holmquist spoke in favor of adoption of the striking amendment.

Senators Tom and Hargrove spoke against adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist and King to Second Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senators Holmquist and King and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Tom be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1 A new section is added to chapter 43.10 RCW to read as follows:

(1) The office of consumer education for home construction is created in the office of the attorney general.

(2) The office of consumer education for home construction shall examine issues involved in establishing a recovery fund to provide compensation to residential real property homeowners through a claim filing process. The office of consumer education for home construction shall consult with appropriate agencies and representatives from organizations involved in the area of residential construction. The office of consumer

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

education for home construction shall make recommendations to the legislature on the creation of a recovery fund by December 1, 2010.

Sec. 2 RCW 18.27.075 and 2001 c 159 s 14 are each amended to read as follows:

(1) The department shall charge a fee of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW.

(2) The department shall also charge a consumer education fee of one hundred dollars per year for issuing or renewing a certificate of registration. The department shall deposit the fee in the consumer education for home construction account created in section 3 of this act.

NEW SECTION. Sec. 3 A new section is added to chapter 43.10 RCW to read as follows:

The consumer education for home construction account is created in the custody of the state treasury for the purpose of funding the office of consumer education for home construction. All fees charged under subsection (2) of section 2 of this act and filing fees charged under section 9 of this act must be deposited into the account. Expenditures from the account may be used only to fund the office of consumer education for home construction. Only the home construction board created under section 6 of this act or the board's designee may authorize expenditure from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4 RCW 43.79A.040 and 2008 c 208 s 9, 2008 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future

teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the consumer education for home construction account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5 RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the consumer education for home construction account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 43.10 RCW to read as follows:

For the purposes of sections 7 through 11 of this act, the following definitions apply:

(1) "Board" means the home construction board created in section 7 of this act.

(2) "Claim" means a claim filed with the board against a construction professional under section 9 of this act and does not mean a complaint as that term is used in section 1 of this act.

(3) "Construction professional" has the same meaning as in section 15 of this act.

(4) "Contractor" means a contractor, as defined in RCW 18.27.010, that is registered with the department of labor and industries under chapter 18.27 RCW.

(5) "Defect" means a deficiency, an inadequacy or an insufficiency arising out of or relating to the construction, alteration, or repair of residential real property. "Defect" also includes a deficiency, an inadequacy or an insufficiency in a system, component, or material incorporated into residential real property.

(6) "Damages" means the cost of repairs, or if the cost of repairs is clearly disproportionate to the loss in market value, damages is the loss in market value.

(7) "Homeowner" means a person or persons owning residential real property. "Homeowner" does not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or

insures a loan secured by real property. "Homeowner" also does not include the spouse, domestic partner, or personal representative of the contractor named in the claim filed under section 10 of this act.

(8) "Residential real property" has the same meaning as in section 15 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 43.10 RCW to read as follows:

(1) The home construction board is established within the office of consumer education for home construction to administer a residential real property homeowner and construction professional early resolution mediation program.

(2) The purpose of the board is to provide homeowners and construction professionals with a cost-effective and time-efficient process to resolve disputes arising from alleged construction.

(3) The board consists of the following seven members:

(a) Three members possessing a minimum of ten years of experience in the construction of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(b) One member possessing a minimum of ten years of experience in the remodeling of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(c) One architect licensed under chapter 18.08 RCW or professional engineer registered under chapter 18.43 RCW;

(d) One building inspector employed by a city or county; and

(e) One member of the general public.

(3) Members of the board shall be appointed by the governor with consent of the Senate. The governor shall appoint initial members of the board to staggered terms of from two to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the board hold office until their successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs.

(4) The board shall select from its members a chair person, vice chair person, and any other officer the board determines is necessary to perform its duties.

(5) The board shall meet a minimum of four times per year to carry out its functions.

(6) The board may adopt rules to implement the board's duties.

NEW SECTION. Sec. 8 A new section is added to chapter 43.10 RCW to read as follows:

(1) The board shall investigate and mediate claims filed by a homeowner against a construction professional for alleged construction defects to residential real property.

(2) The board may use the services of neutral third party experts to assist the board in investigating, assessing, and mediating claims. The board may rely on the national building standards and other recognized standards or codes that the board finds appropriate.

NEW SECTION. Sec. 9 A new section is added to chapter 43.10 RCW to read as follows:

(1) A homeowner of residential real property alleging that a construction professional has performed defective work must, prior to commencing an action against the construction professional, file a claim against the construction professional with the board.

(2) The claim shall be in the form required by the board, and shall include, at a minimum:

(a) The name and mailing address of the homeowner or the homeowner's legal representative, if any;

(b) The address and location of the residential real property;

(c) The names and addresses of the construction

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

professionals, to the extent known to the homeowner, who performed the work;

(d) Whether the work performed involved construction of new residential real property or a substantial remodel of residential real property and the date that the homeowner took possession of the new residential real property or, for a substantial remodel, the date the work was substantially completed or the project was terminated;

(e) A description of the defective work performed and the actual or estimated costs of repair;

(f) Any report, estimates, and other documents evidencing the defect and the costs of repair;

(g) Whether there is a written contract between the construction professional and the homeowner and whether the contract contains warranties related to the work performed or the materials used.

(3) The board may not process a claim against a construction professional unless the claim is filed with the board within the applicable statute of limitations.

(4) When a claim is filed with the board within the applicable statute of limitations, the filing of the claim tolls any applicable statute of limitations and any applicable statute of repose for construction-related claims for the period of time until fifteen days after the board provides written notice of completion of mediation.

(5) Any action commenced in court by a homeowner prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the homeowner has complied with the requirements of this section.

(6) The board by rule may impose a processing fee for claims filed under this section not to exceed one hundred dollars. The fee shall be deposited into the consumer education for home construction account created under section 3 of this act.

NEW SECTION. Sec.10 A new section is added to chapter 43.10 RCW to read as follows:

(1) Upon receipt of a claim, the board shall give written notice to the construction professional against whom the claim is made. The notice of the claim shall describe the claim in reasonable detail sufficient to determine the nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the homeowner by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the homeowner's residence that is the subject of the claim, and to pay the homeowner's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the notice of claim within the time stated in subsection (2) of this section, the board shall commence an investigation and mediation of the claim.

(b) If the homeowner rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the homeowner shall serve written notice of the rejection on the construction professional

and the board. After service of the rejection, the board shall commence an investigation and mediation of the claim.

(c) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the homeowner, and the board shall commence an investigation and mediation of the claim.

(4)(a) If the homeowner elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to this section, the homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the homeowner:

(i) A written offer to remedy the defect at no cost to the homeowner, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the homeowner shall provide written notification to the board. The board shall commence an investigation and mediation of the claim.

(d) If the homeowner rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection (4) to either remedy the defect or to compromise and settle the claim by monetary payment, the homeowner shall serve written notice of the rejection on the construction professional and the board. After service of the rejection notice, the board shall commence an investigation and mediation of the claim.

(e) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection (4), then at anytime thereafter the construction professional may terminate the offer by serving written notice to the homeowner.

(5)(a) Any homeowner accepting the offer of a construction professional to remedy the defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The homeowner shall also send a copy of the written notice of acceptance to the board. The homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The homeowner and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Compliance with this section satisfies the requirements of RCW 64.50.020.

FIFTY-NINTH DAY, MARCH 11, 2009

NEW SECTION. Sec. 11. A new section is added to chapter 43.10 RCW to read as follows:

(1) If, after compliance with the procedures established in section 10 of this act, a resolution has not been reached between the homeowner and construction professional, the board shall investigate the claim.

(2) The board may use the services of neutral third party experts to conduct on-site investigations, make recommendations to the board, and assist the board in investigating and mediating claims.

(3) After the investigation is complete, the board shall provide the parties with notification of the findings of the investigation. If the parties do not provide the board with written notification within 14 days after receipt of the findings that the parties have resolved the claim, the board shall mediate the claim.

(4) The mediation shall be conducted by a panel of three members of the board in accordance with rules adopted by the board.

(5) All proceedings of the mediation conference, including any statement made by any party, attorney or other participant, shall be privileged and not reported, recorded, placed in evidence, used for impeachment, made known to a court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the mediation conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement.

(6) At the conclusion of the mediation the board shall provide a written notice of the completion of mediation to the parties. The notice shall include a statement of the results of the mediation and a copy of any written settlement agreement between the parties. If the parties did not reach an agreement, the notice shall include a statement that the parties may pursue any other right or remedy provided by statutory or common law.

NEW SECTION. Sec.12. A new section is added to chapter 43.10 RCW to read as follows:

The board shall maintain and make available to the office of consumer education for home construction a record of all claims filed with the board against construction professionals under this chapter and the outcomes of those claims.

NEW SECTION. Sec. 13 A new section is added to chapter 64.50 RCW to read as follows:

The provisions of RCW 64.50.020 do not apply to a claim filed with the home construction board under sections 9 through 11 of this act.

PART II. RESIDENTIAL REAL PROPERTY WARRANTIES, LEGAL REMEDIES, AND THIRD-PARTY INSPECTIONS

NEW SECTION. Sec. 14 A new section is added to chapter 64.50 RCW to read as follows:

(1) The legislature intends by this section to modify the common law implied warranty of habitability to provide that this warranty may not be contractually disclaimed, waived, modified, or limited. The legislature does not intend to modify any other aspect of the common law implied warranty of habitability as developed through case law.

(2) The common law implied warranty of habitability may not be disclaimed, waived, modified, or limited by contractual agreement. A provision of any contract for the purchase or sale of newly constructed residential property that purports to disclaim, waive, modify, or limit the implied warranty of habitability is void and unenforceable.

NEW SECTION. Sec. 15. A new section is added to chapter 64.50 RCW to read as follows:

(1) A construction professional involved in the construction

of new residential real property, or the substantial remodel of existing residential real property, warrants that the work, and any part thereof, will be suitable for the ordinary uses of real property of its type and that the work will be:

(a) Free from defective materials;

(b) Constructed in accordance with sound engineering and construction standards;

(c) Constructed in a work-like manner; and

(d) Constructed in compliance with all laws then applicable to the improvements.

(2) If a construction professional breaches a warranty arising under this section and the breach results in damage to any portion of the residential real property, the current owner of the residential real property may bring a cause of action for damages against the construction professional. Absence of privity of contract between the owner and the construction professional is not a defense to the enforcement of a warranty arising under this section.

(3) In a judicial proceeding for breach of a warranty arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the property alleged to be in breach. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the property unfit for occupancy. As used in this subsection, "adverse effect" must be more than technical and must be significant to a reasonable person.

(4) Proof of breach of a warranty arising under this section is not proof of damages. Damages awarded for a breach of a warranty arising under this section are the cost of repairs. However, if it is established that the cost of repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

(5)(a) A judicial proceeding for breach of a warranty arising under this section must be commenced within four years after the cause of action accrues. This period may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(b) Except as provided under (c) of this subsection, a judicial proceeding for breach of a warranty arising under this section accrues, regardless of the owner's lack of knowledge of the breach:

(i) In the case of the purchase of newly constructed residential real property, on the date the initial owner enters into possession of the property; or

(ii) In the case of the substantial remodel of existing residential real property, on the date of substantial completion of construction or termination of the construction project, whichever is later.

(c) A cause of action for breach of a warranty arising under this section that is based on a latent structural defect or a latent water penetration defect accrues when the claimant discovers or reasonably should have discovered the latent structural defect or latent water penetration defect.

(d) An action for breach of warranty under this section is subject to the time limitations provided in RCW 4.16.310.

(6) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this section, the statute of limitations in this section and any applicable statute of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

(7) The warranties provided under this section are in addition to any other rights or remedies available under statutory law or common law or provided for under contract. The warranties provided under this section may not be waived, disclaimed, modified, or limited.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(8) In a judicial proceeding under this section, the court may award reasonable attorneys' fees and costs to the prevailing party.

(9) This section is not intended to create an independent right to maintain a class action against any construction professional.

(10) This section does not apply to condominiums subject to chapter 64.34 RCW.

(11) This section does not affect the application of the notice and opportunity to cure requirements and procedures imposed under RCW 64.50.010 through 64.50.050.

(12) An action for breach of a warranty created under this section is subject to any requirements for mandatory arbitration imposed under chapter 7.06 RCW or state or local court rules.

(13) For the purposes of this section:

(a) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(b) "Residential real property" means a single-family home, a duplex, a triplex, or a quadraplex.

(c) "Substantial completion of construction" means the state of completion reached when an improvement upon real property may be used or occupied for its intended use.

Sec. 16. RCW 4.16.310 and 2002 c 323 s 9 are each amended to read as follows:

(1) All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after June 11, 1986.

If a written notice is filed under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the period of time during which the filing of an action is barred under RCW 64.50.020 plus sixty days shall not be a part of the period limited for the commencement of an action, nor for the application of this section.

(2) Actions and claims for fraud arising from including, but not limited to, construction, alteration, repair, design, planning, survey, and the engineering of improvements upon real property are not subject to the time limitations under subsection (1) of this section. Such actions and claims are governed under RCW 4.16.080.

Sec. 17. RCW 64.50.010 and 2002 c 323 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction

of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Building enclosure" has the same meaning as in RCW 64.55.010.

(4) "Building enclosure design documents" has the same meaning as in RCW 64.55.010.

(5) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

~~((4))~~ (6) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020~~((4))~~ (13) and a declarant as defined in RCW 64.34.020~~((4))~~ (14), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

~~((5))~~ (7) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

~~((6))~~ (8) "Qualified building inspector" has the same meaning as in RCW 64.55.010.

(9) "Residence" means a building, including a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

~~((7))~~ (10) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

~~((8))~~ (11) "Stamped" has the same meaning as in RCW 64.55.010.

(12) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

NEW SECTION. Sec. 18. A new section is added to chapter 64.50 RCW to read as follows:

(1) Any person applying for a building permit for construction of a residential building or substantial remodel shall submit building enclosure design documents to the appropriate building department prior to the start of construction or substantial remodel. If construction work on a building is not a substantial remodel because the cost of thereof does not exceed one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made, the person applying for a building permit shall submit to the building department a letter so certifying. Any changes to the building enclosure design documents that alter the manner in which the building or its components is waterproofed, weatherproofed, and otherwise protected from water or moisture intrusion must be stamped by the architect or engineer and must be provided to the building department and to the person conducting the course of construction inspection in a timely manner to permit such person to inspect for compliance therewith, and may be provided through individual updates,

FIFTY-NINTH DAY, MARCH 11, 2009

cumulative updates, or as-built updates.

(2) The building department shall not issue a building permit for construction of the building enclosure of a residential building or a substantial remodel unless the building enclosure design documents contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form: "The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of sections 18 through 24 of this act."

(3) The building department is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of this section and sections 19 through 24 of this act. This section and sections 19 through 24 of this act do not require a building department to review, approve, or disapprove enclosure design documents.

NEW SECTION. Sec. 19. A new section is added to chapter 64.50 RCW to read as follows:

All residential buildings must have the building enclosure inspected by a qualified inspector during the course of initial construction and during a substantial remodel.

NEW SECTION. Sec. 20. A new section is added to chapter 64.50 RCW to read as follows:

(1) A qualified building enclosure inspector:

(a) Must be a person with substantial and verifiable training and experience in building enclosure design and construction;

(b) Must be free from improper interference or influence relating to the inspections; and

(c) May not be an employee, officer, or director of, or have any pecuniary interest in, the declarant, developer, association, or any party providing services or materials for the project, or any of their respective affiliates, except that the qualified inspector may be the architect or engineer who approved the building enclosure design documents or the architect or engineer of record. The qualified inspector may, but is not required to, assist with the preparation of the design documents.

(2) This section does not alter the requirements for licensure of any architect, engineer, or other professional, and does not alter the jurisdiction, authority, or scope of practice of architects, engineers, other professionals, or general contractors.

NEW SECTION. Sec. 21. A new section is added to chapter 64.50 RCW to read as follows:

(1) An inspection required under this chapter must include, at a minimum, the following:

(a) Water penetration resistance testing of a representative sample of windows and window installations. These tests must be conducted according to industry standards. Where appropriate, tests must be conducted with an induced air pressure difference across the window and window installation. Additional testing is not required if the same assembly has previously been tested in situ within the previous two years in the project under construction by the builder, by another member of the construction team such as an architect or engineer, or by an independent testing laboratory; and

(b) An independent periodic review of the building enclosure during the course of construction or rehabilitative construction to ascertain whether the residential building has been constructed, or the substantial remodel has been performed, in substantial compliance with the building enclosure design documents.

(2) Subsection (1)(a) of this section does not apply to substantial remodels if the windows and adjacent cladding are not altered in the substantial remodel.

(3) For the purposes of this section, "project" means one or more parcels of land in a single ownership, which are under development pursuant to a single land use approval or building permit, where window installation is performed by the owner with its own forces, or by the same general contractor, or, if the

owner is contracting directly with trade contractors, is performed by the same trade contractor.

NEW SECTION. Sec. 22. A new section is added to chapter 64.50 RCW to read as follows:

Upon completion of an inspection required under this chapter, the qualified inspector shall prepare and submit to the appropriate building department a signed letter certifying that the building enclosure has been inspected during the course of construction or substantial remodel and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated under section 18 of this act. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required under this section has been submitted. The building department is not charged with and has no responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 64.50 RCW to read as follows:

(1) This chapter is not intended to and does not:

(a) Create a private right of action against an inspector, architect, or engineer based upon compliance or noncompliance with this chapter; or

(b) Create an independent basis for liability against an inspector, architect, or engineer.

(2) The qualified inspector, architect, or engineer and the developer that retained the inspector, architect, or engineer may contractually agree to the amount of their liability to the developer.

NEW SECTION. Sec. 24. A new section is added to chapter 64.50 RCW to read as follows:

A qualified inspector's report or testimony regarding an inspection conducted under this chapter is not entitled to an evidentiary presumption in any arbitration or court proceeding. This chapter does not restrict the admissibility of the qualified inspector's report or testimony, and questions of the admissibility of the report or testimony are determined under the rules of evidence.

Sec. 25. A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council must adopt rules requiring that natural or manufactured wood framing members used in residential construction be tested by a special inspector or the local building jurisdiction for maximum allowable moisture content prior to enclosing the framing. The rules adopted under this section must provide for the maximum percentage of moisture allowed, the various locations in a building that must be tested, the standards that need to be applied during testing, and procedures for retesting the structure if the moisture content exceeds the maximum allowable amount at the time of inspection. The rules may include a requirement that the special inspector be tested and certified by the Washington association of building officials certification and registration program and be approved by the local building official.

(2) After the inspection, the special inspector must provide a certificate of compliance to the local building official showing compliance with the requirements of this section and the rules adopted under this section.

PART III. CONTRACTOR REGISTRATION, WORKER CERTIFICATION, AND BONDING

NEW SECTION. Sec. 26. (1) The legislature finds that there is inadequate protection for consumers in the area of residential construction. The legislature further finds that a significant amount of the problems in the construction of new residential real property, or the substantial remodel of existing

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

residential real property, pertain to water intrusion and unstable foundations and develop from poor installation of roofing, siding, framing, foundations, doors, and windows. The legislature recognizes that it is important to assure consumers that those doing construction work are properly trained. The legislature, therefore, intends to establish a worker certification requirement for those doing construction work in the areas of roofing, siding, framing, foundations, doors, and windows.

(2) The department of labor and industries shall contract for consultant services to develop recommendations to the legislature on the education, experience, and examination requirements of the program to certify workers engaged in the installation of roofing, siding, framing, foundations, doors, and windows. In developing the recommendations, the consultant and the department shall closely involve and consult with stakeholders. The recommendations must be submitted to the legislature by November 1, 2009.

(3) This section expires December 31, 2009.

Sec. 27. RCW 18.27.030 and 2008 c 120 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) Type of work performed, whether residential, commercial, or both.

(h) The name ((~~and~~)), address, social security number, date of birth, and driver's license number of each partner if the applicant is a firm or partnership, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of the owner if the applicant is an individual proprietorship, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of the corporate officers and statutory agent, if any, if the applicant is a corporation, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(i) The registration numbers and unified business identifier account numbers of previously or currently registered businesses involving the same owner, principal, or officer as the applicant.

(j) Disclosure of any bankruptcy proceedings filed by or against the applicant.

(k) Information about any construction licenses, certifications, or registrations that have been issued to the applicant by other states. The applicant shall also provide

details about any denials, suspensions, revocations, or any enforcement actions related to construction against the applicant by other states.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (iii) the applicant does not have a valid unified business identifier number; (iv) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; ~~((or))~~ (v) the applicant does not have an active and valid certificate of registration with the department of revenue; or (vi) the department has determined that a different state has taken enforcement action against the applicant for activities that would be a violation of this chapter if they had occurred in Washington state.

(b) The department shall suspend an active registration if: (i) The department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; (iii) the registrant does not maintain a valid unified business identifier number; (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; ~~((or))~~ (v) the registrant does not have an active and valid certificate of registration with the department of revenue; (vi) the department has determined that a different state has taken enforcement action against the registrant for activities that would be a violation of this chapter if they had occurred in Washington state; or (vii) the department has determined that the registrant failed to reasonably supervise employees, agents, or subcontractors or performed negligently or in breach of contract so as to cause injury or harm to the public.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

NEW SECTION. **Sec. 28.** A new section is added to chapter 18.27 RCW to read as follows:

A registered contractor, by or against whom a petition in bankruptcy has been filed, shall notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending, within ten days of the filing.

FIFTY-NINTH DAY, MARCH 11, 2009

Sec. 29. RCW 18.27.040 and 2007 c 436 s 4 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of ~~((twelve))~~ twenty-four thousand dollars if the applicant is a general contractor and ~~((six))~~ twelve thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the contractor until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial registration or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit against the contractor and the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned, whichever occurred first. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned, whichever occurred first. Service of process in an action filed under this chapter against the contractor and the contractor's bond or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than fifty dollars to cover the costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies

of the summons and complaint. The service shall constitute service and confer personal jurisdiction on the contractor and the surety for suit on claimant's claim against the contractor and the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the contractor at the address listed in the contractor's application and to the surety within two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending and provided to the department as required in subsection (3) of this section, at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and attorneys' fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to the construction contract involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond or deposit is not liable in an aggregate amount in excess of the amount named in the bond or deposit nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond or deposit so furnished that there is not in effect a bond or deposit in the full amount prescribed in this section, the registration of the contractor is automatically suspended until the bond or deposit liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department an assigned savings account, upon forms provided by the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(10) Within ten days after resolution of the case, a certified copy of the final judgment and order, or any settlement documents where a case is not disposed of by a court trial, a certified copy of the dispositive settlement documents must be provided to the department by the prevailing party. Failure to provide a copy of the final judgment and order or the dispositive settlement documents to the department within ten days of entry of such an order constitutes a violation of this chapter and a penalty adopted by rule of not less than two hundred fifty dollars may be assessed against the prevailing party.

(11) The director may require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of up to three times the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of three final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures.

(12) The director may adopt rules necessary for the proper administration of the security.

NEW SECTION. Sec. 30. Sections 6 through 13 of this act take effect on January 1, 2010.

NEW SECTION. Sec. 31. Part headings used in this act are not any part of the law.

Re-number the sections consecutively and correct any internal references accordingly.

Senator Hargrove spoke in favor of adoption of the striking amendment.

Senator Holmquist spoke against adoption of the striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 17, line 17, after "entity," insert "'Construction professional" does not include a supplier of materials who has otherwise had no involvement in performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property."

Senators Honeyford and Tom spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 17, line 17 to the striking amendment to Second Substitute Senate Bill No. 5895.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Tom as amended to Second Substitute Senate Bill No. 5895.

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the

remainder of the title and insert: "improving residential real property construction by creating the office of consumer education for home construction, strengthening warranty protections applicable to residential real property construction, creating remedies, requiring third-party inspections, enhancing contractor registration requirements, establishing worker certification standards, and enhancing bonding requirements; amending RCW 4.16.310, 64.50.010, 18.27.030, 18.27.040; and 18.27.075; reenacting and amending 43.79A.040 and 43.79A.040; adding new sections to chapter 64.50 RCW; adding new sections to chapter 43.10 RCW; adding a new section to chapter 18.27 RCW; adding a new section to chapter 19.27, creating new sections, providing an effective date, and providing expiration dates".

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Fraser and Kohl-Welles spoke in favor of passage of the bill.

Senators Benton, Carrell, Sheldon, King, Schoesler, Honeyford, Stevens, Becker, Roach, Pflug and Holmquist spoke against passage of the bill.

Senator Franklin assumed the chair.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Jarrett, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Second Substitute Senate Bill No. 5895 was immediately transmitted to the House of Representatives.

MOTION

At 1:15 p.m., on motion of Senator Eide, the Senate was recessed until 2:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:15 p.m. by President Pro Tempore.

SECOND READING

SENATE BILL NO. 5892, by Senators Keiser and Shin

Concerning prescription drug use in state purchased health care programs.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5892 was substituted for Senate Bill No. 5892 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.41.190 and 2006 c 233 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, any pharmacist filling a prescription under a state purchased health care program as defined in RCW 41.05.011(2) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

~~((2))~~ (b) When a substitution is made under (a) of this subsection ~~((1) of this section)),~~ the dispensing pharmacist shall notify the prescribing practitioner of the specific drug and dose dispensed.

(2)(a) A state purchased health care program may impose limited restrictions on an endorsing practitioner's authority to write a prescription to dispense as written only under the following circumstances:

(i) There is statistical or clear data demonstrating the endorsing practitioner's frequency of prescribing dispensed as written for nonpreferred drugs varies significantly from the prescribing patterns of his or her peers;

(ii) The medical director of a state purchased health program has: (A) Presented the endorsing practitioner with data that indicates the endorsing practitioner's prescribing patterns vary significantly from his or her peers, (B) provided the endorsing practitioner an opportunity to explain the variation in his or her prescribing patterns to those of his or her peers, and (C) if the variation in prescribing patterns cannot be explained, provided the endorsing practitioner sufficient time to change his or her prescribing patterns to align with those of his or her peers; and

(iii) The restrictions imposed under (a) of this subsection (2) must be limited to the extent possible to reduce variation in prescribing patterns and shall remain in effect only until such time as the endorsing practitioner can demonstrate a reduction in variation in line with his or her peers.

(b) A state purchased health care program may immediately designate an available, less expensive generic product in a previously reviewed drug class as a preferred drug, without first submitting the product to review by the pharmacy and therapeutics committee established pursuant to RCW 70.14.050.

(c) Subject to the refill provisions in subsection (1)(a) of this section, for a patient's first course of treatment within a therapeutic class of drugs, a state purchased health care program may impose limited restrictions on endorsing practitioners' authority to write a prescription to dispense as written, only

under the following circumstances:

(i) There is a less expensive therapeutic alternative generic product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation;

(iii) Notwithstanding the limitation set forth in (c)(ii) of this subsection, the endorsing practitioner shall have an opportunity to request as medically necessary, as defined in WAC 388-501-0165(3), that the brand name drug be prescribed as the first course of treatment; and

(iv) The state purchased health care program may provide, where available, prescription, emergency room, diagnosis, and hospitalization history with the endorsing practitioner.

(d) If, within a therapeutic class, there is a therapeutic alternative over-the-counter drug available, a state purchased health care program may designate the over-the-counter drug as the preferred drug.

(e) A state purchased health care program may impose limited restrictions on endorsing practitioners' authority to prescribe pharmaceuticals to be dispensed as written for a purpose outside the scope of their approved labels only under the following circumstances:

(i) There is a less expensive on label product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation; and

(iii) Notwithstanding the limitation set forth in (e)(ii) of this subsection, the endorsing practitioner shall have an opportunity to request as medically necessary, as defined in WAC 388-501-0165(3), that the drug be prescribed for an off-label purpose.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senators Hargrove and Keiser to the striking amendment be adopted.

On page 2, after "practitioner." on line 37, insert the following:

"(v) Specifically for antipsychotic restrictions, the state purchased health care program shall effectively guide good practice without interfering with the timeliness of clinical decision making."

Senators Hargrove and Pflug spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Keiser on page 2, after line 17 to the striking amendment to Substitute Senate Bill No. 5892.

The motion by Senator Keiser carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, Senators Holmquist and Roach were excused.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Kauffman and Kline were excused.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug as amended to Substitute Senate Bill No. 5892.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "manner;" strike the remainder of the title and insert "amending RCW 69.41.190; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Would Senator Keiser yield to a question? Senator, is it your understanding that nothing in subsection 2, sub 3 of Senate Bill No. 5892 is intended to allow a state purchased health care program to establish or implement an automatic antipsychotic fail first therapy treatment regimen requiring a patient to start a pharmaceutical therapy regimen in which the least expensive drug option must be found ineffective before the patient is provided access to more expensive pharmaceutical agents?"

Senator Keiser: "Yes, it is my understanding that Senate Bill No. 5892 will not establish or implement an automatic fail first therapy treatment regimen for antipsychotic medications."

Senator Brandland spoke in favor of passage of the bill.

Senators Carrell, Honeyford and Becker spoke against the passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5892.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:44 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:52 p.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 5638, by Senators Swecker, Haugen, Hewitt, Schoesler and Shin

Concerning fire protection district contracts.

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 5638 was substituted for Senate Bill No. 5638 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5638.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5638 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 3; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Delvin, McCaslin and Morton

Absent: Senators Kohl-Welles, Pflug and Prentice

Excused: Senators Brown and Kline

SUBSTITUTE SENATE BILL NO. 5638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5568, by Senators Tom, Rockefeller and Shin

Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senators Kohl-Welles and Prentice were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, McCaslin and Morton

Absent: Senator Pflug

Excused: Senators Brown and Kline

SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5141, by Senators Hargrove, Regala and Shin

Creating a pilot program to increase family participation in juvenile offender programs.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Hewitt and Pflug were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala,

Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Kline and Pflug

SUBSTITUTE SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5742, by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield

Concerning local government crime-free rental housing programs. Revised for 1st Substitute: Concerning crime-free rental housing.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5742 was substituted for Senate Bill No. 5742 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Keiser and Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that local governments, landlords, and tenants working together to provide crime-free rental housing is beneficial to the public health, safety, and welfare. The intent of this act is to provide certain requirements that a local government must follow in adopting a crime-free rental housing program.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city, town, or county may adopt and implement a local government crime-free rental housing program designed to reduce crime, drugs, and gangs on rental properties in accordance with this section.

(2) Except as provided in subsection (5) of this section, a crime-free rental housing program must be voluntary and may include:

(a) Landlord training to educate property owners and managers in the basics of crime prevention on rental premises;

(b) Crime prevention through environmental design assessment to identify crime hazards and ways to improve the safety of the premises; or

(c) Commitments to implement and maintain crime-free activities, such as proper screening of tenants, use of a crime-free addendum in rental agreements, neighborhood education, and maintaining open communication with law enforcement.

(3) A crime-free rental housing program may not:

(a) Prohibit a landlord from hiring or renting to individuals with criminal backgrounds;

(b) Condition a business license or any other prerequisite to owning or operating rental housing in the city, town, or county on participation in the program; or

(c) Except as provided in subsections (4) and (5) of this section, charge additional or separate fees to a landlord who does not participate in the program, including fees for providing law enforcement services to a landlord's rental property.

(4) A city, town, or county may waive all or part of the cost of a landlord's business license or rental registration fee in exchange for participation in the program so long as the fee does not exceed the greater of the amount of a standard business license or rental registration fee in the jurisdiction or seven hundred fifty dollars.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(5)(a) If law enforcement has investigated criminal activity on the rental housing premises of a landlord on three separate occasions within a three-month period and the landlord has not made a good faith effort to deter the criminal activity, the city, town, or county may require the landlord to do one or both of the following:

(i) Participate in a crime-free rental housing program;
 (ii) Pay a monetary penalty set forth in ordinance for any police call for criminal activity, not to exceed one hundred fifty dollars per call, until the criminal activity is abated.

(b) A good faith effort may include, but is not limited to:

(i) Service on the tenant of a notice to comply or quit as allowed by law or the commencement of an unlawful detainer action against the tenant;

(ii) Attendance and completion of a landlord training program provided by the city, town, or county;

(iii) Utilization of a crime-free addendum for tenants who are alleged to have engaged in criminal activity; or

(iv) Communication with law enforcement of methods to prevent criminal activity and reasonable implementation of recommended steps.

(6) This section does not prevent a city, town, or county from charging a fee for participation in a crime-free rental housing program.

(7) This section does not affect a city, town, or county's authority to enforce existing law in regard to rental housing, except in regard to a crime-free rental housing program.

(8) As used in this section:

(a) "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants, owner, or property manager.

(b) "Premises" has the same meaning as provided in RCW 59.18.030.

(c) "Rental housing" means any tenancy subject to chapter 59.12, 59.18, or 59.20 RCW."

Senators Hargrove, Stevens, Keiser and Brandland spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Keiser and Brandland to Substitute Senate Bill No. 5742.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5742.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5742 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Zarelli

Excused: Senators Brown and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5708, by Senators Eide, Franklin and Kline

Authorizing a mileage-based motor vehicle liability policy. Revised for 1st Substitute: Authorizing usage-based rating factors for motor vehicle insurance.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5708 was substituted for Senate Bill No. 5708 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Berkey spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5708.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5708 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Brown and Pflug

SUBSTITUTE SENATE BILL NO. 5708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5951, by Senators Roach, Hatfield, Pridemore and McDermott

Protecting the voter's signature and telephone number on envelopes provided for return of voted ballots.

The measure was read the second time.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5951 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5951.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5951 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Pflug

SENATE BILL NO. 5951, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5967, by Senators Kohl-Welles, Fairley, Fraser, McAuliffe and Kline

Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5967 was substituted for Senate Bill No. 5967 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and King be adopted.

On page 3, line 35, after "possible." insert "Nothing in this section may be construed to require school districts to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities."

Senators McAuliffe and King spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and King on page 3, line 35 to Substitute Senate Bill No. 5967.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hewitt, King, McCaslin and Morton

Absent: Senators Holmquist and Kline

Excused: Senators Brown and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Keiser was excused.

SECOND READING

SENATE BILL NO. 5433, by Senators Regala, Swecker, Rockefeller, Morton, Fraser, Ranker, Fairley and Shin

Modifying provisions of local option taxes.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 5433 was substituted for Senate Bill No. 5433 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Fraser spoke in favor of passage of the bill.

Senators Schoesler and Benton spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5433.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Brown and Pflug

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

SECOND SUBSTITUTE SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

On motion of Senator Marr, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5127, by Senators Jacobsen and Haugen

Concerning the governance of the department of fish and wildlife.

The measure was read the second time.

The President Pro Tempore declared the substitute bill to Senate Bill No. 5127 to be in order.

POINT OF ORDER

Senator Morton: "Madam President, I rise to a point of order that Substitute Senate Bill No. 5127 is beyond the scope and object of the underlying bill. If I may, I would present the arguments at your pleasure. The Constitution and Senate Rules prohibit amendments which change the scope and object of the bill. Substitute bills are considered amendments for purposes of this analysis. In past rulings, the President has compared the language within the four corners of the underlying bill and the amendment. The underlying bill makes numerous changes to the structure of the Fish and Wildlife Commission including but not limited to reducing the number of commissioners, reducing the length of the terms of commissioners and limiting the number of Commission meetings held annually. The underlying bill also transfers the authority to appoint the director from the Commission to the governor. Like the underlying bill the substitute bill makes substantial changes to the structure of the Commission however, the substitute bill goes beyond mere structural changes and transfers the substantive authority to manage fish and wildlife from the Commission to the Department and the director. The substitute bill also amends numerous statutes to carry out this general transfer of authority resulting in a document many times larger than the underlying bill. In fact, it goes from five to a hundred and three pages. It also adds an emergency clause to prevent a referendum vote. The transfer of fish and wildlife management authority and the substitute bill is beyond therefore the scope and object of the underlying bill and I respectfully request that you rule accordingly. Thank you Madam President."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5127 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Fraser, Kohl-Welles, Prentice, Fairley, Berkey, Franklin, Regala, Marr, Shin, Eide, Kastama, Murray, Haugen, Oemig, McDermott and Kline

Urging adoption of a treaty fighting discrimination against women.

The measure was read the second time.

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Fraser and Kohl-Welles spoke in favor of passage of the memorial.

Senator Stevens spoke against passage of the memorial.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8012 and the memorial passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, King, McCaslin, Morton, Parlette, Roach, Stevens, Swecker and Zarelli

Absent: Senator Brandland

Excused: Senator Pflug

SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5651, by Senators Kohl-Welles, Delvin, Kline and Tom

Providing humanitarian requirements for certain dog breeding practices.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5651 was substituted for Senate Bill No. 5651 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Becker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Dogs are neither a commercial crop nor commodity and should not be indiscriminately or irresponsibly mass produced;

(2) Large-scale dog breeding increases the likelihood that the dogs will be denied their most basic needs including but not limited to: Sanitary living conditions, proper and timely medical care, the ability to move freely at least once per day, and adequate shelter from the elements;

(3) Without proper oversight, large-scale breeding facilities can easily fall below even the most basic standards of humane housing and husbandry;

(4) Current Washington state laws are inadequate regarding the care and husbandry of dogs in large-scale breeding facilities;

(5) No Washington state agency currently regulates large-scale breeding facilities;

(6) The United States department of agriculture does not regulate large-scale breeding facilities that sell dogs directly to

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

the public and thus, such direct-sales breeders are currently exempt from even the minimum care and housing standards outlined in the federal animal welfare act;

(7) Documented conditions at large-scale breeding facilities include unsanitary conditions, potential for soil and groundwater contamination, the spread of zoonotic parasites and infectious diseases, and the sale of sick and dying animals to the public; and

(8) An unfair fiscal burden is placed on city, county, and state taxpayers as well as government agencies and nongovernmental organizations, who are required to care for discarded or abused and neglected dogs from large-scale breeding facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include removing the dog from the dog's primary enclosure and either leash walking or giving the dog access to an enclosure at least four times the size of the primary enclosure allowing the dog free mobility for the entire exercise period, but may not include use of a treadmill, cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must be equipped with a working smoke alarm and have a means of fire suppression, such as functioning fire extinguishers or a functioning sprinkler system on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs. Ambient temperature must not fall below fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury. Raised kennels must be slatted with a solid resting surface. The following must be met for floors constructed with

slats: (A) Slats must be flat; must have spaces in between that are no more than 0.5 inches in width; (B) slats must have spaces between them that run the length of the floor; (C) slats must be no less than one inch in width; (D) slats must be level with the slat next to it within a single enclosure; (E) slats must be strong enough so that the slats do not sag or bend between structural supports; and (F) slats must be constructed of a material impervious to moisture and able to be cleaned and sanitized;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs housed in the same enclosure must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must be housed individually. Breeding females in heat may not be housed in the same enclosure with sexually mature males, except for breeding. Breeding females with litters may not be housed in the same enclosure with other adult dogs. Puppies under twelve weeks may not be housed in the same enclosure with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be readily cleaned and sanitized. Enclosures must contain potable water that is not frozen, is free from debris, and is readily accessible to all dogs at all times.

(e) Provide veterinary care without delay when necessary. A male unaltered dog must be examined by a veterinarian at least once a year. A female unaltered dog must be examined by a veterinarian at least once a year or prior to each attempt at breeding, whichever occurs more frequently. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) Any animal control officer or other authorized public health or safety official may, upon receiving a complaint or upon the officer's own motion, investigate any violation of subsections (1) and (2) of this section.

(4) A person who violates this section is guilty of a gross misdemeanor.

(5) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility;

(g) A grooming facility; or

(h)(i) A commercial dog breeder licensed, before the effective date of this act, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.); or

(ii) A commercial dog breeder licensed, on or after the effective date of this act, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.), except as provided otherwise in this subsection. Subsection (1) of this section applies to a commercial dog breeder under this subsection (5)(h)(ii).

(6) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*;

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

(b) "Large-scale breeding facility" means a breeding facility that has fifty or more dogs with intact sexual organs; and

(c) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets. This term does not include: (i) Any person or establishment that breeds or raises animals to sell, exchange, broker, or otherwise transfer the animals to the public as household pets; and (ii) publicly operated animal control facilities or animal shelters, private, charitable not-for-profit humane societies, or animal adoption organizations.

NEW SECTION. Sec. 3. This act takes effect January 1, 2010."

Senators Kohl-Welles and Delvin spoke in favor of adoption of the striking amendment.

Senator Schoesler spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Becker to Substitute Senate Bill No. 5651.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

MOTION

On motion of Senator Delvin, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5651.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens and Tom

Voting nay: Senators Becker, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Swecker and Zarelli

Excused: Senators Brandland, Pflug and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,

HOUSE BILL NO. 1517,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698,

SUBSTITUTE HOUSE BILL NO. 1808,

ENGROSSED HOUSE BILL NO. 1967,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,

ENGROSSED HOUSE BILL NO. 2122

ENGROSSED HOUSE BILL NO. 2138,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 5:41 p.m., on motion of Senator Eide, the Senate was recessed until 6:45 p.m..

EVENING SESSION

The Senate was called to order at 6:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5807, by Senators Brandland, Fraser, McAuliffe, King, Oemig and Shin

Concerning the use of capital projects funds by school districts.

MOTION

On motion of Senator Brandland, Substitute Senate Bill No. 5807 was substituted for Senate Bill No. 5807 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 2, line 14, after "renovation" strike all material through "the" and insert "~~(including the)~~ and"

On page 2, line 15, after "economical" strike all material through "extends" on line 16, and insert "or extend"

On page 2, line 17, after "life." strike "Major" and insert "~~(Major)~~ Such"

On page 2, line 19, after "repairs," insert "exterior painting"

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

of facilities."

On page 3, line 26, after "repair," insert "exterior"

Senator Brandland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 2, line 14 to Substitute Senate Bill No. 5807.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute Senate Bill No. 5807 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Becker, Benton, Carrell, Delvin, Holmquist and Roach were excused.

MOTION

On motion of Senator Marr, Senators Fairley and Franklin were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5807.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Absent: Senator Kline

Excused: Senators Benton, Carrell and Fairley

ENGROSSED SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Roach, Senator Benton was excused.

SECOND READING

SENATE BILL NO. 5537, by Senator Fraser

Eliminating the statutory debt limit.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5537 was substituted for Senate Bill No. 5537 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton, Brandland, Carrell and Fairley

SUBSTITUTE SENATE BILL NO. 5537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5071, by Senator Jacobsen

Designating the Olympic marmot the official endemic mammal of the state of Washington.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Marr: "Would Senator Jacobsen yield to a question? Mr. President, I find it always makes sense to ferret out the truth in Senator Jacobsen's claims and I have learned that the rodent to which he refers and it is a rodent. It's genus Marmota in the rodent family Sciuridae which is, apparently is, related to the squirrels which includes large ground squirrels, ground hogs, woodchucks and prairie dogs and so my question Senator Jacobsen, are we simply tarting up a woodchuck or is this a legitimate claim? The other would be, as long as we're talking about the noble creature, the marmot, how about Marmota caligata which is, you know, found commonly along the Spokane River? The most famous one is, you know, Marty the marmot, who is the official mascot of Riverfront Park. So, I would ask you, doesn't Marty deserve some consideration here?"

Senator Jacobsen: "Well, this is an endemic because it's only found in one state, this state. The others might be found in

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Idaho or British Columbia so it spreads over a larger geographical range and there's a very technical term in here, 'endemic to the state of Washington.' And there might be a little, I have to be honest with the members, there's, I'm a birder and I don't know if you, in birding, you know there's lumpers and splitters. Lumpers put a couple species together after they study them further and realize that they are identical even if they are a little bit different. Then there's splitters and they look at a bird that's a little bit different and they move it apart. Well, since I started this bill and been thwarted for so many years by this legislature that they, there's a study going on right now to see if the Thompson squirrel found north of the Columbia River and south of I-90? It might be a genetically distinct from the ground squirrels in other parts. So I was sort of reluctant when the reader used the word 'only' and if possibly there might be another but it would be the only two mammals found in the state. I wanted to get this bill through before the legislators from those districts figured it out."

REMARKS BY SENATOR ROCKEFELLER

Senator Rockefeller: "Mr. President, if we vote for this bill would Senator Jacobsen really go home?"

Senator Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5071.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Jarrett, McCaslin, Schoesler and Zarelli

Excused: Senators Fairley and Pridemore

SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6070, by Senator Hatfield

Regarding disposal of dredged riverbed materials.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of

the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fraser and McDermott

Excused: Senator Fairley

SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5943, by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin and Shin

Requiring performance-based contracts for the provision of child welfare services.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5943 was substituted for Senate Bill No. 5943 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser be adopted.

On page 5, line 11, after "(1)" strike "On" and insert "Subject to the provisions of section 8 of this act, on"

On page 10, after line 5, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

The plan created pursuant to section 7(2) of this act shall be presented by the committee to the governor and legislature not later than August 1, 2010. No action shall be taken by the department to implement the plan without the consent of the legislature. Such consent shall be expressed by legislative enactment of a bill approved by the senate and house of representatives and governor."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 104, line 18, after "through" strike "7" and insert "8"

On page 104, line 21, after "(3)" strike "Section 7 of this act is" and insert "Sections 7 and 8 of this act are"

On page 104, line 23, after "institutions, and" strike "takes" and insert "take"

Senator Fraser spoke in favor of adoption of the amendment.

Senator Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 5, line 11 to Second Substitute Senate Bill No. 5943.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

The motion by Senator Fraser failed and the amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following amendment by Senators Regala, Hargrove and Stevens be adopted.

On page 6, after line 20, strike all material through "basis" on line 27 and insert:

"As child welfare services caseworker and staff vacancies occur due to voluntary employee departures, and if the department determines those positions should be filled by state workers because there are insufficient supervising agency resources available in that region to provide the necessary child welfare services, the department shall review its current staff assignments and transfer staff with sufficient child welfare services experience in other units in the region to the vacant child welfare services position or positions. If this occurs, the department shall determine if there are other services in the region where the work could be performed by supervising agencies.

Senators Regala and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala, Hargrove and Stevens on page 6, after line 10 to Second Substitute Senate Bill No. 5943.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Hargrove be adopted.

On page 9, line 13, after "changes" insert ", and the feasibility of the plan and the impact of the plan on department employees during the transition"

Senators Fraser, Hargrove and Stevens spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Hargrove yield to a question? Thank you, I'm trying to get a hold of this bill and been looking at it and because we have a few amendments to go and have an opportunity to ask some questions I wanted to take this opportunity to do that. If this bill were to pass and the functions go to private agencies how would there been any oversight on those private agencies? I say that, good Senator, because right now though the department is so incredibly ill run and so many disasters have occurred, there's no accountability within Childrens Administration. It's just outrageous. Employees are allowed because of lack of leadership to do things, never to be accountable. How do you believe that this system would be better rather than correcting the one that we have right now? Why would this be better? Wouldn't it just drive a bad system underground and the legislative branch wouldn't have the ability to look at what's going on?"

Senator Hargrove: "Well, there was a lot more than a question in that statement but I guess the point is that all of our existing laws about both representation for parents and about the oversight of the courts in the system. None of that goes away and in fact the private agencies that would have these contracts would have contracts with the state and the state would have contracts standards that they would be monitoring and instead of the state basically checking on itself, which is kind of like the fox watching the chicken house, we will now have state

contracts specialists holding contractors very much more accountable for the things we want to see done in the system. So, is going to completely solve all the problems that you bumped into this last year. Maybe not but it's going to make some major headway in that direction."

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Hargrove on page 9, line 13 to Second Substitute Senate Bill No. 5943.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Fraser be adopted.

Beginning on page 67, line 9, strike all of section 46

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 8 of the title, after "13.34.400," strike "41.06.142,"

Senators Keiser and Fraser spoke in favor of adoption of the amendment.

Senators Hargrove and Stevens spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Fraser on page 67, line 9 to Second Substitute Senate Bill No. 5943.

The motion by Senator Keiser failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5943 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Zarelli, Stevens, Jarrett and Shin spoke in favor of passage of the bill.

Senators Roach, Sheldon, Fraser, Keiser spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5943.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5943 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, King, Kline, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Regala, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Brown, Fraser, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McDermott, Prentice, Pridemore, Ranker, Roach, Schoesler and Sheldon

Excused: Senator Hobbs

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5943, having received the constitutional majority, was

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

The Senate resumed consideration of Second Substitute Senate Bill No. 5809 which was held on second reading March 7, 2009.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5809, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Holmquist and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.16.010 and 2009 c 4 s 906 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) For fiscal year 2010, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature to serve individuals who are eligible for or have exhausted entitlement to unemployment compensation benefits and are enrolled in a high employer demand program of study or a forest product industry training program pursuant to section 2 of this act, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to the commissioner that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, if the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available;

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, if the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation; and

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 2. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Subject to availability of funds, high employer demand training funds are available for use by the state board for community and technical colleges to serve individuals who are eligible for or have exhausted entitlement to unemployment compensation benefits and are enrolled in a high employer demand program of study or a forest product industry training program. Preference must be given to individuals enrolled in the forest product industry, health care, energy efficiency, and aerospace worker training programs.

(2) Funds may be used for the following purposes for individuals eligible under subsection (1) of this section: Expenses related to educational and career counseling services, training plan development, and referral to appropriate training programs in high-demand occupations; increased capacity at community and technical colleges to make training programs in high-demand occupations available; financial aid for eligible students enrolled at an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410; and job development and referral services.

(3) After the first year of the program, if funds are not fully expended, the state board for community and technical colleges may broaden individual eligibility criteria.

(4) Funds available under this section cannot be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

NEW SECTION. Sec. 3. A new section is added to chapter 50.22 RCW to read as follows:

Consistent with the intent of the workforce investment act of 1998, P.L. 105-220, administrative funds made available under the act shall be used to serve individuals who are eligible for or have exhausted entitlement to unemployment compensation benefits and are enrolled in a high employer demand program of study or a forest product industry training program pursuant to section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. Consistent with the intent of the workforce investment act, adult and dislocated worker program provisions in the American recovery and reinvestment act of 2009, the employment security department shall require workforce development councils to determine the number of participants who will receive education and training. The employment security department shall encourage workforce development councils to:

(1) Increase the number of workforce investment act adult and dislocated worker participants receiving education and training to obtain employment in high-demand occupations as defined in RCW 50.22.--- (section 4, chapter 3, Laws of 2009), through institutions of higher education as defined in RCW 28B.10.016, or educational institutions as defined in RCW 28C.04.410; and

(2) Use workforce investment act resources for the following education and training purposes: The provision of individual training accounts that provide student financial aid; to increase the number of individuals receiving training benefits; and to enter into contracts with institutions of higher education to increase capacity for training low-income individuals for high-demand occupations and dislocated workers for high-demand occupations.

NEW SECTION. Sec. 5. The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and state board for community and technical colleges, shall submit reports as follows to the appropriate committees of the legislature related to the American recovery and reinvestment

act of 2009 workforce investment act adult and dislocated worker programs:

(1) A preliminary report by December 1, 2009, that includes expenditures on education and training, the number of students receiving training, the types of training received by the students, student demographics, and institution/program demographics;

(2) A preliminary report by December 1, 2010, that includes the innovations in training including new training capacity, new classes, and alternative training times and locations; and

(3) A final report by December 1, 2011, that includes expenditures on education and training, the number of certified full-time equivalent students receiving training, the types of training received by the students, student demographics, training completion rates, employment rates, and comparisons of preprogram and postprogram wage levels.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Holmquist and Kohl-Welles to Second Substitute Senate Bill No. 5809.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 50.16.010; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 50.22 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Holmquist, Kohl-Welles, Kilmer, Kastama and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5809.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Jarrett

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

SECOND READING

SENATE BILL NO. 5963, by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton

Regarding unemployment insurance.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5963 was substituted for Senate Bill No. 5963 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Keiser be adopted.

On page 17, line 28, strike all of Section 3 and insert the following:

"Sec. 3. RCW 50.20.050 and 2008 c 323 s 1 are each amended to read as follows:

(1) ~~(With respect to claims that have an effective date before January 4, 2004:~~

~~—(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.~~

~~—The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:~~

~~—(i) The duration of the work;~~

~~—(ii) The extent of direction and control by the employer over the work; and~~

~~—(iii) The level of skill required for the work in light of the individual's training and experience.~~

~~—(b) An individual shall not be considered to have left work voluntarily without good cause when:~~

~~—(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;~~

~~—(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;~~

~~—(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or~~

~~—(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.~~

~~—(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the~~

~~commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.~~

~~—(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.~~

~~—(2) With respect to claims that have an effective date on or after January 4, 2004 and for separations that occur before September 6, 2009:~~

~~(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.~~

~~The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:~~

~~(i) The duration of the work;~~

~~(ii) The extent of direction and control by the employer over the work; and~~

~~(iii) The level of skill required for the work in light of the individual's training and experience.~~

~~(b) An individual is not disqualified from benefits under (a) of this subsection when:~~

~~(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;~~

~~(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:~~

~~(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would~~

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) He or she has left work to accept a bona fide offer of

bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(c) The department may determine that other work-connected circumstances may constitute good cause if the individual can show that continuing in the employment would work an unreasonable hardship on the individual. "Unreasonable hardship" means a result not due to the individual's voluntary action that would cause a reasonable person to leave that employment. The circumstances must be based on existing facts, not conjecture, and the reasons for leaving work must be significant. An individual seeking to demonstrate unreasonable hardship must show:

(i) The individual left work primarily for reasons connected with their employment;

(ii) The work connected reasons were of such a compelling nature they would have caused a reasonably prudent person to leave work; and

(iii) The individual first exhausted all reasonable alternatives before leaving work, or that pursuing reasonable alternatives would have been futile."

Renumber the sections consecutively and correct any internal references accordingly.

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Senator Kohl-Welles spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senators Kohl-Welles and Keiser on page 17, line 28 to Substitute Senate Bill No. 5963 was withdrawn.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Kohl-Welles, Kline and Franklin be adopted.

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to separations that occur on or after January 3, 2010, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title, after "50.29.025," strike "and 50.20.050" and insert "50.20.050, and 50.20.120"

Senator Keiser spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment by Senators Keiser, Kohl-Welles, Kline and Franklin on page 23, line after 23 to Substitute Senate Bill No. 5963 was withdrawn.

MOTION

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5963 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Holmquist spoke in favor of passage of the bill.

Senators Keiser and Kohl-Welles spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5963.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5963 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kilmer, King, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Prentice, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley, Franklin, Fraser, Kauffman, Keiser, Kline, Kohl-Welles, McDermott, Oemig, Pridemore and Ranker

SUBSTITUTE SENATE BILL NO. 5963, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5453 was not substituted for Senate Bill No. 5453 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5453, by Senators Kastama and Franklin

Defining "principal residence" for the purpose of relocation of a child.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5453.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5513, by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom

Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct.

MOTION

On motion of Senator Jarrett, Substitute Senate Bill No. 5513 was substituted for Senate Bill No. 5513 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Jarrett moved that the following amendment by Senator Jarrett be adopted.

On page 1, after line 15, insert the following:

"**Sec. 2.** RCW 7.80.010 and 1987 c 456 s 9 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Jarrett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jarrett on page 1, after line 15 to Substitute Senate Bill No. 5513.

The motion by Senator Jarrett carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW", insert "7.80.010,"

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5682, by Senators Haugen and Marr

Requiring the secretary of transportation to realign the transportation regions.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5682 was substituted for Senate Bill No. 5682 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker be adopted.

On page 1, line 11, after "regional" strike all material through "July 1, 2011" on line 12 and insert the following:

"management level staff by at least five percent by July 1, 2011"

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 1, line 11 to Substitute Senate Bill No. 5682.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker and King spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5682.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5682 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0;

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Hewitt, Holmquist, Parlette, Pflug, Schoesler and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5684, by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline

Addressing environmental mitigation in highway construction.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5684 was substituted for Senate Bill No. 5684 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5684.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Brandland, Jacobsen, Shin and Parlette

Increasing boating safety. Revised for 2nd Substitute: Improving boating programs.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SECOND SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5894 was not substituted for Senate Bill No. 5894 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5894, by Senators Haugen and Parlette

Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services.

The measure was read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.68.015 and 2007 c 234 s 47 are each amended to read as follows:

This chapter does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

This chapter does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

This chapter does not apply to commuter ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with or infringe upon comparable service actually being provided before the initiation of the ride-

FIFTY-NINTH DAY, MARCH 11, 2009

sharing operation by an existing auto transportation company certificated under this chapter.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service does not serve an essential transportation purpose, is solely for recreation, and would not adversely affect the operations of the holder of a certificate under this chapter, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service is provided pursuant to a contract with a state agency, or funded by a grant issued by the department of transportation, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

Sec. 2. RCW 81.84.010 and 2007 c 234 s 92 are each amended to read as follows:

(1) A commercial ferry may not operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued ~~((before or after July 25, 1993;))~~ to a commercial ferry operator must be exercised by the operator in a manner consistent with the conditions established in the certificate ~~((or))~~ and tariff~~((s))~~ filed under chapter 81.28 RCW. However, a certificate is not required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers vehicles, or both, are not more than ten percent of the total gross annual earnings of such vessel.

(2) If the commission finds, with or without a hearing, that an existing or a proposed commercial ferry service does not serve an essential transportation purpose and is solely for recreation, the commission may, by order, exempt that service from the requirements of certification and regulation under this chapter. If the nonessential service is a proposed service not already provided by an existing certificate holder, the commission must also find, after notice to any existing certificate holder operating within the same territory and an opportunity to be heard, that the proposed service would not adversely affect the rates or services of any existing certificate holder.

(3) This section does not affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across the waters within this state, including rivers and lakes and Puget Sound, if the operation is not over the same route or between the same districts being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate.

~~((2))~~ (4) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate, except that the holder of a certificate of public convenience and necessity for passenger-only ferry service in Puget Sound must initiate service within twenty months of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local

government land use, docking, and financing considerations. Except in the case of passenger-only ferry service in Puget Sound, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

Sec. 3. RCW 81.66.010 and 1996 c 244 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs, or pursuant to a contract with a state agency or funded by a grant issued by the department of transportation.

(4) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

Sec. 4. RCW 81.70.220 and 1989 c 163 s 7 are each amended to read as follows:

(1) No person may engage in the business of a charter party carrier or excursion service carrier of persons over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier.

(2) An auto transportation company carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route that is not required to hold an auto transportation certificate because of a commission finding under RCW 81.68.015 must obtain a certificate under this chapter.

Sec. 5. RCW 46.74.010 and 1997 c 250 s 8 and 1997 c 95 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in RCW 81.66.010(3), serving persons with special needs, in a passenger motor vehicle

FIFTY-NINTH DAY, MARCH 11, 2009

2009 REGULAR SESSION

as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long; PROVIDED, That the driver need not be a person with special transportation needs.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing, flexible commuter ride sharing, or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, or any other political subdivision that owns or leases a ride-sharing vehicle.

(5) "Ride-sharing promotional activities" means those activities involved in forming a commuter ride-sharing arrangement or a flexible commuter ride-sharing arrangement, including but not limited to receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

(6) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

NEW SECTION. Sec. 6. (1) Within its existing resources, the utilities and transportation commission shall study the appropriateness of rate and service regulation of commercial ferries operating on Lake Chelan. The commission shall report its findings and recommendations to the legislature by December 31, 2009.

(2) This section expires December 31, 2009."

Senators Haugen and Parlette spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Parlette to Senate Bill No. 5894.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "amending RCW 81.68.015, 81.84.010, 81.66.010, and 81.70.220; reenacting and amending RCW 46.74.010; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5894.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Holmquist and Stevens

ENGROSSED SENATE BILL NO. 5894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senator Pflug

Requiring health benefit plans to offer coverage for surgical treatment of morbid obesity. Revised for 1st Substitute: Addressing health benefit plans offering coverage for surgical treatment of morbid obesity.

MOTIONS

On motion of Senator Pflug, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pflug, the rules were suspended, Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Swecker

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Honeyford, Marr, Morton, Parlette, Roach, Schoesler, Stevens, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:30 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, March 12, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 12, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Becker, Benton, Fairley, Pflug and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Marlee Chavez and Halee Spencer, presented the Colors. Associate Pastor Gary Todd of Capital Christian Center of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 11, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN DREW, reappointed January 13, 2009, for the term ending December 31, 2011, as Member of the Recreation and Conservation Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6122 by Senators Prentice, Zarelli and Brandland

AN ACT Relating to reducing costs of the elections division of the office of the secretary of state; amending RCW 29A.52.330, 29A.52.340, 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.32.121, 29A.72.025, 29A.04.530, 29A.04.540, 29A.04.550, 29A.04.570, 29A.04.570, and 43.07.310; reenacting and amending RCW 29A.04.611; repealing RCW 29A.04.236, 29A.04.245, 29A.04.510, 29A.04.520, 29A.04.630, and 29A.40.150;

providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6123 by Senator Prentice

AN ACT Relating to legal notices for constitutional amendments and state measures; repealing RCW 29A.52.330 and 29A.52.340; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SJR 8217 by Senator Prentice

Changing the notice requirement for amendments submitted to the people.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1009 by House Committee on Finance (originally sponsored by Representatives Morris, Chase, Lias, Anderson, Orcutt, Seaquist, Hudgins and Moeller)

AN ACT Relating to extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1114 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Orcutt, Green, Springer, Van De Wege, Rolfes, McCune, Simpson, Goodman, Warnick and Conway)

AN ACT Relating to hunters under the age of fourteen; and amending RCW 77.32.010 and 77.15.160.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1197 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to alternative public works; amending RCW 39.10.230, 39.10.250, 39.10.270, 39.10.300, 39.10.330, 39.10.360, and 39.10.420; and repealing RCW 39.10.310.

Referred to Committee on Government Operations & Elections.

HB 1287 by Representatives Morris, Bailey, Ericks, Hinkle, Sullivan and Priest

AN ACT Relating to sales and use tax exemptions in respect to aircraft used in intrastate commuter operations; and amending RCW 82.08.0262 and 82.12.0254.

Referred to Committee on Ways & Means.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

HB 1374 by Representatives Dunshee and Warnick

AN ACT Relating to the local government archives account; amending RCW 40.14.024 and 36.22.175; and amending 2008 c 328 s 6010(uncodified).

Referred to Committee on Ways & Means.

ESHB 1379 by House Committee on Local Government & Housing (originally sponsored by Representatives Seaquist, Angel and Liias)

AN ACT Relating to moratoria and other interim official controls adopted under the shoreline management act; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1419 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton)

AN ACT Relating to sexually aggressive youth; amending RCW 74.13.075; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1435 by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta and Conway)

AN ACT Relating to licensing administration for cigarettes and tobacco products; and amending RCW 82.24.510, 82.24.550, 82.26.060, 82.26.150, 82.26.180, 82.26.190, 82.26.210, and 82.26.220.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1517 by Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Liias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.08.520, 9.92.066, 9.94A.637, 10.64.140, and 9.94A.885; reenacting and amending RCW 9.96.050; and repealing RCW 10.64.021.

Referred to Committee on Government Operations & Elections.

SHB 1565 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Kelley, Williams and Simpson)

AN ACT Relating to business continuity plans for domestic insurers; amending RCW 48.07.160, 48.07.170, 48.07.180, 48.07.190, and 48.07.200; adding new sections to chapter 48.07 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1597 by House Committee on Finance (originally sponsored by Representatives Springer and Hunter)

AN ACT Relating to improving the administration of state and local tax programs without impacting tax collections by providing greater consistency in numerous tax incentive programs, revising provisions relating to the confidentiality and disclosure of tax information, and amending statutes to improve clarity and consistency, eliminate obsolete provisions, and simplify administration; amending RCW 82.04.240, 82.04.2404, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, 84.36.655, 42.56.230, 82.16.120, 82.32.330, 82.32.480, 82.60.100, 82.62.080, 82.63.070, 82.74.070, 82.75.060, 83.100.210, 39.100.050, 82.36.440, 82.38.280, 82.04.3651, 82.08.02573, 82.08.0273, 82.08.0293, 82.08.865, 82.12.035, 82.12.040, 82.12.865, 82.80.120, 83.100.040, 83.100.046, 82.04.280, 82.04.280, 29A.36.210, 36.68.525, 36.69.145, 82.03.140, 84.34.020, 84.36.040, 84.36.381, 84.37.030, 84.37.902, 84.40.042, 84.48.050, 84.52.030, 84.52.070, 84.52.080, 84.56.070, 84.60.050, 86.09.490, 87.03.265, and 87.03.270; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.32.590, 82.32.600, 82.04.050, and 84.36.383; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; adding a new section to chapter 35.102 RCW; creating new sections; repealing RCW 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, 82.16.140, and 84.55.080; repealing 2005 c 301 s 5 (uncodified); providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

E2SHB 1698 by House Committee on Finance (originally sponsored by Representatives Hudgins and McCoy)

AN ACT Relating to broadband adoption and deployment; adding new sections to chapter 43.105 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1751 by House Committee on Finance (originally sponsored by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake)

AN ACT Relating to the time period during which sales and use tax for public facilities in rural counties may be collected; and reenacting and amending RCW 82.14.370.

Referred to Committee on Ways & Means.

HB 1753 by Representatives Hunter, Hunt, Green, Armstrong, Kessler, Appleton and Alexander

AN ACT Relating to filing reports electronically to the legislature and the governor; and adding a new section to chapter 43.01 RCW.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

Referred to Committee on Government Operations & Elections.

SHB 1776 by House Committee on Education Appropriations (originally sponsored by Representatives Ericks, Haigh, Priest, Hunter, Lias, Sullivan, Pedersen, Maxwell, White and Kenney)

AN ACT Relating to school district levies; amending RCW 84.52.0531 and 84.52.053; adding a new section to chapter 84.52 RCW; repealing 2004 c 21 s 3 (uncodified); and repealing 2006 c 119 s 3 (uncodified).

Referred to Committee on Ways & Means.

SHB 1808 by House Committee on Education Appropriations (originally sponsored by Representatives Hinkle, Morrell, Bailey, Green and Kelley)

AN ACT Relating to an interdisciplinary work group with faculty from a paramedic training program and an associate degree in nursing program; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1879 by House Committee on Education Appropriations (originally sponsored by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton and Kenney)

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.070, 72.40.220, 72.40.250, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 1914 by House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Kenney, Simpson and Nelson)

AN ACT Relating to the use of certificates of participation to finance maintenance and operations of institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Ways & Means.

E2SHB 1935 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams)

AN ACT Relating to adult family homes; amending RCW 70.128.040, 70.128.005, and 70.128.060; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Health & Long-Term Care.

EHB 1967 by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

AN ACT Relating to prohibiting expansions of urban growth areas into one hundred year floodplains; and amending RCW 36.70A.110.

Referred to Committee on Government Operations & Elections.

2SHB 1985 by House Committee on Ways & Means (originally sponsored by Representatives Moeller and Pedersen)

AN ACT Relating to public health financing; amending RCW 43.70.512, 43.70.514, 43.70.516, and 43.70.518; adding a new section to chapter 43.70 RCW; creating new sections; repealing RCW 43.70.522; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2042 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Parker, Hasegawa, Chase and Ormsby)

AN ACT Relating to the incentive in the motion picture competitiveness programs; amending RCW 43.365.020; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 2052 by House Committee on Ways & Means (originally sponsored by Representative Cody)

AN ACT Relating to delaying implementation of the health insurance partnership; amending RCW 70.47A.030, 70.47A.040, and 70.47A.070; and repealing 2007 c 260 s 11 (uncodified).

Referred to Committee on Ways & Means.

SHB 2079 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Ericksen and Morrell)

AN ACT Relating to the office of financial management's access to health professional licensing information; and amending RCW 43.370.020.

Referred to Committee on Health & Long-Term Care.

ESHB 2105 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Morrell)

AN ACT Relating to diagnostic imaging services; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

2SHB 2119 by House Committee on Ways & Means (originally sponsored by Representatives Wallace, Carlyle, Sullivan, Morrell, Quall, Santos and Ormsby)

AN ACT Relating to expanding dual credit opportunities; amending RCW 28A.225.290, 28A.600.160, 28A.600.300,

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

and 28A.600.310; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2122 by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Lias, Hunt, Kelley, Quall, Sullivan and Van De Wege

AN ACT Relating to reducing the business and occupation tax burden on the newspaper industry; amending RCW 82.04.280, 82.04.280, 35.102.150, and 82.08.806; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2126 by House Committee on Commerce & Labor (originally sponsored by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Lias and Kenney)

AN ACT Relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.235.020, 68.04.190, 68.05.020, 68.05.095, 68.05.100, 68.05.105, 68.05.175, 68.05.205, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010, 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060; adding a new section to chapter 18.39 RCW; creating a new section; and repealing RCW 18.39.800, 68.05.040, 68.05.050, 68.05.060, 68.05.080, and 68.05.285.

Referred to Committee on Government Operations & Elections.

EHB 2138 by Representatives Simpson and Chase

AN ACT Relating to the use of surplus property for the development of affordable housing; and amending RCW 43.63A.510, 47.12.063, 47.12.064, 43.20A.037, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 36.34.137, 35.21.687, 79.11.005, and 79.22.060.

Referred to Committee on Government Operations & Elections.

ESHB 2254 by House Committee on Capital Budget (originally sponsored by Representatives White, Dunshee and Kenney)

AN ACT Relating to construction financing for state colleges and universities; and amending RCW 28B.15.210, 28B.15.310, 28B.35.370, and 28B.50.360.

Referred to Committee on Ways & Means.

ESHB 2267 by House Committee on Ways & Means (originally sponsored by Representatives Conway, Haigh, Hunt and Kenney)

AN ACT Relating to protecting the collective bargaining rights of certain exempt employees; amending RCW 41.06.070 and 41.06.133; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 2279 by Representatives Hurst, Hope, Dunshee, Kelley and Roach

AN ACT Relating to the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release; amending RCW 9.94A.703; creating new sections; and providing an effective date.

Referred to Committee on Judiciary.

SHB 2287 by House Committee on Ways & Means (originally sponsored by Representatives Kessler and Van De Wege)

AN ACT Relating to requiring state agencies to use one hundred percent recycled content paper; adding a new section to chapter 43.19A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5008, by Senators Hewitt, Hobbs, Honeyford, Schoesler, Zarelli, Parlette, Stevens, Kilmer, Hatfield, Swecker, Benton and Roach

Regarding hunting licensing requirements for members of the military.

The measure was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Fairley were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Pflug, Stevens and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5008 and the bill passed the Senate by the following

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Becker

Excused: Senators Benton, Fairley, Pflug and Zarelli

SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5061, by Senator Jacobsen

Enhancing natural resource collections at the Washington park arboretum.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5061.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Pflug and Zarelli

SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5160, by Senators Kline, McCaslin and Tom

Concerning service of notice from seizing law enforcement agencies.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5343, by Senators Regala, Carrell and Kline

Exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes. Revised for 1st Substitute: Exempting specified persons from restrictions on marketing estate distribution documents.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5343 was substituted for Senate Bill No. 5343 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5424, by Senators Parlette and Sheldon

Concerning interest rate and penalty provisions in the current use program.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5424 was substituted for Senate Bill No. 5424 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5424.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5499, by Senators Jarrett, Swecker, Haugen, Marr and Shin

Concerning bond amounts for department of transportation highway contracts.

MOTIONS

On motion of Senator Jarrett, Substitute Senate Bill No. 5499 was substituted for Senate Bill No. 5499 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jarrett, the rules were suspended, Substitute Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice,

Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5565, by Senator Rockefeller

Regarding the use of certain solid fuel burning devices.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5565 was substituted for Senate Bill No. 5565 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Sheldon: "Would Senator Rockefeller yield to a question? Thank you Senator Rockefeller. Solid fuel burning device, is that an Ivy League term for a wood stove?"

Senator Rockefeller: "Mr. President, I haven't heard that suggestion before. I don't think the Ivy League definition was brought into this legislation but I thank the member for his inquiry."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Hewitt, Holmquist, Honeyford, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5601, by Senator Franklin

Regulating speech-language pathology assistants.

MOTION

SIXTIETH DAY, MARCH 12, 2009

On motion of Senator Franklin, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following amendment by Senator Franklin be adopted.

On page 8, beginning on line 19, after "pathologists," strike "speech-language pathology assistant."

Senator Franklin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 8, line 19 to Substitute Senate Bill No. 5601.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5601.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Schoesler, Stevens and Swecker

Excused: Senator Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5610, by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin

Authorizing the release of driving record abstracts for employment and risk management purposes. Revised for 1st Substitute: Authorizing the release of driving record abstracts for employment purposes.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5610 was substituted for Senate Bill No. 5610 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5610 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

Senator Kastama spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5610.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5610 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kilmer, King, Marr, McAuliffe, McCaslin, Morton, Murray, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Fairley, Franklin, Holmquist, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McDermott, Oemig, Parlette and Pridemore

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5610, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6016, by Senators Benton, McAuliffe, Swecker, McDermott, Roach, Delvin, Stevens, Honeyford, McCaslin, Morton and Shin

Regarding educator training to enhance skills of students with dyslexia.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton, McAuliffe, Jacobsen, Kastama and Eide spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 6016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5833, by Senators Regala, Kohl-Welles, Hargrove and McDermott

Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking. Revised for 1st Substitute: Providing certain procedures for tenants who are victims of sexual assault, unlawful harassment, and stalking.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5833 was substituted for Senate Bill No. 5833 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Stevens and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5833.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5833 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator McAuliffe

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5916, by Senators Kohl-Welles, Rockefeller, Kauffman, Pridemore, Keiser, Marr, Hatfield, Delvin, Honeyford, Schoesler and Hewitt

Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities.

MOTION

On motion of Senator Kastama, Second Substitute Senate Bill No. 5916 was substituted for Senate Bill No. 5916 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama, Kohl-Welles and Zarelli be adopted.

Beginning on page 5, line 18, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. (1) The authority for overseeing broadband adoption and deployment efforts in the state is vested in the department of information services.

(a) The department is the single eligible entity in the state to receive a grant under the federal broadband data improvement act, P.L. 110-385.

(b) Funding received by the department under the federal broadband data improvement act, P.L. 110-385, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(2) The department may apply for and oversee implementation of federally funded or mandated broadband programs and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Contracting for and purchasing a completed map of privately controlled or owned broadband infrastructure. The map may include, but is not limited to, adoption information, availability information, types of technology used, the physical location of broadband infrastructure, and available speed tiers for high-speed internet;

(b) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet and related information technology for the purpose of identifying barriers to adoption;

(c) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(d) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(e) Creating, implementing, and administering programs to improve computer ownership, technology literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(f) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act); and

(g) Creating additional programs to spur the development of high-speed internet resources in the state, which may include, but is not limited to:

(i) Applying for and receiving funding in the form of grants or donations which may be deposited into the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act);

(ii) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware and software purchasing programs;

(iii) Developing last-mile technology loan programs targeting small businesses or businesses located in unserved and underserved areas; and

(iv) Including community technology organizations in state hardware and software purchasing programs."

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Kohl-Welles and Zarelli on page 5, line 18 to Second Substitute Senate Bill No. 5916.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5916 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5916.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5916 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pflug

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:00 a.m., on motion of Senator Eide, the Senate was recessed until 12:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 12:47 p.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 6015, by Senators Murray, Delvin and Marr

Establishing the director of commercialization and innovation within the office of the governor. Revised for 1st Substitute: Creating the position of the governor's adviser on commercialization and innovation within the office of the governor.

MOTION

On motion of Senator Murray, Second Substitute Senate Bill No. 6015 was substituted for Senate Bill No. 6015 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senators Murray, Kastama and Zarelli be adopted:

Strike everything after the enacting clause and insert the

following:

"NEW SECTION. Sec. 1. (1) Washington state is fortunate to have a dynamic technology industry sector that benefits from vibrant global demand for its output and that helps drive the state's economy. Washington state is uniquely positioned to shape its future success in innovation in the technology sectors of life sciences and high technology. Nearly every state in the nation is competing to develop a strong innovation economy. Washington has world-class research institutions, entrepreneurial spirit and talent, an actively collaborative community, and an existing foundational sector.

(2) To leverage its potential, the state must actively work to create and ensure a supportive environment that enables entrepreneurial people and companies to convert their innovative ideas into marketable new products and services. Providing such an environment would:

(a) Solidify Washington state as a global hotbed of knowledge and technology commercialization;

(b) Create more highly rewarding and well-paying careers for Washington's citizens;

(c) Grow more companies in new and far-reaching markets;

(d) Renew traditional industries through value-added technology adaptation; and

(e) Generate solid returns for Washington state.

NEW SECTION. Sec. 2. (1) The department of community, trade, and economic development, in consultation with life sciences trade and technology trade associations, shall review how to best promote and grow innovation in the development and commercialization of proprietary technology in: (a) Life sciences, such as medical devices and biotechnology, including biofuels and alternative clean energy; and (b) information technology, including hardware, software, and internet infrastructure, that address high potential emerging and growing markets.

(2) The department of community, trade, and economic development, in consultation with life sciences trade and technology trade associations, shall take the following actions:

(a) Investigate targeted investment strategies to advance commercialization and innovation at the preseed and seed stage of companies in Washington state;

(b) Monitor and mitigate state policies, bills, and fiscal affairs related to life sciences and technology innovation to ensure competitive growth of the industry; and

(c) Work with the Washington economic development commission to align the following with the state's comprehensive economic development plan:

(i) Overall strategies and direction of state government activities related to life sciences and technology innovation;

(ii) The state's technology-based economic development efforts, making sure the necessary infrastructure is in place to assist companies at every stage of the business life cycle;

(iii) Technology transfer and commercialization from the state's public research universities;

(iv) Chart the course for strategy implementation, tactics, and setting high expectations for continuous high technology business and employee growth in Washington state;

(v) Conduct market analysis and competitive review; and

(vi) Collaborate with industry representatives and others to increase the amount of local or regional investment capital available for early stage investments in Washington companies.

(3) The department of community, trade, and economic development shall report its findings and recommendations to the governor and legislature by December 1, 2009."

Senator Murray spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Murray, Kastama and Zarelli to Second Substitute Senate Bill No. 6015.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

The motion by Senator Murray carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "directing the department of community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors; and creating new sections."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, Pflug and Zarelli were excused.

MOTION

On motion of Senator Marr, Senators Brown and Prentice were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6015.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6015 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator McCaslin

Excused: Senator Pflug

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kastama: "Thank you Madam President. The members may have noticed that for some reason this week the Pages happen to be a little bit more efficient, little bit more timely, effective and actually delivering any of the things that you ask them to deliver. They seem to be a little bit more polite, not that they're not polite in the past but they just tend to polite. Well, it just happens to be, well, maybe a coincidence that my daughter, my oldest daughter, Anna Laura, happens to be a Page this week. I want to introduce everyone to her. She happens to be over here. Madam President if you don't mind if I have her

stand? I want to thank all the members for saying nice things about me this week, I think it will come in very handy. I also want to say that I am very proud of her. Anna Laura goes to the School of the Arts in Tacoma, she participates in the robotics competition and recently participated that in Portland. In fact if you see this little, thank you, very much Madam President. The little button says 'Soda bots on it.' I am very proud of my daughter. Thanks."

The President assumed the chair.

SECOND READING

SENATE BILL NO. 5173, by Senators Shin, Fairley, Kastama, Sheldon, McAuliffe, Brown, Pridemore, Delvin, Hobbs, McDermott, Jarrett, Kilmer, Jacobsen and Kohl-Welles

Authorizing the regional universities to confer honorary doctorate degrees.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5173.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Murray

Excused: Senator Pflug

SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Murray was excused.

SECOND READING

SENATE BILL NO. 5678, by Senator Hatfield

Regarding the use of milk products for animal food consumption.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5678 was substituted for Senate Bill No. 5678 and the substitute bill was placed on the second reading and read the second time.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5678.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5678 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Murray and Pflug

SUBSTITUTE SENATE BILL NO. 5678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5804, by Senators Keiser, Franklin, Kohl-Welles and Kline

Setting forth the circumstances under which a person qualifies for benefits when voluntarily leaving part-time work.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5804 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5804.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5804 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Murray and Pflug

SENATE BILL NO. 5804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5110, by Senators Honeyford, Schoesler, McCaslin, Hewitt, Kohl-Welles, McDermott and Holmquist

Allowing spas, wedding boutiques, and art galleries to serve wine to their customers who are twenty-one years of age or older. Revised for 1st Substitute: Allowing spas, wedding boutiques, and art galleries to serve wine or beer to their customers who are twenty-one years of age or older.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5110 was substituted for Senate Bill No. 5110 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Kohl-Welles be adopted.

On page 1, line 7, after "a" strike "spa,"

On page 1, line 8, after "boutique" strike ","

On page 1, line 11, after "beer, and" strike "the"

On page 1, line 12, after "beer" strike all material through "completed" on line 14, and insert "served or consumed shall be purchased from a Washington state licensed retailer or a Washington state liquor store or agency at full retail price. A wedding boutique or art gallery offering wine without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program"

Beginning on page 1, line 18, strike all material through "equipment." on page 2, line 3

Reletter the remaining subsection consecutively.

On page 2, line 5, after "business" strike "that specializes" and insert "primarily engaged"

On page 2, beginning on line 6, strike all of section 2

Senators Honeyford and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Kohl-Welles on page 1, line 7 to Substitute Senate Bill No. 5110.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "Relating to" strike all material through "RCW." on line 3, and insert "allowing wedding boutiques and art galleries to serve wine or beer to their customers who are twenty-one years of age or older; and adding a new section to chapter 66.12 RCW."

MOTION

On motion of Senator Haugen, Senator Prentice was excused.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5110.

Modifying real estate disclosure requirements regarding homeowners' associations.

ROLL CALL

MOTIONS

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

On motion of Senator Fraser, Substitute Senate Bill No. 6000 was substituted for Senate Bill No. 6000 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Voting nay: Senators Hargrove, Morton and Roach

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6000.

Excused: Senators Pflug and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6000 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

SENATE BILL NO. 5780, by Senators Tom and Brandland

Establishing chapter 46.55 RCW as the exclusive remedy for any claims resulting from the impoundment of a motor vehicle. Revised for 1st Substitute: Establishing chapter 46.55 RCW as the exclusive remedy for certain claims resulting from the impoundment of a motor vehicle.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Prentice

MOTIONS

SUBSTITUTE SENATE BILL NO. 6000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Tom, Substitute Senate Bill No. 5780 was substituted for Senate Bill No. 5780 and the substitute bill was placed on the second reading and read the second time.

REMARKS BY THE PRESIDENT

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5780.

President Owen: "Ladies and Gentlemen of the Senate. If I can have your attention for just a moment. We have the great privilege and honor of having a very special guest with us today. He is the Attorney General of Ireland. Along with him is the, excuse me, Attorney General of Ireland that is Mr. Paul Gallagher. Along with him, joining him with me up here today is Vice Consul General of Ireland who is in San Francisco, Mr. Barry O'Brien. They represent the state of Washington there and then in our gallery as well special Assistant to the Attorney General, Mr. Francis Kerrin is with us as well as the Treasury of the Irish Heritage Club of Seattle, Mr. John Keen. It would be a great honor for this chamber Mr. Attorney General if you would say a few words before the members. Mr. Attorney General Paul Gallagher."

ROLL CALL

REMARKS BY ATTORNEY GENERAL OF IRELAND

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Prentice

SUBSTITUTE SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Attorney General Paul Gallagher: "Lt. Governor, Senators, it's a truly enormous privilege for me to be here today to be welcomed in your midst with such an open and heartfelt welcome to feel really special and it's an even greater privilege to have the opportunity of saying a few words to you in your wonderful chamber. I know how busy you are today, what a crucial day it is in the Legislative calendar so I'm not going to make a long speech you'll be glad to hear. I want to speak briefly about some of the connections between Ireland and the United States and Ireland and the State of Washington. It's perhaps a feature that as far back as 1772, before the United States was born your great statesman and inventor and scientist Benjamin Franklin spoke in the Irish Parliament. In 1780, again before your constitution was introduced, George Washington, General George Washington as he then was, inaugurated the seventeenth of March as a holiday in honor of the great exploits

SECOND READING

SENATE BILL NO. 6000, by Senators Fraser, Benton, Tom and Roach

SIXTIETH DAY, MARCH 12, 2009

of the Irish soldiers during the revolutionary war of independence. I was delighted to learn that somebody from my own Country, Kerry, in Ireland, was one of the first settlers to come to Washington. Mr. Denny and in my home town in Tralee we have a street called Denny Street and his great grandfather used to live in Tralee and his descendants came to America and the great grandson came to Washington. So it's a special connection but its perhaps nothing to the connection that exist at a spiritual level between Ireland and the United States, not just in terms of Irish-Americans, forty-one million Americans came Irish ancestry and that is a wonderful connection. It's a wonderful privilege to have that connection to the greatest country in the world. But of even more importance is the feeling that our connection with America stretches beyond the Irish-American community. It is as if we have a synergy of spiritual of empathy and certainly any interaction I have ever had with the United States in my professional life as a lawyer and in other aspects of my life. I have always felt at home here. The people here are a very special and wonderful people who always welcome us. Who are very dynamic. Who over the years have contributed tremendously not only to Ireland the world at large but in particular we acknowledge in Ireland the enormous contribution of the United States which has been a force for great goods and, as our taoiseach was addressing the joint houses of Congress last year our former taoiseach acknowledged, the incredible contribution of the United States to achieving a situation of peace in our country. And despite the unfortunate killings over the last few days, I can reaffirm that Ireland is at peace and the unity by which the killings were condemned was fantastic to behold from all parts of the community, these rogue killers who were trying to destabilize the process were roundly condemned and it's quite clear these were people who have no standing, no connection with the Irish people, with Irish democracy but were people acting from base interests and trying to do damage to something that, in my view, is now damage thanks to the great work that has been done in the last ten years and the great contribution from the United States. And, in Ireland at the moment we're wrestling with significant economic problems like the rest of the world and I know you have issues here and a significant budget deficit as we have and now is a time, I think we all agree, a time for tough decisions, a time to believe that we can come through the present adversity as I have no doubt we will all do. A time for the spirit of, that has set America apart, the spirit that you can do anything, achieve anything, mend anything and we in Ireland like to believe that that is a spirit that we ourselves are developing that is something too that we will overcome and that we all in five years time, hopefully a shorter period, look back and say it was privilege to be involved in doing something for the public and for the public good in these difficult times and getting things right again. And, I'd like to pay particular tribute to the State of Washington and it's connection with Ireland the enormous contribution that it has made to Ireland. It's great companies and the employment that they have provided in our country. And, also to note that Ireland is doing it's share in this reciprocal trades think American multi-nationals engage ninety-five thousand employees in our country and Irish companies engage eighty thousand employees in this county. We're in the top ten foreign investors in this county and it is this mutual trade, this mutual support, the mutual recognition that we're all in this together and we'll all come out of it together, that is absolutely vital to remember. And I'd like to stop now because I know you've much to do and to thank you again for what has been an absolutely wonderful opportunity and honor and a great privilege to come to the great state of Washington. I'm looking forward to the next few days to the celebration of St. Patrick's Day. I hope you'll be better behaved than the revolutionary soldiers were when George Washington held the first St. Patrick's Day holiday. We'll try and be at our best behavior and cause no trouble for the state officials. Thank you very much indeed and thank you Lieutenant Governor."

SECOND READING

2009 REGULAR SESSION

SENATE JOINT RESOLUTION NO. 8209, by Senators Zarelli, Brown, Pflug, Carrell, Parlette, Swecker, Hewitt, Morton, Delvin, Stevens, King, Schoesler, Brandland and Becker

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Joint Resolution No. 8209 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Zarelli and Brown spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8209.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8209 and the resolution passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridmore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe and McDermott

Excused: Senator Pflug

SENATE JOINT RESOLUTION NO. 8209, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5400, by Senators Tom, Berkey, Benton, McCaslin, Shin, Roach and Kline

Regulating reverse mortgage lending practices.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Benton be adopted.

On page 14, after line 10, insert the following:

"Sec. 14. RCW 19.16.250 and 2001 c 217 s 5 and 2001 c 47 s 2 are each reenacted and amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (9)(e) of this section.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable

SIXTIETH DAY, MARCH 12, 2009

hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m.;

(d) It is made in a manner that does not clearly identify the communication, from the outset, as coming from a licensee acting in its capacity.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs. A licensee may collect or attempt to collect collection costs and fees, including contingent collection fees, as authorized by a written agreement or contract, between the licensee's client and the debtor, in the collection of a commercial claim. The amount charged to the debtor for collection services shall not exceed thirty-five percent of the commercial claim.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, except as noted in subsection (18) of this section, and, in the case of suit, attorney's fees and taxable court costs.

(20) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or

series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to the licensee a legible copy of a government-issued photo identification, which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; and (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching, recording, or packaging debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding; or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records."

Senators Ranker and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Benton on page 14, after line 10 to Substitute Senate Bill No. 5400.

The motion by Senator Ranker carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "collection of debt; amending RCW 31.04.015 and 31.04.115; reenacting and amending RCW 19.16.250; and adding new sections to chapter 31.04 RCW."

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

MOTION

On motion of Senator Kauffman, Senator Oemig was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Jarrett

Excused: Senator Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5035, by Senators Hobbs, Swecker, Marr, Roach, Kastama, Kauffman, Kilmer, Hatfield, McAuliffe and Haugen

Improving veterans' access to services.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Jarrett was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Jarrett and Pflug

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5219, by Senators Carrell, Regala, Hargrove, Kline, Brandland, Swecker, Stevens and King

Creating a legislative task force to address housing for individuals at a high risk of being homeless. Revised for 1st Substitute: Establishing a focus group to examine the need to provide housing for certain populations at risk of being homeless.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Hargrove spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Would Senator Carrell yield to a question? Thank you Senator Carrell. There is a homeless task force that has been working now for quite some time and I know in Pierce is the same. How does this, would you will be doing interface with the homeless task force that's now working?"

Senator Carrell: "Well, they're going to be welcomed into working on this. I think its time when we have little money to really look at what we're doing at the Federal level for homelessness, what we're doing at the state and local level and bring everybody together and see where overlaps may exist, where gaps may exist and to really have a chance to look at it not piece meal but comprehensively and that's what the purpose of this particular is."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King,

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 5303, by Senators Hobbs, Schoesler, Holmquist, Kilmer, Fraser and Roach

Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5303.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Pflug and Ranker

SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senator Hargrove

Making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Pflug and Ranker

SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5519 was not substituted for Senate Bill No. 5519 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5519, by Senators Hargrove, Stevens and Regala

Reforming competency evaluation and restoration procedures.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"PART I**COMPETENCY EVALUATION AND RESTORATION**

Sec. 101. RCW 10.77.060 and 2004 c 9 s 1 are each amended to read as follows:

(1)(a) Whenever ~~((a defendant has pleaded not guilty by reason of insanity, or))~~ there is reason to doubt ~~((his or her))~~ a defendant's competency, the court on its own motion or on the motion of any party shall ~~((either appoint or))~~ request the secretary to designate ~~((at least two))~~ a qualified expert~~(s)~~ or professional person~~(s, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition))~~ to evaluate the competency of the defendant. The signed order of the court shall serve as authority for the ~~((experts))~~ evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

condition of the defendant. ~~((At least one of the experts or professional persons appointed shall be a developmental disabilities professional if the court is advised by any party that the defendant may be developmentally disabled. Upon agreement of the parties, the court may designate one expert or professional person to conduct the examination and report on the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to))~~

(b) If the defendant is being held in a jail or detention facility, the court shall order the evaluation to take place in the jail or detention facility. The order shall state that the defendant may be transported to a state hospital or other ((suitably)) secure ((public or private)) mental health facility ((for a period of time necessary to complete the examination, but not to exceed fifteen days from the time of admission to the facility. If the defendant is being held in jail or other detention facility, upon agreement of the parties, the court may direct that the examination be conducted at the jail or other detention facility.

~~—(b) When a defendant is ordered to be committed for inpatient examination under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the expert or professional persons regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety)) at the request of the evaluator, if the evaluator determines that such action is necessary in order to complete an accurate evaluation of the defendant. This request shall be provided in writing to the jail or detention facility, court, and representatives of both parties, and the reason for the request shall be documented in the evaluation report. No further order of the court shall be necessary to effectuate transportation of the defendant under this subsection.~~

(c) The prosecutor shall send a copy of the order for evaluation to the secretary and a copy of the charging document, certification of probable cause, police report, and a summary of the defendant's criminal history. These documents shall be provided as soon as possible, and no later than three business days after the order is signed. The court or either party may provide additional information to the secretary which it reasonably deems to be of assistance to the evaluation, unless such action would infringe upon ethical duties.

(d) The report of an evaluation of a defendant who is being held in custody at a jail or detention facility shall be completed within twenty-one days from the time of receipt by the secretary of the documents specified in (c) of this subsection, unless transportation of the defendant to a hospital or secure mental health facility is necessary under (b) of this subsection, in which case the secretary shall authorize transportation of the defendant as soon as possible, and within seven days of the request. A defendant transported under (b) of this subsection may be admitted to a hospital or secure mental health facility for only the length of time necessary to complete an evaluation, and for no longer than fifteen days.

(e) If at any point the evaluator becomes aware that the defendant may have a developmental disability, or if it appears that the characteristics of developmental disability may be a significant factor in the defendant's ability to participate in the criminal proceeding, the evaluation shall be performed by or in consultation with a developmental disabilities professional.

(f) For good cause, the court may extend the time period for completion of an evaluation.

(g) Upon agreement by the parties, the court may appoint a qualified expert or professional person to evaluate the

competency of the defendant instead of requesting the secretary to designate an evaluator. Only an evaluator designated by the secretary may request that the defendant be transported to a state hospital for evaluation under (b) of this subsection.

~~(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the ((examination)) evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the ((court appointed experts or professional persons)) evaluator. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.~~

~~(3) The report of the ((examination)) evaluation shall include the following:~~

~~(a) A description of the nature of the ((examination)) evaluation;~~

~~(b) A diagnosis of the mental condition of the defendant;~~

~~(c) ((If the defendant suffers from a mental disease or defect, or is developmentally disabled;)) An opinion as to competency;~~

~~(d) ((If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, an opinion as to the defendant's sanity at the time of the act;~~

~~—(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;~~

~~—(f)) An opinion as to whether the defendant should be evaluated by a ((county)) designated mental health professional under chapter 71.05 RCW((, and an opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions)).~~

~~(4) The secretary may execute such agreements as appropriate and necessary to implement this section.~~

~~Sec. 102. RCW 10.77.065 and 2008 c 213 s 1 are each amended to read as follows:~~

(1)(a)(i) ((The facility conducting the evaluation)) An evaluator appointed under RCW 10.77.060 or an expert or professional person appointed under section 106 of this act shall provide ((its)) a report and recommendation to the court in which the criminal proceeding is pending. A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(ii) of this subsection. Upon request, the ((facility)) secretary shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional. The report and recommendation shall be provided not less than twenty-four hours preceding the transfer of the defendant to the correctional facility in the county in which the criminal proceeding is pending.

(ii) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

(iii) When a defendant is transferred to ((the facility conducting the)) a hospital or other secure facility for an evaluation, or upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator or the facility conducting the evaluation of the name of the professional person, or person

SIXTIETH DAY, MARCH 12, 2009

designated under (a)(ii) of this subsection to receive the report and recommendation.

(b) If the ~~((facility concludes, under RCW 10.77.060(3)(f), the person should be kept under further control, an evaluation shall be conducted of such person))~~ report of an evaluation performed under RCW 10.77.060, 10.77.084(5), or section 106 of this act recommends that a defendant in custody should be evaluated by a designated mental health professional under chapter 71.05 RCW~~((;-)), the court shall order an evaluation be conducted ((by the appropriate designated mental health professional: (i)) prior to the individual's release from confinement ((for such person who is convicted, if sentenced to confinement for twenty-four months or less; (ii) for any person who is acquitted; or (iii) for any person: (A) Whose charges are dismissed pursuant to RCW 10.77.086(4); or (B) whose nonfelony charges are dismissed)) following any conviction, dismissal, or acquittal, unless the individual is sentenced to confinement for more than twenty-four months.~~

(2) ~~((The))~~ A designated mental health professional conducting an evaluation under subsection (1)(b) of this section shall ~~((provide written notification))~~ notify the persons identified in subsection (1)(a) of this section within twenty-four hours ~~((of the results of the determination))~~ as to whether ~~((to commence proceedings))~~ detention was initiated under chapter 71.05 RCW. ~~((The notification shall be provided to the persons identified in subsection (1)(a) of this section.))~~

(3) The ~~((prosecuting attorney))~~ petitioner in a proceeding initiated under subsection (2) of this section shall provide a copy of the results of ~~((any proceedings commenced by the designated mental health professional under subsection (2) of this section to the facility conducting the evaluation under this chapter))~~ the proceeding to the secretary.

(4) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may ~~((also))~~ be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 103. RCW 10.77.084 and 2007 c 375 s 3 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report ~~((as provided in))~~ under RCW 10.77.060 or section 106 of this act, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. The court shall order the defendant to undergo a period of treatment for restoration of competency within the time limits established by RCW 10.77.086 and 10.77.088 and the requirements of this section.

~~((A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.~~

~~((i) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.~~

~~((A) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.~~

~~((B) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.~~

~~((C) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.~~

~~((ii) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.~~

~~((iii) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.~~

~~((e)) At the end of ((the mental health treatment and)) a competency restoration period ordered under (a) of this subsection, or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing. If, after notice and hearing, the court finds that competency has been restored, the stay entered under (a) of this subsection shall be lifted. ((If competency has not been restored, the proceedings shall be dismissed.)) If the court ~~((concludes))~~ finds that competency has not been restored, but that further treatment within the time limit~~((s))~~ established by RCW 10.77.086 ~~((or 10.77.088))~~ is likely to restore competency, the court may order ~~((that))~~ the defendant to undergo an additional period of treatment for purposes of competency restoration ~~((be continued.))~~ Such treatment may not extend beyond the combination of time provided for in RCW 10.77.086 or 10.77.088).~~

~~((d)) (c) If at any time ((during the proceeding)) the court finds, following notice and hearing, ((a)) that the defendant is not competent and is either not likely to regain competency, or no current or further period of competency restoration treatment is allowable under RCW 10.77.086 or 10.77.088, the ((proceedings shall be dismissed)) court shall dismiss the charges without prejudice and ((the defendant shall be evaluated for civil commitment proceedings)) enter one of the following orders:~~

~~((i) If the charge was a felony, and was a serious offense as defined by RCW 10.77.092, the court shall detain the defendant and order the defendant to be transferred to a state hospital or other suitably secure mental health facility for purpose of evaluation under chapter 71.05 RCW.~~

~~((ii) If the charge was a nonfelony, and was a serious offense as defined by RCW 10.77.092, and the defendant was in custody and not on conditional release at the time of dismissal, the court may detain the defendant and order the defendant to be transferred to an evaluation and treatment facility for the purpose of evaluation under chapter 71.05 RCW. The defendant may be detained in jail for no longer than three days, excluding holidays, prior to transfer or release, and subsequently may be detained by the evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, prior to the filing of a petition under chapter 71.05 RCW. The secretary may consent to receive the defendant at a state hospital in lieu of transfer to an evaluation and treatment facility. The defendant may be screened prior to transfer to determine whether civil commitment criteria are met.~~

~~((iii) If the charge was not a serious offense as defined by RCW 10.77.092, or if the charge was a nonfelony and the defendant was on conditional release at the time of dismissal, the court may order the defendant to undergo an evaluation by a designated mental health professional, and shall do so if required by RCW 10.77.065(1)(b). A defendant who is in custody, or who refuses to cooperate with the evaluation, may be detained in custody for up to twelve hours for this evaluation.~~

~~((d) Notwithstanding any other limitations, a defendant who has multiple criminal charges may undergo competency restoration treatment for all charges for the longest time period allowable for any of the charges.~~

~~((2) If the defendant is referred to the designated mental~~

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

health professional for consideration of ~~((initial))~~ detention ~~((proceedings))~~ under chapter 71.05 RCW ~~((pursuant to this chapter))~~, the designated mental health professional shall provide ~~((prompt written))~~ notification of ~~((the results of the determination whether to commence initial detention proceedings under chapter 71.05 RCW and))~~ whether the ~~((person))~~ defendant was detained according to RCW 10.77.065(2). ~~((The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.))~~

(3) ~~((The fact))~~ A finding that the defendant is ~~((unfit to proceed))~~ not competent does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any ~~((commitment))~~ competency restoration period provided for by ~~((this section))~~ RCW 10.77.086 or 10.77.088, the facility providing evaluation and treatment shall provide to the court a written report ~~((of examination))~~ which meets the requirements of RCW 10.77.060(3).

Sec. 104. RCW 10.77.086 and 2007 c 375 s 4 are each amended to read as follows:

~~((+))~~ If ((the)) a defendant is charged with a felony and determined to be incompetent((-));

(1) Until ((he or she)) the defendant has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, or has been determined to be unlikely to regain competency ((pursuant to RCW 10.77.084(1)(c))), but in any event for a period of no longer than ninety days, the court((-

—(a)) shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment((-or

—(b) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person)).

(2) On or before expiration of the initial ((ninety-day)) period of commitment under subsection (1) of this section, the secretary shall provide the court and the parties with a report in accordance with RCW 10.77.060(3). The secretary shall return the defendant to court ((shall conduct)) for a hearing, at which ((+)) the court shall determine by a preponderance of the evidence whether or not the defendant is incompetent as provided by RCW 10.77.084(1)(b).

(3) If, following a hearing under subsection (2) of this section, the court finds ((by a preponderance of the evidence)) that ((a)) the defendant ((charged with a felony is)) remains incompetent, the court ((shall have the option of extending the)) may order ((of commitment or alternative)) a second period of competency restoration treatment for an additional ~~((ninety-day))~~ period((-but)) of up to ninety days.

(a) If a second period of competency restoration treatment would cause the defendant to be held in custody for a longer period than the defendant would have been likely to spend in custody if the defendant were convicted and sentenced to the top of the defendant's standard sentencing range, the court shall not order a second period of competency restoration treatment unless it finds by a preponderance of the evidence following a hearing that further competency restoration treatment is in the public interest due to particular circumstances related to the nature or impact of the alleged offense, or the criminal or

treatment history of the defendant.

(b) If treatment is extended, the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ninety-day period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury.

(c) No extension shall be ordered for a second ninety-day period, nor for any subsequent period as provided in subsection (4) of this section, if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(4) ((For persons charged with a felony, at the hearing upon the expiration of the second ninety-day period or at the end of the first ninety-day period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted or the court shall order the release of the defendant. The criminal charges shall not be dismissed)) If the court or jury finds that the defendant remains incompetent following a second period of competency restoration treatment under subsection (3) of this section, the court may order a third and final period of competency restoration treatment only if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. A third period of competency restoration treatment shall not be ordered if the allegations against the defendant do not include one or more charges which are serious offenses as defined by RCW 10.77.092.

Sec. 105. RCW 10.77.088 and 2007 c 375 s 5 are each amended to read as follows:

~~((+))~~ If ((the)) a defendant is charged with a nonfelony ~~((crime which))~~ and determined to be incompetent:

(1) If at least one of the charges is a serious offense as ((identified in)) defined by RCW 10.77.092 ((and found by the court to be not competent)), then the court shall order the secretary to place the defendant:

((+)) (a) At a secure mental health facility in the custody of the department or an agency designated by the department for mental health treatment and restoration of competency. The placement shall not exceed fourteen days in addition to any unused time of the evaluation under RCW 10.77.060(1)(d). The court shall compute this total period and include its computation in the order. The fourteen-day period plus any unused time of the evaluation under RCW 10.77.060(1)(d) shall be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility; or

((+)) (b) On conditional release for up to ninety days for mental health treatment and restoration of competency((-or

—(iii) Any combination of this subsection:

—(b)(i) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated mental health professional within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional:

—(ii) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter

SIXTIETH DAY, MARCH 12, 2009

~~71.05 RCW. The seventy-two-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two-hour period).~~

~~(2) If the defendant is charged with a nonfelony ((~~erime~~)) that is not a serious offense as defined in RCW 10.77.092(;- ~~The court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated mental health professional to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least twenty-four hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings)), the court shall not order competency restoration treatment, and shall instead enter an order under RCW 10.77.084(1)(c).~~~~

NEW SECTION. Sec. 106. A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or has advised the court or a party of his or her intention to rely upon a defense of diminished capacity and endorsed an expert witness who will testify in support of a diminished capacity defense, the court, on motion of the prosecuting attorney, shall either appoint or request the secretary to designate a qualified expert or professional person to evaluate and report upon the mental condition of the defendant. The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant.

(b) The court shall not order the secretary to perform an evaluation under this section for reasons other than those specified in (a) of this subsection.

(c) A defendant who is transported to a state hospital or other suitably secure mental health facility for an evaluation under this section may be admitted for only the length of time necessary to complete the evaluation, and for no longer than fifteen days.

(d) The prosecutor shall send the order for evaluation to the secretary along with a copy of the charging document, certification of probable cause, police report, and a summary of the defendant's criminal history. The court or either party may provide additional information to the secretary which it reasonably deems to be of assistance to the evaluation, unless such action would infringe upon ethical duties.

(2) The report of the evaluation shall include the following:

- (a) A description of the nature of the evaluation;
- (b) A diagnosis of the mental condition of the defendant;
- (c) An opinion as to competency;
- (d) An opinion as to the defendant's sanity at the time of the act;

(e) An opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions;

(f) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(g) An opinion as to whether the defendant should be evaluated by a designated mental health professional for civil commitment under chapter 71.05 RCW prior to release from custody.

(3) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the evaluator. The defendant's expert

or professional person has the right to file his or her own report following the guidelines of subsection (2) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

NEW SECTION. Sec. 107. A new section is added to chapter 10.77 RCW to read as follows:

Statements made by a defendant during a competency evaluation, competency hearing, or competency restoration treatment shall not be admissible in the state's case in chief. After the state's case in chief, those statements may be admissible according to the rules of evidence if a mental defense such as insanity or diminished capacity is asserted or to impeach testimony by the defendant.

NEW SECTION. Sec. 108. A new section is added to chapter 10.77 RCW to read as follows:

Any defendant placed in the custody of the secretary for competency restoration treatment shall be evaluated at the direction of the secretary as soon as possible and a determination made whether the defendant is an individual with a developmental disability.

(1) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant has the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.

(a) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.

(b) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(c) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(2) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(3) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

NEW SECTION. Sec. 109. A new section is added to chapter 10.77 RCW to read as follows:

(1) Whenever a jail or detention center receives notice of a request or order requiring transfer of a defendant to a state hospital or other medical facility under RCW 10.77.060 or 10.77.084, the jail or detention center shall provide all medical information in its possession necessary for the admission of the defendant to the secretary within three days. The secretary shall not be responsible under subsection (2) of this section for unreasonable delays in transmission of medical information.

(2) If the secretary fails to conduct or complete a competency evaluation within the time limits prescribed by RCW 10.77.060(1)(d), the court may conduct a show cause hearing upon the motion of any party to determine why the evaluation was not conducted or completed within the allotted time. An order to show cause shall be set forth in writing and shall be served upon the secretary. If the court finds that time limits were exceeded by the secretary without good cause, it may set a fixed time for the completion of the evaluation and may order the secretary to reimburse expenses to the jail for any excess days at a rate of ninety dollars per day. The hearing may include review of a corrective action plan entered under section 110(7) of this act. Failure to conduct or complete a competency evaluation within time limitations shall not be cause for dismissal of criminal charges.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

(3) A jail is not civilly liable for delays by the secretary in providing competency evaluation services under RCW 10.77.060, or for the release of an individual from custody according to the requirements of RCW 10.77.084.

(4) Nothing in this section is intended to denigrate other rights retained by operators of jails or other parties.

NEW SECTION. **Sec. 110.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall report annually to the legislature beginning October 1, 2010, concerning the waiting period for competency evaluations and competency restoration treatment during the past state fiscal year.

The report shall include:

(1) The number of competency evaluation referrals received, grouped by state hospital catchment;

(2) The average waiting period for competency evaluations, presented on a monthly basis, and grouped by state hospital catchment. The department shall separate competency evaluations which occur entirely in a jail or detention center from other competency evaluations. The waiting period measured shall be from the time the secretary receives the order for evaluation and other documents identified in RCW 10.77.060(1)(c) to the time of distribution of the evaluation report;

(3) The average waiting period for competency evaluations, presented on an annual basis, and itemized by county. The evaluations shall be separated and measured as in subsection (2) of this section;

(4) The average waiting period for inpatient competency restoration, presented on a monthly basis, and grouped by state hospital catchment. The waiting period measured shall be from the time the secretary receives the restoration referral to the time the defendant is transported to the state hospital, but shall not include any delay solely attributable to a failure by a jail or detention center to provide information required by section 109(1) of this act;

(5) The number of competency restoration treatment referrals received on an annual basis, grouped by state hospital catchment. This information shall be separated into nonfelony referrals, first ninety-day felony referrals, second ninety-day felony referrals, and final one hundred eighty-day felony referrals. The report shall include average length of stay information and the percentage of successful outcomes at each stage;

(6) The number of hearings held pursuant to section 109(2) of this act during the reporting period, grouped by state hospital catchment; and

(7) If the data indicates that the department has failed to comply with the time limits prescribed by RCW 10.77.060(1)(d) and 10.77.220, a description of a corrective action plan entered by the department to bring the department into compliance with these sections.

The department may include any additional information or subgroupings in the report that it determines to be appropriate.

PART II TECHNICAL CHANGES

Sec. 201. RCW 10.77.163 and 2008 c 213 s 4 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person.

The notice shall be provided at least forty-five days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW (~~(+10.77.086)~~) 10.77.084(1)(c) or 10.77.110. Notification shall be made at least thirty days before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough.

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

(4) The notice requirements contained in this section shall not apply to emergency medical furloughs.

(5) The existence of the notice requirements contained in this section shall not require any extension of the release date in the event the release plan changes after notification.

(6) The notice provisions of this section are in addition to those provided in RCW 10.77.205.

Sec. 202. RCW 71.05.280 and 2008 c 213 s 6 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW (~~(+10.77.086(+))~~) 10.77.084(1)(c), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime; or

(4) Such person is gravely disabled.

Sec. 203. RCW 71.05.290 and 2008 c 213 s 7 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the

SIXTIETH DAY, MARCH 12, 2009

willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW ((~~10.77.086(4)~~) 10.77.084(1)(c)), then the professional person in charge of the treatment facility or his or her professional designee or the designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 204. RCW 71.05.300 and 2008 c 213 s 8 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW ((~~10.77.086(4)~~) 10.77.084(1)(c)), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 205. RCW 71.05.320 and 2008 c 213 s 9 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That

(a) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(b) If the committed person has a developmental disability and has been determined incompetent pursuant to RCW ((~~10.77.086(4)~~) 10.77.084(1)(c)), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified

for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this subsection. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(4) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 206. RCW 71.05.425 and 2008 c 213 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) preceding commitment under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) preceding commitment under RCW 71.05.280(3) or 71.05.320(3) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but

in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 207. RCW 71.09.025 and 2008 c 213 s 11 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(16), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county where that person was charged, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecutor with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 208. RCW 71.09.030 and 2008 c 213 s 12 are each amended to read as follows:

When it appears that: (1) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement on, before, or after July 1, 1990; (2) a person found to have committed a sexually violent offense as a juvenile is about to be released from total

SIXTIETH DAY, MARCH 12, 2009

confinement on, before, or after July 1, 1990; (3) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c); (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (5) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act; and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

Sec. 209. RCW 71.09.060 and 2008 c 213 s 13 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to ~~((be))~~ be or has been released pursuant to RCW ~~((10.77.086(4)))~~

10.77.084(1)(c), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

PART III MISCELLANEOUS

NEW SECTION. **Sec. 301.** Part headings used in this act are not any part of the law."

Senators Hargrove and Brandland spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Brandland, Senator Honeyford was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Senate Bill No. 5519.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 10.77.060, 10.77.065, 10.77.084, 10.77.086, 10.77.088, 10.77.163, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; adding new sections to chapter 10.77 RCW; and creating a new section."

MOTION

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5519.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5519 and the bill passed the Senate by the following vote :Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Hatfield

Absent: Senators Keiser and Tom

Excused: Senators Honeyford and Pflug

ENGROSSED SENATE BILL NO. 5519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Pursuant to Rule 18, on motion of Senator Eide, Senate Bill No. 5599 was made special order of the day at 4:58 p.m.

POINT OF ORDER

Senator Morton: Senator Morton withdrew his point of order regarding Senate Bill No. 5127 raised on the previous day.

MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 5127 was not substituted for Senate Bill No. 5127 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5127, by Senators Jacobsen and Haugen

Concerning the governance of the department of fish and wildlife.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Senate

Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Hewitt, Kastama, Kilmer, McCaslin, Parlette, Pridemore, Roach, Stevens and Zarelli

Excused: Senator Pflug

SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5566, by Senators Regala and Prentice

Harmonizing excise tax statutes with the streamlined sales and use tax agreement. Revised for 1st Substitute: Harmonizing excise tax statutes with the streamlined sales and use tax agreement in regards to direct sellers, telecommunications ancillary services, commercial parking taxes, and exemption certificates.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5566 was substituted for Senate Bill No. 5566 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Honeyford

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5583, by Senators Marr, Honeyford, Rockefeller, Morton, Fraser, Sheldon and Shin

Improving the effectiveness of water bank and exchange provisions.

MOTION

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5583 was substituted for Senate Bill No. 5583 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kauffman moved that the following amendment by Senator Kauffman be adopted.

On page 1, line 7, after "to" strike "many"

On page 1, line 9, after "considered" strike "the establishment of water banks" and insert "using the state trust water rights program for water banking purposes"

On page 1, line 11, after "water" strike "banks and exchanges" and insert "banking"

On page 1, line 16, after "provide" strike "banked"

On page 2, line 2, after "water" strike "banks" and insert "banking"

On page 2, beginning on line 3, after "throughout the" strike all material through "purposes." on line 5, and insert "state and to improve the effectiveness of the state trust water rights program."

On page 5, line 33, after "provided in" strike "subsection (10)" and insert "subsections (10) and (11)"

On page 6, line 32, after "provided in" strike "subsection (10)" and insert "subsections (10) and (11)"

On page 7, beginning on line 25, strike all of subsection (10) and insert the following:

"(10) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is excused under RCW 90.14.140(1):

(a) The department shall calculate the amount of water eligible to be acquired by looking at the extent to which the right was exercised during the most recent five-year period preceding the date where nonuse of the water right was excused under RCW 90.14.140(1); and

(b) The total of the donated or leased portion of the water right and the portion of the water right remaining with the water right holder shall not exceed the extent to which the water right was exercised during the most recent five-year period preceding the date nonuse of the water right was excused under RCW 90.14.140(1).

(11) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is exempt under RCW 90.14.140(2) (a) or (d):

(a) The amount of water eligible to be acquired shall be based on historical beneficial use; and

(b) The total of the donated or leased portion of the water right and the portion of the water right the water right holder continues to use shall not exceed the historical beneficial use of that right during the duration of the trust."

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman on page 1, line 7 to Substitute Senate Bill No. 5583.

The motion by Senator Kauffman carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

On motion of Senator Hatfield, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5583.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Kline and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5776, by Senators McDermott, Schoesler, Fairley, Oemig, Jarrett and Kohl-Welles

Regarding student fees, charges, and assessments.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5776 was substituted for Senate Bill No. 5776 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5776.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Hewitt, Parlette, Roach, Stevens and Zarelli

Excused: Senator Pflug

SUBSTITUTE SENATE BILL NO. 5776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

SECOND READING

SENATE BILL NO. 5716, by Senator McCaslin

Regarding election requirements for the creation of municipal wards.

MOTION

On motion of Senator McCaslin, Substitute Senate Bill No. 5716 was substituted for Senate Bill No. 5716 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senator McCaslin be adopted.

On page 2, line 4, after "(2)" strike all material through "election." on line 5 and insert "No boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election."

Senator McCaslin spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Marr, Senator Murray was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCaslin on page 2, line 4 to Substitute Senate Bill No. 5716.

The motion by Senator McCaslin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCaslin and Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5716.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5716 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fraser, Hatfield, Kline and Prentice

ENGROSSED SUBSTITUTE SENATE BILL NO. 5716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Kauffman, Substitute Senate Bill No. 5810 was not substituted for Senate Bill No. 5810 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5810, by Senators Kauffman, Berkey, Shin, Franklin, Keiser, Tom and Kohl-Welles

Concerning foreclosures on deeds of trust.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following striking amendment by Senators Kauffman and Berkey be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(7) until thirty days after initial contact is made as required under (b) of this subsection or thirty days after satisfying the due diligence requirements as described in subsection (5) of this section.

(b) A beneficiary or authorized agent shall contact the borrower in person or by telephone in order to assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure. During the initial contact, the beneficiary or authorized agent shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or authorized agent shall schedule the meeting to occur within fourteen days. The assessment of the borrower's financial ability to repay the debt and a discussion of options may occur during the initial contact or at the subsequent meeting scheduled for that purpose. At the initial contact, the borrower must be provided the toll-free telephone number made available by the department to find a department-certified housing counseling agency. Any meeting may occur telephonically.

(2) A notice of default issued under RCW 61.24.030(7) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1)(b) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. The trustee is entitled to rely on the declaration as conclusive evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) A beneficiary's or authorized agent's loss mitigation personnel may participate by telephone during any contact required under this section.

(4) Within fourteen days after the initial contact under subsection (1) of this section, if a borrower has designated a department-certified housing counseling agency, attorney, or other advisor to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information. The beneficiary or authorized agent shall contact the designated representative for the borrower for the discussion within fourteen days after the representative is designated by the borrower. Any deed of trust modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

(5) A notice of default may be issued under RCW 61.24.030(7) if a beneficiary or authorized agent has not contacted a borrower as required under subsection (1)(b) of this section and the failure to contact the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending a first-class letter to the address of the property encumbered by the deed of trust that includes the toll-free telephone number made available by the department to find a department-certified housing counseling agency, and the following information:

"You may contact the Department of Financial Institutions, the Washington State Bar Association, or the Office of Civil Legal Aid for possible assistance or referrals."

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary telephone number on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address of the property encumbered by the deed of trust.

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet web site, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-certified housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if any of the following occurs:

(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent;

(b) The borrower has contracted with a distressed home consultant as defined in RCW 61.34.020; or

(c) The borrower has filed for bankruptcy, and the bankruptcy stay remains in place.

(7) This section applies only to deeds of trust made from January 1, 2003, to December 31, 2007, inclusive, that are

recorded against owner-occupied residential real property. This section does not apply to deeds of trust: (a) Securing a debt incurred primarily for business, investment, or commercial purposes; (b) securing a guarantor's obligations under a guaranty; or (c) securing a purchaser's obligations under a seller-financed sale. For purposes of this subsection, "owner-occupied" means that the residence is the principal residence of the borrower.

(8) As used in this section:

(a) "Borrower" means a grantor of a deed of trust who executed a promissory note secured by the deed of trust.

(b) "Department" means the United States department of housing and urban development.

(c) "Residential real property" means a one-to-four, single-family residence, condominium unit, residential cooperative unit, residential unit in any other type of planned unit development, or manufactured home in which title has been eliminated under RCW 65.20.040.

(d) "Seller-financed sale" means a real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, section 1 of this act (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure").

(2) The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in section 1(5) of this act and, after waiting fourteen days after the requirements in section 1 of this act were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower(s), by certified mail, return receipt requested, the letter required under section 1 of this act.

(3) The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

(4) Under section 1 of this act, the beneficiary or beneficiary's authorized agent has evidence in its file, and reasonably believes, that the borrower has contracted with a distressed home consultant as defined in RCW 61.34.020.

(5) Under section 1 of this act, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy, and the bankruptcy stay remains in place."

NEW SECTION. **Sec. 2.** A new section is added to chapter 61.24 RCW to read as follows:

(1) Upon posting a notice of sale under RCW 61.24.040, a trustee or authorized agent shall also post the following notice, in the manner required for posting the notice of sale on the property to be sold, and a trustee, beneficiary, or authorized agent shall mail at the same time in an envelope addressed to the "Resident of property subject to foreclosure sale" the following notice:

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

"The foreclosure process has begun on this property, which may affect your right to continue to live in this property. Ninety days or more after the date of this notice, this property may be sold at foreclosure. If you are renting this property, the new property owner may either give you a new lease or rental agreement or provide you with a sixty-day eviction notice. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have."

(2) This section applies only to deeds of trust secured by residential real property, as defined in section 1 of this act, and if the billing address for the promissory note is different than the property address.

NEW SECTION. Sec. 3. A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) A tenant or subtenant in possession of a residential real property at the time the property is sold in foreclosure must be given sixty days' written notice before the tenant or subtenant may be removed from the property as prescribed in chapter 59.12 RCW.

(b) A tenant may be evicted for waste or nuisance and subject to unlawful detainer under chapter 59.12 RCW.

(2) This section does not prohibit the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(a) Negotiating a new purchase, lease, or rental agreement with a tenant or subtenant; or

(b) Offering a payment to a tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection (1) of this section. However, the tenant or subtenant is not required to accept any payment offered.

(3) This section does not apply if a party to the promissory note secured by the deed of trust remains on the property as a tenant, subtenant, or occupant.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act apply only to the foreclosure of a nonowner-occupied residential real property as defined in section 1 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 61.24 RCW to read as follows:

(1) The failure of the grantor to bring a civil action to enjoin a foreclosure sale under this chapter may not be deemed a waiver of a claim for damages asserting:

(a) Common law fraud, misrepresentation, and breach of contract;

(b) A violation of RCW 19.144.080; or

(c) Failure of the trustee to materially comply with the provisions of this chapter.

(2) The nonwaived claims listed under subsection (1) of this section may be (a) asserted in an unlawful detainer action brought by the lender against the grantor as a holdover tenant or (b) independently brought against a lender or trustee if a third party is the successful bidder at the foreclosure sale.

(3) The nonwaived claims listed under subsection (1) of this section are subject to the following limitations:

(a) The claim must be asserted or brought within two years from the date of the foreclosure sale;

(b) The claim may not seek any remedy at law or in equity other than direct monetary damages, unless the property is owned by the beneficiary at the time the action is filed;

(c) The claim may not otherwise affect the validity or finality of the foreclosure sale or a subsequent transfer of the property to a bona fide purchaser;

(d) A grantor who files such a claim is prohibited from filing for record a lis pendens without prior permission of a court, as provided for in RCW 4.28.320, or any other document purporting to create a similar effect, related to the real property foreclosed upon;

(e) The claim may not otherwise operate to encumber or cloud the title to the property that was subject to the foreclosure

sale, except to the extent that a judgment on the claim in favor of the grantor may, consistent with RCW 4.56.190, become a judgment lien on real property then owned by the lender; and

(f) The relief that may be granted for judgment upon the claim is limited to actual damages. However, if the grantor brings in the same civil action a claim for violation of chapter 19.86 RCW, arising out of the same alleged facts, relief under chapter 19.86 RCW is limited to actual damages, treble damages as provided for in RCW 19.86.090, and the costs of suit, including a reasonable attorney's fee.

(4) This section applies only to foreclosures of an owner-occupied one-to-four, single-family residence, condominium unit, residential cooperative unit, residential unit in any other type of planned unit development, or manufactured home in which title has been eliminated under RCW 65.20.040, which is the grantor's principal place of residence.

(5) This section does not apply to the foreclosure of a deed of trust used to secure a debt incurred for business, investment, or commercial purposes or to secure a guaranty.

Sec. 6. RCW 61.24.010 and 2008 c 153 s 1 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or ~~((its agents))~~ any title insurance agent licensed under chapter 48.17 RCW; or

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a trustee or a successor trustee. Only upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

(4) ~~((The trustee or successor trustee shall act impartially between the borrower, grantor, and beneficiary.))~~ The trustee or successor trustee has a duty of good faith to the borrower as defined in section 1 of this act, beneficiary, grantor, or other persons having an interest in the property subject to the deed of trust.

Sec. 7. RCW 61.24.030 and 2008 c 153 s 2 and 2008 c 108 s 22 are each reenacted and amended to read as follows:

It shall be requisite to a trustee's sale:

SIXTIETH DAY, MARCH 12, 2009

- (1) That the deed of trust contains a power of sale;
- (2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;
- (3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;
- (4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;
- (5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;
- (6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address; and
- (7) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:
- (a) A description of the property which is then subject to the deed of trust;
- (b) Each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;
- (c) That the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;
- (d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;
- (e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;
- (f) The total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;
- (g) That failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;
- (h) That the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs

and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) That the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) That the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground; and

(k)(i) That before the notice of sale is recorded, transmitted, or served, the trustee: (A) Has proof that the beneficiary is the actual holder of any promissory note or other obligation secured by the deed of trust; or (B) has possession of the original of any promissory note secured by the deed of trust with the proper endorsements so that the entity initiating the foreclosure sale has the authority to enforce the terms of the promissory note. In the event that an original of a promissory note is lost, a copy of any promissory note secured by the deed of trust and a notarized statement, made by the beneficiary under the penalty of perjury, that the original promissory note has been lost may be provided.

(ii) Proof that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust must be made by way of an affidavit made by a person with personal knowledge of the physical location of the promissory note or other obligation.

(l) In the event the property secured by the deed of trust is owner-occupied residential property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"You should take care to protect your interest in your home. This notice of default (your failure to pay) is the first step in a process that could result in you losing your home. You should carefully review your options. For example:

Can you pay and stop the foreclosure process?

Do you dispute the failure to pay?

Can you sell your property to preserve your equity?

Are you able to refinance this loan with a new loan from another lender with payments, terms, and fees that are more affordable?

Do you qualify for any government or private homeowner assistance programs?

Do you know if filing for bankruptcy is an option? What are the pros and cons of doing so?

Do not ignore this notice; because if you do nothing, you could lose your home at a foreclosure sale. (No foreclosure sale can be held any sooner than ninety days after a notice of sale is issued and a notice of sale cannot be issued until thirty days after this notice.) Also, if you do nothing to pay what you owe, be careful of people who claim they can help you. There are many individuals and businesses that watch for the notices of sale in order to unfairly profit as a result of borrowers' distress.

You may feel you need help understanding what to do. There are a number of professional resources available, including home loan counselors and attorneys, who may assist you. Many legal services are lower-cost or even free, depending on your ability to pay. If you desire legal help in understanding your options or handling this default, you may obtain a referral (at no charge) by contacting the county bar association in the county where your home is located. These legal referral services also provide information about lower-cost or free legal services for those who qualify. You may contact the Department of Financial Institutions, the Washington State Bar Association, or the Office of Civil Legal Aid for possible assistance or referrals."

Sec. 8. RCW 61.24.040 and 2008 c 153 s 3 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, the trustee shall:

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

(a) Record a notice in the form described in ((RCW 61.24.040(1)))(f) of this subsection in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ((RCW 61.24.040(1)))(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ((RCW 61.24.040(1)))(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ((RCW 61.24.040(1)))(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ((RCW 61.24.040(1)))(f) of this subsection to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of,, at the hour of o'clock M. at [street address and

location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property] which is subject to that certain Deed of Trust dated,, recorded,, under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of,, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

Trustee to the Borrower and Grantor at the following addresses: by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

Estimated amount
Currently due that will be due
to reinstate to reinstate
on on
.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

(11 days before
the date set
for sale)

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

Delinquent payments
from,

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

. . . ., in the
amount of
\$ /mo.: \$ \$

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

Late charges in
the total
amount of: \$ \$

, Trustee

Estimated
Amounts

Address

Attorneys' fees: \$ \$

} Phone

Trustee's fee: \$ \$

[Acknowledgment]

(2) In addition to providing the borrower and grantor the notice of sale described in ((RCW 61.24.040)) subsection (1)(f) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

Trustee's expenses:
(Itemization)

Title report \$ \$

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,

Chapter 61.24 RCW

Recording fees \$ \$

Service/Posting of Notices \$ \$

Postage/Copying expense \$ \$

Publication \$ \$

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

Telephone charges \$ \$

Inspection fees \$ \$

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, [11 days before the sale date]. To date, these arrears and costs are as follows:

. \$ \$

. \$ \$

TOTALS \$ \$

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
---------	---

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . day of, . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:

ADDRESS:

TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in ((RCW 61.24.040)) subsection (1)(f) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in ((RCW 61.24.040)) subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in ((RCW 61.24.040)) subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in ((RCW 61.24.040)) subsection (3) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under ((RCW 61.24.040)) subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X.
NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants ~~((and)) who are not tenants.~~ After the 20th day following the sale the purchaser has the right to evict occupants ~~((and)) who are not tenants~~ by summary proceedings under ~~((the unlawful detainer act,))~~ chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with section 2 of this act;

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 9. RCW 61.24.060 and 1998 c 295 s 8 are each amended to read as follows:

The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the grantor under the deed of trust and anyone having an interest junior to the deed of trust, including occupants ~~((and)) who are not tenants,~~ who were given all of the notices to which they were entitled under this chapter. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with section 2 of this act. The purchaser shall also have a right to the summary proceedings to obtain possession of real property provided in chapter 59.12 RCW.

NEW SECTION. **Sec. 10.** A new section is added to chapter 59.12 RCW to read as follows:

An unlawful detainer action, commenced as a result of a trustee's sale under chapter 61.24 RCW, must comply with the requirements of RCW 61.24.040 and 61.24.060.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Sections 1 through 4, 8, and 9 of this act expire December 31, 2012."

Senator Kauffman spoke in favor of adoption of the striking amendment.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 6, beginning on line 33 of the amendment, strike all of section 5 and insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 61.24 RCW to read as follows:

(1) The failure of the grantor to bring a civil action to enjoin a foreclosure sale under this chapter may not be deemed a waiver of a claim for damages asserting:

- (a) Common law fraud or misrepresentation; or
- (b) A violation of RCW 19.144.080.

(2) The nonwaived claims listed under subsection (1) of this section may be (a) asserted in an unlawful detainer action brought by the lender against the grantor as a holdover tenant or (b) independently brought against a lender or trustee if a third party is the successful bidder at the foreclosure sale.

(3) The nonwaived claims listed under subsection (1) of this section are subject to the following limitations:

(a) The claim must be asserted or brought within one year from the date of the foreclosure sale;

(b) The claim may not seek any remedy at law or in equity other than direct monetary damages;

(c) The claim may not in any way affect the validity or finality of the foreclosure sale or a subsequent transfer of the property to a bona fide purchaser;

(d) A grantor who files such a claim is prohibited from recording a lis pendens related to the real property foreclosed upon, or any other document purporting to create a similar effect against that property; and

(e) The claim may not otherwise operate to encumber or cloud the title to the property that was subject to the foreclosure sale, except to the extent that a judgment on the claim in favor of the grantor may, consistent with RCW 4.56.190, become a judgment lien on real property then owned by the lender.

(4) This section applies only to foreclosures of an owner-occupied one-to-four, single-family residence, condominium unit, residential cooperative unit, residential unit in any other type of planned unit development, or manufactured home in which title has been eliminated under RCW 65.20.040, which is the grantor's principal place of residence.

(5) This section does not apply to the foreclosure of a deed of trust used to secure a debt incurred for business, investment, or commercial purposes or to secure a guaranty."

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Kauffman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 6, line 33 to the striking amendment to Senate Bill No. 5810.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kauffman and Berkey to Senate Bill No. 5810.

The motion by Senator Kauffman carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "trust;" strike the remainder of the title and insert "amending RCW 61.24.010, 61.24.040, and 61.24.060; reenacting and amending RCW 61.24.030; adding new sections to chapter 61.24 RCW; adding a new section to chapter 59.12 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Berkey spoke in favor of passage of the bill.

Senators Schoesler, Benton and Pflug spoke against passage of the bill.

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5810.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Benton, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6035, by Senators Kohl-Welles, McDermott, Franklin, Keiser, Jacobsen, Fraser, Regala, Haugen, Murray, Kline and McAuliffe

Concerning retrospective rating plans.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6035 was substituted for Senate Bill No. 6035 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Marr and Kastama be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a recurring miscalculation of refunds provided to the sponsors of retrospective rating plans has depleted the industrial insurance accident fund of more than one hundred million dollars, and perhaps as much as one hundred fifty million dollars, with the participants in the retrospective rating plans receiving the benefit of that miscalculation. In some cases, those overpayments to the sponsors of retrospective rating plans have been returned to employer members of those plans and in some cases have been used to fund the activities of the sponsors of those plans. As the premiums paid by employers into the accident fund are based in part upon the solvency of the fund, the legislature finds that overpayments have caused the accident fund to contain fewer assets than it otherwise would contain, requiring base premiums to be set at a level higher than would otherwise be necessary, and further causing the employers who are not members of a retrospective rating plan to subsidize retro members by inflating the amount of retro refunds beyond what was merited by the experience of retro member employers.

The legislature further finds that although the overpayment by the department of labor and industries was not intentional, the error resulting in the overpayment was not identified in the numerous reviews and analyses that have been conducted in the fifteen years since the erroneous calculations began. The legislature finds that additional evaluations and increased

transparency of the retrospective rating system are needed.

NEW SECTION. Sec. 2. A new section is added to chapter 51.18 RCW to read as follows:

The legislature finds that the primary purposes of the retrospective rating program created in this chapter are increasing workplace safety, preventing accidents, and improving worker outcomes. The legislature finds that retrospective rating refunds are provided from the industrial insurance accident account, and that the use of Title 51 funds to improve workplace safety, prevent accidents, and improve injured worker outcomes are appropriate uses of such funds. The legislature further finds that any retrospective rating refunds not used to administer the retrospective rating group or to support the purposes of the retrospective rating program belong to and should be returned to the employer members of each retrospective rating group, with the sole exception that individual members may annually authorize use of retrospective rating refunds for purposes unrelated to worker safety and accident prevention, the primary purposes of the retrospective rating program, similar to the annual authorization required from the members of union organizations. The legislature therefore intends to allow and encourage retrospective rating group sponsoring entities to use retrospective rating refunds to create and maintain programs that improve workplace safety, prevent accidents, and improve worker outcomes while distributing the remainder of the refund to employer members of the group, subject to the optional annual authorizations by the members of each group. To restore public confidence in the use of retrospective rating funds, the legislature intends to make information concerning the sponsoring entities' administration of the program publicly available.

NEW SECTION. Sec. 3. A new section is added to chapter 51.18 RCW to read as follows:

Beginning January 1, 2010, and continuing for five consecutive years, the department shall:

(1) Conduct an annual actuarial review of the retrospective rating program. The actuarial review must include an examination of the method used to calculate retrospective premiums, refunds, and assessments, an examination of the impact retrospective rating refunds and assessments have on the accident fund, and an examination of any other factors necessary to conduct a thorough actuarial review.

(2) By December 31st of each year in which an actuarial review is conducted, report the contents of the review to the appropriate committees of the legislature.

NEW SECTION. Sec. 4. A new section is added to chapter 51.18 RCW to read as follows:

(1) With respect to refunds made by the department to a sponsor of a retrospective rating group on or after the effective date of this section:

(a) The sponsoring entity must distribute the retrospective rating refund or adjustment to employers in the retrospective rating group based on a distribution plan, less any amount retained by the sponsoring entity, within a time period selected by the sponsoring entity and set forth in the distribution plan. The distribution plan may not authorize a sponsoring entity to retain any portion of a refund or adjustment, except as authorized by this section. This distribution plan shall be provided to the department upon enrollment, and annually to the members of the retrospective rating group. The department shall make the distribution plan publicly available, excluding any financial information specific to individual employer members.

(b) The sponsoring entity may retain a portion of the refund for reasonable administrative costs. When any portion of the refund is distributed to the employers in the retrospective rating group, the sponsoring entity shall disclose to such employers and to the department the amounts of all administrative costs for which it has retained any portion of the refund and the specific purposes for which those costs were incurred.

(c) The sponsoring entity may retain a portion of the refund for costs directly related to the development and implementation of a safety plan to increase workplace safety and to prevent accidents. The safety plan shall be submitted to the department annually. The department shall develop rules to define the required elements of a retrospective rating safety plan.

(d) The sponsoring entity may retain a portion of the refund for costs directly related to claims assistance provided to its member employers.

(e) The sponsoring entity may retain a portion of the refund to establish and maintain reserves for the sole and exclusive purpose of covering the costs of future potential retrospective rating assessments and an amount of reserves necessary to protect against future penalties or other unexpected retrospective rating costs incurred during the same or a subsequent coverage year.

(f) The sponsoring entity must keep a detailed list of costs related to (b) through (e) and of this subsection and report this list to the department and to employers in the retrospective rating group at the time the retrospective rating refunds or adjustments are distributed to members of the group.

(g) Any amounts retained by a sponsoring entity under (b) through (e) of this subsection shall be used solely for the purposes described in those subsections, and may not be used directly or indirectly for any other purpose.

(h) In addition to the amounts that a sponsoring entity may retain under subsections (b) through (e), the sponsoring entity may retain a portion of the retrospective rating refund or adjustment due an employer member if the member has provided a written authorization allowing the entity to retain a portion of the refund or adjustment due the employer member. Any authorization provided by an employer member shall be effective for a period not to exceed one year. If a sponsoring entity retains funds due the employer member under this subsection, the sponsoring entity must notify the employer member that additional funds have been retained by the sponsoring entity, and inform the employer member of the amount withheld from the employer member under this subsection. The department shall develop a form to be separately executed by any employer member authorizing the retention of funds under this subsection, which form shall (i) authorize the retention of either a percentage of the member's refund or a fixed dollar amount, and (ii) inform the member that the authorization is irrevocable for one year. The sponsoring entity shall use the form developed by the department or a form prepared by the sponsoring entity that is consistent with this subsection and has been approved by the department.

(i) Any amounts retained by a sponsoring entity under subsection (h) may be used by the sponsoring entity for any legal purpose, even if such purpose is unrelated to worker safety and accident prevention.

(2) The group must comply with subsection (1) of this section to be approved by the department for future enrollment.

Sec. 5. RCW 51.18.030 and 1999 c 7 s 4 are each amended to read as follows:

(1) Entities which sponsored retrospective rating groups prior to July 25, 1999, may not sponsor additional retrospective rating groups in a new business or industry category until the coverage period beginning January 1, 2003.

(2) For retrospective rating groups approved by the department on or after July 25, 1999, the sponsoring entity may not propose another retrospective rating group in a new business or industry category until the minimum mandatory adjustment periods required by the department for the first two coverage periods of the last formed retrospective rating group are completed.

(3) Subsections (1) and (2) of this section do not prohibit a sponsoring entity from proposing to:

(a) Divide an existing retrospective rating group into two or more groups provided that the proposed new groups fall within the same business or industry category as the group that is proposed to be divided; or

(b) Merge existing retrospective rating groups into one business or industry category provided that the proposed merged groups fall within the same business or industry category as the groups that are proposed to be merged.

(4) Under no circumstances may a sponsoring entity propose retrospective rating groups in multiple business or industry categories in the same application to the department.

(5) An insurer, insurance broker, agent, or solicitor may not:

(a) Participate in the formation of a retrospective rating group; or

(b) Sponsor a retrospective rating group.

(6) A sponsoring entity may not require a participating member or applicant to: (a) agree to reenroll in the group's future coverage period, (b) maintain membership in the sponsoring entity or any other organization beyond the coverage period, which includes the three year period during which further refunds and assessments may be made, or (c) contribute funds to the sponsoring entity or any other organization in excess of the amounts authorized by this act."

Senators Kohl-Welles and Kastama spoke in favor of adoption of the striking amendment.

Senator Holmquist spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Marr and Kastama to Substitute Senate Bill No. 6035.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Marr, Brown and Kline spoke in favor of passage of the bill.

Senators Delvin, Benton, Schoesler and Stevens spoke against passage of the bill.

POINT OF ORDER

Senator Holmquist: "I don't think the previous speaker is speaking on the bill. It's not pertaining to the bill before us."

REPLY BY THE PRESIDENT

President Owen: "The President believes that he is walking just as closely to the bill as the other speakers were walking."

Senator Oemig spoke in favor of passage of the bill.

Senators Hewitt, Roach, Carrell, Becker, Swecker, Honeyford, King, Sheldon, Brandland and Holmquist spoke against passage of the bill.

POINT OF ORDER

Senator Eide: "Thank you Mr. President. I don't believe the good Senator is speaking about the bill."

REPLY BY THE PRESIDENT

President Owen: "The President believes she's speaking to the effects of the bill. Senator Holmquist, please proceed."

REMARKS BY THE PRESIDENT

SIXTIETH DAY, MARCH 12, 2009

2009 REGULAR SESSION

President Owen: "Senator, Senator Holmquist. That would be going beyond the rules of the Senate, impugning another member's motives and attacking another member. I'd appreciate it if you not do that. Senator Holmquist, you know your rules do not allow to address, to speak of another member."

POINT OF ORDER

Senator Brown: "There is a line here with respect to what is repeatedly come up in this debate related to the motives of the makers of this bill. It's inappropriate on the Senate floor. It's inappropriate to challenge the motives of the proponents and it's inappropriate to challenge the motives of the opponents. It is unseemly for Senators and I would hope that the President would rule."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, based on your own rules you are, your point is well taken. Senator Holmquist, you made it very clear who you were quoting so the President is not going to allow that."

Senator Pflug spoke against the passage of the bill.

POINT OF ORDER

Senator Brown: "I object. The member is clearly impugning the motives of the proponents of this bill, repeatedly."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, the Senator is quoting a written document. The President can't believe that that is impugning the member's motives. If she was talking about a member specifically I would have to interrupt that differently. Senator Pflug."

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jarrett, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 6035, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6035 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Kilmer, Jarrett, Hewitt, Delvin, Jacobsen, Shin and Pflug

Providing for the 2008-2018 state comprehensive plan for workforce training.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Concurrent Resolution No. 8404 was substituted for Senate Concurrent Resolution No. 8404 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Benton spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8404.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5695, by Senators Oemig, Swecker, Ranker, Tom, Shin and Haugen

Authorizing the Washington state patrol to accept donations.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5695.

The Secretary called the roll on the final passage of Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 5599, by Senators McDermott, Oemig, Kohl-Welles, Pridemore, Marr, Brown, Tom, Kline, McAuliffe, Regala and Shin

Approving the entry of Washington into the agreement among the states to elect the president by national popular vote.

The measure was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5599 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott, Kline and Hatfield spoke in favor of passage of the bill.

Senators Hargrove, Roach, Pflug, Carrell and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5599.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5599 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

SENATE BILL NO. 5599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393,

SUBSTITUTE HOUSE BILL NO. 1402,

SUBSTITUTE HOUSE BILL NO. 1415,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2009

MR. PRESIDENT:

The House has passed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1172,

SECOND SUBSTITUTE HOUSE BILL NO. 1450,

SUBSTITUTE HOUSE BILL NO. 1774,

SUBSTITUTE HOUSE BILL NO. 1778,

SECOND SUBSTITUTE HOUSE BILL NO. 1797,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1199,

SECOND SUBSTITUTE HOUSE BILL NO. 1290,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,

SUBSTITUTE HOUSE BILL NO. 1663,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,

SUBSTITUTE HOUSE BILL NO. 1793

HOUSE BILL NO. 1822,

SUBSTITUTE HOUSE BILL NO. 1919,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2078,

HOUSE BILL NO. 2206,

HOUSE BILL NO. 2271,

ENGROSSED HOUSE BILL NO. 2285,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1722,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,

ENGROSSED HOUSE BILL NO. 1965,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245,

HOUSE BILL NO. 2313,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 5:24 p.m., on motion of Senator Eide, the Senate

SIXTIETH DAY, MARCH 12, 2009
adjourned until 10:00 a.m. Friday, March 13, 2009.

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 13, 2009

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

On motion of Senator McDermott the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator McDermott, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 12, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LARRY SANCHEZ, reappointed March 5, 2009, for the term ending September 30, 2013, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator McDermott, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 1836,

ENGROSSED HOUSE BILL NO. 2242

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1487,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
ENGROSSED HOUSE BILL NO. 2299,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1172 by House Committee on General Government Appropriations (originally sponsored by Representatives Simpson, Nelson and Rolfes)

AN ACT Relating to the implementation of a regional transfer of development rights program; amending RCW 43.362.005 and 43.362.010; and adding new sections to chapter 43.362 RCW.

Referred to Committee on Government Operations & Elections.

HB 1199 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to retainage of funds on public works projects; amending RCW 39.04.901, 39.12.040, 39.12.050, 39.12.065, 39.76.020, 60.28.040, and 60.28.080; reenacting and amending RCW 60.28.011; and repealing RCW 39.04.140, 39.76.010, 60.28.010, 60.28.020, and 60.28.050.

Referred to Committee on Government Operations & Elections.

2SHB 1290 by House Committee on Finance (originally sponsored by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Liias, Anderson and Hunter)

AN ACT Relating to local tourism promotion areas; amending RCW 35.101.010; and adding a new section to chapter 35.101 RCW.

Referred to Committee on Ways & Means.

E2SHB 1393 by House Committee on Ways & Means (originally sponsored by Representatives Springer, Kessler, Eddy, Ormsby, Van De Wege, Liias, Morrell, Roberts, Upthegrove and Sullivan)

AN ACT Relating to improving residential real property construction by creating a home construction consumer education office, strengthening warranty protections applicable to residential real property construction, enhancing contractor registration requirements, and establishing worker certification standards; amending RCW 18.27.075 and 18.27.030; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.10 RCW; adding new sections to chapter 64.50 RCW; adding a new section to chapter 18.27 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SIXTY-FIRST DAY, MARCH 13, 2009

2009 REGULAR SESSION

SHB 1402 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Campbell, Conway, Moeller and Green)

AN ACT Relating to contact with medical providers after appeals have been filed under industrial insurance; adding a new section to chapter 51.52 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1415 by House Committee on Commerce & Labor (originally sponsored by Representatives Hasegawa, Haler, Hunt, Armstrong, Eddy, Newhouse, Conway, Wood, Williams, Johnson, Chase, Upthegrove, Condotta, Moeller and Ormsby)

AN ACT Relating to sales of wine at the legislative gift center; adding new sections to chapter 44.73 RCW; adding a new section to chapter 66.12 RCW; and adding a new section to chapter 15.88 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 1450 by House Committee on Capital Budget (originally sponsored by Representatives Takko and Blake)

AN ACT Relating to modifying the definition of "public facilities"; and reenacting and amending RCW 43.160.020.

Referred to Committee on Ways & Means.

ESHB 1496 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Roberts, Hurst, O'Brien, Simpson, Hinkle, Van De Wege, Ericks and Sells)

AN ACT Relating to changing the membership of the state interoperability executive committee; and amending RCW 43.105.330.

Referred to Committee on Government Operations & Elections.

ESHB 1512 by House Committee on Transportation (originally sponsored by Representatives Haler, Roach and Klippert)

AN ACT Relating to funding rail freight service through grants; and amending RCW 47.76.250.

Referred to Committee on Transportation.

SHB 1663 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby and Santos)

AN ACT Relating to creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action; and amending RCW 59.18.085.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1722 by Representatives Crouse, Conway, Seaquist and Simpson

AN ACT Relating to plan membership default provisions in the public employees' retirement system; and amending RCW 41.40.785.

Referred to Committee on Ways & Means.

SHB 1774 by House Committee on Ways & Means (originally sponsored by Representatives Haigh, Armstrong, Van De Wege, Morris, Blake, Orcutt and Kristiansen)

AN ACT Relating to state forest land revenues for school districts; and amending RCW 28A.150.250.

Referred to Committee on Ways & Means.

SHB 1778 by House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

AN ACT Relating to modernizing certain provisions in Title 77 RCW regarding fish and wildlife; amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, 77.15.552, 77.12.870, 77.12.879, 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.36.070, and 77.44.050; reenacting and amending RCW 77.12.690; and repealing RCW 77.12.065.

Referred to Committee on Ways & Means.

ESHB 1782 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson)

AN ACT Relating to encouraging early and consistent engagement of parents in children's dependency matters; amending RCW 13.34.065, 13.34.145, and 13.34.180; reenacting and amending RCW 13.34.062; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1793 by House Committee on Transportation (originally sponsored by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Upthegrove and Eddy)

AN ACT Relating to alternative student transportation; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

2SHB 1797 by House Committee on General Government Appropriations (originally sponsored by Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan)

AN ACT Relating to a rural and resource lands study; adding a new section to chapter 43.79 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

HB 1822 by Representatives Conway, Wood and Ormsby

AN ACT Relating to interest arbitration for certain general authority Washington peace officers; and amending RCW 41.56.030.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1886 by House Committee on Local Government & Housing (originally sponsored by Representative Takko)

AN ACT Relating to flood control districts; amending RCW 86.09.175, 86.09.178, 86.09.181, 86.09.259, 86.09.268, 86.09.271, and 86.09.466; adding new sections to chapter 86.09 RCW; and repealing RCW 86.09.274, 86.09.277, and 86.09.280.

Referred to Committee on Government Operations & Elections.

ESHB 1887 by House Committee on Local Government & Housing (originally sponsored by Representative Takko)

AN ACT Relating to diking districts; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1919 by House Committee on Human Services (originally sponsored by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood)

AN ACT Relating to drug court funding; and amending RCW 70.96A.350 and 2.28.170.

Referred to Committee on Ways & Means.

ESHB 1954 by House Committee on Human Services (originally sponsored by Representative Dickerson)

AN ACT Relating to sealing juvenile records; and amending RCW 13.40.127.

Referred to Committee on Human Services & Corrections.

EHB 1965 by Representatives Hunt, Upthegrove, Dickerson and Simpson

AN ACT Relating to leave for service animal training; and adding a new chapter to Title 49 RCW.

Referred to Committee on Government Operations & Elections.

E2SHB 2078 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney and Haler)

AN ACT Relating to persons with developmental disabilities who are in correctional facilities or jails; and adding a new chapter to Title 71A RCW.

Referred to Committee on Human Services & Corrections.

HB 2206 by Representative Darneille

AN ACT Relating to authorized expenditures from the OASI revolving fund and OASI contribution account; and amending RCW 41.48.065 and 41.48.080.

Referred to Committee on Ways & Means.

ESHB 2222 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler)

AN ACT Relating to conditioning industrial storm water general discharge permits; amending RCW 90.48.555; adding new sections to chapter 90.48 RCW; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

ESHB 2245 by House Committee on Ways & Means (originally sponsored by Representative Cody)

AN ACT Relating to clarifying public employees' benefits board eligibility; amending RCW 41.05.008, 41.05.011, 41.05.050, and 41.05.055; reenacting and amending RCW 41.05.021 and 41.05.065; adding a new section to chapter 41.05 RCW; creating a new section; repealing RCW 41.05.053; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2271 by Representatives Liias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist and Simpson

AN ACT Relating to work performed by state forces on ferry vessels or terminals; and amending RCW 47.28.030.

Referred to Committee on Transportation.

EHB 2285 by Representatives Flannigan and Simpson

AN ACT Relating to local improvement districts and utility local improvement districts comprised of property in more than one city or town; amending RCW 35.43.030; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 2313 by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville, Van De Wege, Nelson, Green, Liias, Blake, Darneille, Sells, Wallace, Simpson, Eddy, Carlyle, White, Williams, McCoy, Orwall, Moeller, Chase, Hurst, Hunter, Rolfes, Finn, Sullivan, Springer, Jacks, Kelley, Seaquist, Clibborn, Probst, Cody, Hasegawa, Hudgins, Roberts, Kessler, Ormsby, O'Brien, Dickerson, Takko, Kenney, Morrell, Santos, Hunt, Miloscia and Goodman

AN ACT Relating to extending the length of commercial and farm vehicle permits; and amending RCW 46.16.162 and 46.44.095.

Referred to Committee on Transportation.

MOTION

SIXTY-FIRST DAY, MARCH 13, 2009

2009 REGULAR SESSION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MOTION

On motion of Senator McDermott, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8645

By Senators Haugen, Ranker, and Stevens

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly one-half million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 26th annual festival will run from April 1st through 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 700 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Veronica Pratt and Christian Lathrom, will ably and personably perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, PACCAR Open House, Air Show and Fly-in, Skagit County Wineries, RoozenGaarde, Tulip Town, art shows, bike rides, foot races, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Skagit Valley Tulip Festival Executive Director, Cindy Verge, and the Tulip Festival Ambassadors.

Senators Haugen and Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

At 10:06 a.m., on motion of Senator McDermott, the Senate adjourned until 12:00 noon, Monday, March 16, 2009.

SIXTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 16, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 13, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BETTY J. COBBS, appointed February 27, 2009, for the term ending September 30, 2013, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2009

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5164,

SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5417,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5164,

SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5417,

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1487 by Representatives Hunter, Anderson, Kessler, Wallace and Eddy

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1571 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

AN ACT Relating to the adjudication of water rights; amending RCW 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.180, 90.03.210, 90.03.240, 90.03.243, 90.44.220, and 43.21B.110; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.170 and 90.03.190.

Referred to Committee on Environment, Water & Energy.

EHB 1836 by Representatives Ormsby, Wood, Dunshee, Campbell, Moeller, Van De Wege, Simpson, Driscoll, Chase and Conway

AN ACT Relating to public works involving off-site prefabrication; adding a new section to chapter 39.12 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Ways & Means.

EHB 2242 by Representatives Kenney, Probst, Maxwell, Hunt, Liias, Ormsby, Kelley, Sullivan, Hasegawa, Quall, White and Chase

AN ACT Relating to creating a department of commerce; amending RCW 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010, 43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020; adding a new section to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.005 and 43.330.904; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 2252 by House Committee on Finance (originally sponsored by Representatives Hunter and Goodman)

SIXTY-FOURTH DAY, MARCH 16, 2009

2009 REGULAR SESSION

AN ACT Relating to sales and use taxes on car rentals, restaurants, and lodging to fund arts and heritage programs, regional centers, human services, low-income housing, and community development in a county with a population of one million five hundred thousand or more; amending RCW 67.28.180, 82.14.049, and 82.14.360; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Ways & Means.

ESHB 2261 by House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Liias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler and Cox)

AN ACT Relating to education; amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380, 28A.150.315, 28A.230.090, 28A.305.130, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.150.410, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, 28A.185.010, 28A.185.020, and 28A.225.200; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 43.79 RCW; adding new sections to chapter 28A.160 RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, 28A.155.180, and 28A.150.205; and providing effective dates.

Referred to Committee on Ways & Means.

EHB 2299 by Representatives Klippert, Driscoll, Haler, Kenney and Grant-Herriot

AN ACT Relating to the formation, operation, and nonstate funding of public facilities districts; amending RCW 35.57.010 and 82.14.048; and reenacting and amending RCW 35.57.020.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, March 17, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-FIFTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, March 17, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 16, 2009

HB 1016 Prime Sponsor, Representative Hunt: Changes membership on the capitol campus design advisory committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1028 Prime Sponsor, Representative Armstrong: Concerning services provided by television reception improvement districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1034 Prime Sponsor, Representative Morrell: Concerning rental or lease of armories. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

March 16, 2009

EHB 1049 Prime Sponsor, Representative Rolfes: Concerning veterans' relief. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1050 Prime Sponsor, Representative Kelley: Adjusting veterans' scoring criteria. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 16, 2009

EHB 1053 Prime Sponsor, Representative Moeller: Increasing raffle ticket prices. (REVISED FOR ENGROSSED: Concerning raffle ticket prices.) Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1088 Prime Sponsor, Representative Hunter: Clarifying prospectively the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 16, 2009

SIXTY-FIFTH DAY, MARCH 17, 2009

2009 REGULAR SESSION

March 16, 2009

HB 1155 Prime Sponsor, Representative Hinkle: Concerning billing for medical services provided through special education programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1217 Prime Sponsor, Representative Simpson: Providing the gambling commission with authority to determine locations where amusement games may be conducted. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1270 Prime Sponsor, Representative Green: Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1273 Prime Sponsor, Representative Condotta: Allowing counties, cities, and towns to conduct raffles under certain terms and conditions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

SHB 1291 Prime Sponsor, Committee on Local Government & Housing: Changing library district annexation provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

HB 1338 Prime Sponsor, Representative Conway: Qualifying for good cause for late filing of reports, contributions, penalties, or interest. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1339 Prime Sponsor, Representative Conway: Correcting statutory references. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1389 Prime Sponsor, Representative Blake: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

March 16, 2009

SHB 1414 Prime Sponsor, Committee on Health Care & Wellness: Concerning health care assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1515 Prime Sponsor, Representative Driscoll: Allowing electronic approval of vital records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Murray and Parlette.

Passed to Committee on Rules for second reading.

SIXTY-FIFTH DAY, MARCH 17, 2009

2009 REGULAR SESSION

March 16, 2009

SHB 1518 Prime Sponsor, Committee on Commerce & Labor: Regarding prohibited practices in accountancy. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1562 Prime Sponsor, Representative Liias: Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; King; Hobbs; Holmquist; McDermott; Roach and Tom.

March 16, 2009

HB 1596 Prime Sponsor, Representative Green: Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Health & Long-Term Care.

March 16, 2009

ESHB 1669 Prime Sponsor, Committee on Financial Institutions & Insurance: Addressing the deposit of public funds. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Brandland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Financial Institutions, Housing & Insurance.

March 16, 2009

HB 1678 Prime Sponsor, Representative Van De Wege: Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan

2 who were disabled in the line of duty before January 1, 2001. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1682 Prime Sponsor, Representative Newhouse: Concerning horticultural pest and disease boards. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

March 16, 2009

HB 1878 Prime Sponsor, Representative Jacks: Authorizing the transfer of accumulated leave of employees of the state school for the blind and the school for the deaf. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 16, 2009

SHB 2052 Prime Sponsor, Committee on Ways & Means: Delaying the implementation of the health insurance partnership. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

March 16, 2009

HJM 4000 Prime Sponsor, Representative O'Brien: Requesting passage of the federal act to restore payment of county health care costs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair;

SIXTY-FIFTH DAY, MARCH 17, 2009

2009 REGULAR SESSION

Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Human Services & Corrections.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 1562 which was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 16, 2009

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5221,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5221,

MOTION

At 12:02 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, March 18, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-SIXTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Becker, Benton, Berkey, Brown, Carrell, Fairley, Hargrove, Honeyford, McCaslin, McDermott, Morton, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Stevens and Tom.

The Sergeant at Arms Color Guard consisting of Pages Ian Ducharme and Sarah Givens, presented the Colors.

Miss Kyna Marie Harris, Miss Tri-Cities 2008 sang "God Bless America."

Pastor Sandra Kreise of St. Christopher Community Church of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 17, 2009
ESHB 1002 Prime Sponsor, Committee on Judiciary: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009
SHB 1010 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding the definition of a biofuel. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 17, 2009
SHB 1022 Prime Sponsor, Committee on Judiciary: Modifying statutory cost provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 17, 2009
HB 1030 Prime Sponsor, Representative Appleton: Concerning the exemption of the special commitment center under the public records act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009
HB 1042 Prime Sponsor, Representative O'Brien: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 17, 2009
HB 1076 Prime Sponsor, Representative Rolfes: Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009
HB 1080 Prime Sponsor, Representative Simpson: Allowing impact fees to be used for all fire protection facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 17, 2009
HB 1121 Prime Sponsor, Representative Rodne: Creating the Washington state flag account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 13, 2009
SHB 1135 Prime Sponsor, Committee on Ecology & Parks: Regarding exemptions from solid waste handling permit

SIXTY-SIXTH DAY, MARCH 18, 2009

2009 REGULAR SESSION

requirements. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr and Ranker.

Passed to Committee on Agriculture & Rural Economic Development.

March 17, 2009

HB 1195 Prime Sponsor, Representative Haigh: Regarding payment of undisputed claims. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 17, 2009

HB 1196 Prime Sponsor, Representative Haigh: Increasing the dollar limit for small works roster projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1221 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009

HB 1257 Prime Sponsor, Representative Goodman: Eliminating the requirement that courts segregate deferred prosecution files. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1271 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the preparing and administration of drugs by registered or licensed veterinary personnel. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1286 Prime Sponsor, Committee on State Government & Tribal Affairs: Prohibiting false and defamatory statements about candidates for public office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 17, 2009

HB 1361 Prime Sponsor, Representative Goodman: Regarding county supervised community options. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009

HB 1375 Prime Sponsor, Representative Roberts: Eliminating foster care citizen review boards. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 16, 2009

SHB 1730 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding the office of regulatory assistance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1751 Prime Sponsor, Committee on Finance: Concerning the time period during which sales and use tax for public facilities in rural counties may be collected. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

March 17, 2009

ESHB 1959 Prime Sponsor, Committee on Local Government & Housing: Concerning land use and transportation planning for marine container ports. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

SIXTY-SIXTH DAY, MARCH 18, 2009

2009 REGULAR SESSION

with the exception of Substitute House Bill No. 1751 which was referred to the Committee on Ways & Means.

March 17, 2009

HB 1997 Prime Sponsor, Representative Finn: Regarding Puget Sound scientific research. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 17, 2009

ESHB 2126 Prime Sponsor, Committee on Commerce & Labor: Consolidating the cemetery board and the board of funeral directors and embalmers. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 17, 2009

HJM 4005 Prime Sponsor, Representative Santos: Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 16, 2009

HJM 4014 Prime Sponsor, Representative Kessler: Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 17, 2009

SGA 9156 JEFFREY D GOLTZ, appointed on February 16, 2009, for the term ending December 31, 2014, as Member of the Utilities and Transportation Commission. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 18, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DEBORAH S. LEE, reappointed February 9, 2009, for the term ending June 17, 2013, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kyna Marie Harris, Miss Tri-Cities 2008, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Miss Tri-Cities Scholarship Program, Executive Director, Dot Stewart; Vel Wright and Carol Keltch from the scholarship program who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I think you can see ladies and gentlemen, why Senator Delvin and I are so proud of our districts. We keep putting up these beautiful young ladies and I tell you I wish you'd been around when I was a kid, and this is going to shock you because everybody's going to tell you, you know the opposite of what I think. I had attention deficit disorder and I think I still have it quite frankly. So, I wish there were people around when I was a kid going through school doing the fine work that you're doing because many of us would have grown up a lot different than we are today. So thank you for all your good work and welcome to Olympia."

MOTION

At 10:15 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 Noon, Thursday, March 19, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 19, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator McDermott the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 18, 2009

SB 6121 Prime Sponsor, Senator Tom: Regarding the surcharge to fund biotoxin testing and monitoring. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1055 Prime Sponsor, Committee on Commerce & Labor: Requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

March 17, 2009

HB 1101 Prime Sponsor, Representative Roberts: Modifying foster parent licenses. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 17, 2009

SHB 1280 Prime Sponsor, Committee on Commerce & Labor: Regarding explosives licenses. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 1308 Prime Sponsor, Committee on Health Care & Wellness: Reducing organ transplant benefit waiting periods based upon prior creditable coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

HB 1312 Prime Sponsor, Representative Sells: Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 1332 Prime Sponsor, Committee on Judiciary: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

SIXTY-SEVENTH DAY, MARCH 19, 2009

2009 REGULAR SESSION

March 17, 2009
HB 1366 Prime Sponsor, Representative Wood: Making technical changes to boiler and unfired pressure vessel statutes. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 18, 2009
SHB 1388 Prime Sponsor, Committee on Technology, Energy & Communications: Changing the date for setting the amount of pipeline safety fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 18, 2009
HB 1394 Prime Sponsor, Representative White: Changing the timeline for the state comprehensive plan for workforce training and education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 18, 2009
SHB 1397 Prime Sponsor, Committee on Health Care & Wellness: Concerning the delegation of authority to registered nurses. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009
HB 1483 Prime Sponsor, Representative Jacks: Concerning forestry operations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 1510 Prime Sponsor, Committee on Health Care & Wellness: Regarding disclosure of confidential information on birth certificates. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009
SHB 1532 Prime Sponsor, Committee on Local Government & Housing: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Holmquist and Morton.

Passed to Committee on Rules for second reading.

March 18, 2009
HB 1551 Prime Sponsor, Representative Conway: Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 17, 2009
SHB 1554 Prime Sponsor, Committee on Commerce & Labor: Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senator King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

SIXTY-SEVENTH DAY, MARCH 19, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

March 18, 2009

March 17, 2009
SHB 1592 Prime Sponsor, Committee on Judiciary:
 Registering business entities and associations with the secretary
 of state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
 Senators Kline, Chair; Regala, Vice Chair; McCaslin;
 Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 1740 Prime Sponsor, Committee on Health Care &
 Wellness: Regarding the issuance of licenses to practice
 dentistry. Reported by Committee on Health & Long-Term
 Care

MAJORITY recommendation: Do pass as amended.
 Signed by Senators Keiser, Chair; Franklin, Vice Chair;
 Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

HB 2014 Prime Sponsor, Representative Kelley:
 Requiring tamper-resistant prescription pads. Reported by
 Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended.
 Signed by Senators Keiser, Chair; Franklin, Vice Chair;
 Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

ESHB 2105 Prime Sponsor, Committee on Health Care &
 Wellness: Concerning diagnostic imaging services. Reported by
 Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by
 Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker;
 Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 2157 Prime Sponsor, Committee on General
 Government Appropriations: Consolidating certain salmon
 recovery activities and programs within the recreation and
 conservation office. Reported by Committee on Natural
 Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended.
 Signed by Senators Jacobsen, Chair; Ranker, Vice Chair;
 Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

HB 2206 Prime Sponsor, Representative Darneille:
 Including costs as authorized expenditures from the OASI
 revolving fund and OASI contribution account. Reported by
 Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
 Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget
 Chair; Tom, Vice Chair, Operating Budget; Zarelli;
 Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser;
 Kline; McDermott; Murray; Oemig; Parlette; Pflug; Regala;
 Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

March 18, 2009

SGA 9138 NITA RINEHART, appointed on December
 29, 2008, for the term ending June 30, 2012, as Member of the
 Higher Education Coordinating Board. Reported by Committee
 on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be
 confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice
 Chair; Becker; Hewitt; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 18, 2009

SGA 9143 MASON PETIT, reappointed on January 13,
 2009, for the term ending December 31, 2011, as Member of the
 Investment Board. Reported by Committee on Financial
 Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be
 confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice
 Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, all measures listed on the
 Standing Committee report were referred to the committees as
 designated.

MOTION

On motion of Senator McDermott, the Senate advanced to
 the third order of business.

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

March 18, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON
 Ladies and Gentlemen:

I have the honor to submit the following reappointment,
 subject to your confirmation.

SIXTY-SEVENTH DAY, MARCH 19, 2009

2009 REGULAR SESSION

GARY HARRIS, reappointed February 10, 2009, for the term ending January 19, 2013, as Member of the Board of Pharmacy.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator McDermott, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 18, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595,

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6124 by Senator Hobbs

AN ACT Relating to manufactured/mobile home parks in the regional transfer of development rights program; amending RCW 43.362.005; and adding a new section to chapter 43.362 RCW.

Referred to Committee on Government Operations & Elections.

SB 6125 by Senator Roach

AN ACT Relating to limiting siting of secure residential facilities for sexually violent predators to properties zoned for industrial use; amending RCW 71.09.260; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, March 20, 2009.

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

SIXTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, March 20, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach.

The Sergeant at Arms Color Guard consisting of Pages Drew Langer and Garrett Stephenson, presented the Colors. Pastor Mark Van Haitisma of Olympia Christian Reformed Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 19, 2009

SHB 1041 Prime Sponsor, Committee on Health Care & Wellness: Authorizing the purchase, storage, and administration of medications by occupational therapists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

HB 1068 Prime Sponsor, Representative Pedersen: Revising the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1071 Prime Sponsor, Committee on Health Care & Wellness: Concerning advanced registered nurse practitioners. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 18, 2009

HB 1120 Prime Sponsor, Representative Pedersen: Concerning uniform laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

March 18, 2009

SHB 1261 Prime Sponsor, Committee on Judiciary: Enacting the adult guardianship and protective proceedings jurisdiction act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

March 18, 2009

HB 1264 Prime Sponsor, Representative Springer: Regarding the creation and registration of entities formed by public agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1322 Prime Sponsor, Representative Green: Repealing scoliosis screening in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Jarrett and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and Roach.

Passed to Committee on Rules for second reading.

March 19, 2009

ESHB 1401 Prime Sponsor, Committee on Health Care & Wellness: Concerning the standard health questionnaire. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1418 Prime Sponsor, Committee on Education: Establishing a statewide dropout reengagement system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott and Roach.

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators King and Holmquist.

Passed to Committee on Ways & Means.

March 18, 2009

SHB 1597 Prime Sponsor, Committee on Finance: Concerning the administration of state and local tax programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Parlette and Pflug.

Passed to Committee on Rules for second reading.

March 19, 2009

EHB 1824 Prime Sponsor, Representative Rodne: Requiring the adoption of policies for the management of concussion and head injury in youth sports. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett and McDermott.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1835 Prime Sponsor, Representative Angel: Concerning the use of respectful language in state statutes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1869 Prime Sponsor, Committee on Health Care & Wellness: Concerning the transparency of health care cost information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 19, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 SENATE BILL NO. 5164,
 SENATE BILL NO. 5221,
 SENATE BILL NO. 5348,
 SUBSTITUTE SENATE BILL NO. 5417,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5595,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
 8646

By Senators Kastama, Eide, Kilmer, Franklin, Regala, Carrell, and Roach

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and WHEREAS, 2009 marks the seventy-sixth annual Daffodil Festival; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Swing into Spring" comes alive, fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2009 events are ongoing with the forty-eighth Annual Junior Parade on March 28, 2009, the seventy-sixth Annual Grand Floral Street Parade on April 4, 2009--winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting and consisting of approximately forty float entries and over eighty other entries, including bands, marching and mounted units and floats that are decorated with fresh-cut Daffodils, numbering in the thousands--and will culminate with the fifty-seventh Annual Marine parade on April 19, 2009; and

WHEREAS, This year's Festival royalty includes Queen Melanie Stambaugh, Emerald Ridge High School; Princesses Melissa Weiner, Bethel High School; Danika Wilcoxson, Bonney Lake High School; Meredith Gallion, Cascade Christian High School; Gabriella Traido, Chief Leschi High School; Wendy Taduran, Clover Park High School; Jessica Larsen, Curtis High School; Hayley Larson, Eatonville High School; Colleen Phillips, Fife High School; Kirsten Nee, Franklin Pierce

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

High School; Brandy Winter, Graham-Kapowsin High School; Anna Chow, Henry Foss High School; Maili Dellinger, Lakes High School; Abigail Smith, Lincoln High School; Jessica Madden, Mt. Tahoma High School; Lindsey Withers, Orting High School; Robyn Olson, Puyallup High School; Jin Stedje, Rogers High School; Gerianne Perkins, Spanaway Lake High School; Myranda Morris, Stadium High School; Shelby Parkin, Sumner High School; Courtney Schumacher, Wilson High School; and Saige Jennings, Washington High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past seventy-six years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2009 Daffodil Festival Officers and to the members of the Festival Royalty.

Senator Kastama spoke in favor of adoption of the resolution.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. I just wanted to say thank you to all the Daffodil Princesses and Queens here today. Growing up in Enumclaw in the 60's as well we always went to Tacoma, Puyallup and Sumner and Orting and went to every parade every year. A lot of our families, a lot of our kids that we were in 4H and rode in parades, we rode our horses in the parades and what a day that was to go to the parade. I want to thank each and every one of you for being here and tell you what a neat history this has been for the whole state of Washington and what an honor it is to see you here today. Thank you."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the 2009 Daffodil Festival Royal Court who were present at the bar of the Senate.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced officers of the 2009 Daffodil Festival, President, Brad Stevens; Queen Mother Carrie Swanlund and other Daffodil officers and chaperones who were seated in the gallery.

With permission of the Senate, business was suspended to allow Miss Melanie Stambaugh, the 2009 Daffodil Queen' to address the Senate.

REMARKS BY MELANIE STAMBAUGH

Melanie Stambaugh: "Thank you so much and good morning. I would like to begin by thanking Lieutenant Governor, Brad Owen for allowing us to be here today. I know all the Princesses and myself are so excited to be on the Senate floor. I would also like to thank Senator Kastama for the proclamation because it is very important to the Daffodil Festival and continuing this amazing tradition in the Pierce County area. It is lovely to be back at the state legislature. I was a House page. Please do not be offended at the House. I wish I could have been a Senate page. It would have been very fun as well. I enjoyed walking in this morning and getting to remember all of the exciting memories I had and a few of the princesses were also pages and getting to share in those memories and

remembered really the tradition and seeing the pages that are here as well and seeing this continuing legacy. It reminds me of the Daffodil parade, the Daffodil tradition that also has a similar legacy in the youth of the Pierce County and just how amazing and inspirational it is. I know for me as a senior as well as all the other girls, the Daffodil Festival has helped us in so many ways. It has given us opportunities to like a daffodil, blossom into the people that we're going to be going into college as well as into our careers. I know that some of the girls are aspiring to go to places like New York University and MIT, University of Washington, Pacific Lutheran University. There are a host of different tracks that the girls are all desiring to go on and it is because of the Daffodil Festival that they are able to reach our dreams. Thank you so much for supporting the festival. It is amazing and this year also today is a memorable day because it's not only a day that we get to be here but it's the first day of Spring. So, we are excited to swing into spring with our theme this year and be here with you all and thank you for your support because without it the Daffodil Festival could truly not impact the community how it does. We represent twenty-three high schools in the Pierce County area and we are a light for all the students and younger students. I remember as a freshman seeing the senior high Daffodil Princess for the high school and really inspiring to be that one day and it's exciting to see how I've been able to track the activities that I have been involved in to be able to become a Princess and then to become Queen. I know each of the girls have done the same thing. So thank you so much for supporting the Daffodil Festival and we hope to see you, hopefully in Tacoma, Puyallup, Sumner or Orting on April 4 to see us as we go by in the parade. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Representatives from the United Kingdom, Lord Oxburgh, Member of the House of Lords, Mr. Colin Challen, Member of Parliament, The Honorable Annabelle Malins, Consul for Science and Innovation, British Consulate General in San Francisco; Ms. Jane Kozinski, Senior Policy Advisor on Climate Change for the British Embassy's Climate Change and Energy Team; Mr. Tim McRae, Western U. S. Climate Change and Energy Advisor to the British Consul General in San Francisco and Ms. Carly Baker, Communications and Research Officer for the Climate Change & Energy Team for the British Embassy in Washington who were seated in the gallery.

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:48 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9073, Yvonne Lopez Morton, as a Chair of the Human Rights Commission, be confirmed.

Senator Marr spoke in favor of the motion.

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Brandland, Senators Benton, McCaslin, Pflug and Roach were excused.

MOTION

On motion of Senator Marr, Senators Brown, Jacobsen and Kohl-Welles were excused.

APPOINTMENT OF YVONNE LOPEZ MORTON

The President declared the question before the Senate to be the confirmation of gubernatorial appointment No. 9073, Yvonne Lopez Morton as a Chair of the Human Rights Commission.

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9073, Yvonne Lopez Morton as a Chair of the Human Rights Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach

Gubernatorial Appointment No. 9073, Yvonne Lopez Morton, having received the constitutional majority was declared confirmed as Chair of the Human Rights Commission.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 18, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5130 with the following amendment: 5130-S AMH ARMS OBRT 048

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 42.56 RCW to read as follows:

(1) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(2) In deciding whether to enjoin a request under subsection (1) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

(b) The type of record or records sought;

(c) Statements offered by the requestor concerning the purpose for the request;

(d) Whether disclosure of the requested records would likely harm any person or vital government interest;

(e) Whether the request seeks a significant and burdensome number of documents;

(f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others; and

(g) The deterrence of criminal activity.

(3) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:

(a) The same requestor; or

(b) An entity owned or controlled in whole or in part by the same requestor.

(4) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5130. Senator Carrell spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5130.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5130 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5130, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5130, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette,

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach

SUBSTITUTE SENATE BILL NO. 5130, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 18, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5344 with the following amendment: 5344-S.E AMH EPAR H2647.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the northern coast of the Olympic Peninsula and Washington's west coast from Cape Flattery south to Cape Disappointment:

(a) Possess uniquely rich and highly vulnerable biological, marine, and cultural resources supporting some of the nation's most valuable commercial, sport, and tribal fisheries;

(b) Sustain endangered species and numerous species of vulnerable marine mammals; and

(c) Are internationally recognized through extraordinary designations including a world heritage site, a national park, a national marine sanctuary, national wildlife refuges, a maritime area off-limits to shipping, and tribal lands and fishing areas of federally recognized coastal Indian tribes.

(2) The legislature further finds that these coasts are periodically beset by severe storms with dangerously high seas and by strong currents, obscuring fog, and other conditions that imperil vessels and crews. When vessels suffer damage or founder, the coasts are likewise imperiled, particularly if oil is spilled into coastal waters. Oil spills pose great potential risks to treasured resources.

(3) The legislature further finds that Washington has maintained an emergency response tug at Neah Bay since 1999 to protect state waters from maritime casualties and resulting oil spills. The tug is necessary because of the peculiarities of local waters that call for special precautionary measures. The tug has demonstrated its necessity and capability by responding to forty-two vessels in need of assistance. State funding for the tug is scheduled to end June 30, 2009.

(4) The legislature intends that the maritime industry should provide and fully fund at least one year-round emergency response tug at Neah Bay, with necessary logistical and operational support, and that any tug provided by the maritime industry pursuant to this act should meet or exceed technical performance requirements specified in the state's fiscal year 2009 contract for the Neah Bay emergency response tug.

Sec. 2. RCW 88.46.130 and 1991 c 200 s 426 are each amended to read as follows:

(1) By July 1, 2010, the owner or operator of a covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks light, shall establish and fund an emergency response system ((for the Strait of Juan de Fuca shall be established by July 1, 1992)) that provides for an emergency response towing vessel to be stationed at Neah Bay. ((In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.))

(2) Any emergency response towing vessel provided under this section must:

(a) Be available to serve vessels in distress in the Strait of Juan de Fuca and off of the western coast of the state from Cape Flattery light in Clallam county south to Cape Disappointment light in Pacific county; and

(b) Meet the requirements specified in section 3 of this act.

(3) In addition to meeting requirements specified in RCW 88.46.060, contingency plans for covered vessels operating in the Strait of Juan de Fuca must provide for the emergency response system required by this section. Documents describing how compliance with this section will be achieved must be submitted to the department by December 1, 2009. An initial contingency plan submitted to the department after December 1, 2009, must be accompanied by documents demonstrating compliance with this section.

(4) The requirements of this section are met if:

(a) Owners or operators of covered vessels provide an emergency response towing vessel that complies with subsection (2) of this section; or

(b) The United States government implements a system of protective measures that the department determines to be substantially equivalent to the requirements of this section as long as the emergency response towing vessel required by this section is stationed at Neah Bay.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

(1) An emergency response towing vessel that is a part of the emergency response system required by RCW 88.46.130 must be stationed at Neah Bay and be available to respond to vessel emergencies. The towing vessel must be able to satisfy the following minimum planning standards:

(a) Be underway within twenty minutes of a decision to deploy;

(b) Be able to deploy at any hour of any day to provide emergency assistance within the capabilities of the minimum planning standards and be safely manned to remain underway for at least forty-eight hours;

(c) In severe weather conditions, be capable of making up to, stopping, holding, and towing a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons;

(d) In severe weather conditions, be capable of holding position within one hundred feet of another vessel;

(e) Be equipped with and maneuverable enough to effectively employ a ship anchor chain recovery hook and line throwing gun;

(f) Be capable of a bollard pull of at least seventy short tons; and

(g) Be equipped with appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(2) The requirements of this section may be fulfilled by one or more private organizations or nonprofit cooperatives providing umbrella coverage under contract to single or multiple covered vessels.

(3)(a) The department must be authorized to contract with the emergency response towing vessel, at the discretion of the department, in response to a potentially emerging maritime casualty or as a precautionary measure during severe storms. All instances of use by the department must be paid for by the department.

(b) Covered vessels that are required to provide an emergency response towing vessel under RCW 88.46.130 may not restrict the emergency response towing vessel from responding to distressed vessels that are not covered vessels.

(4) Nothing in this section limits the ability of a covered vessel to contract with an emergency response towing vessel with capabilities that exceed the minimum capabilities provided for a towing vessel in this section.

(5) The covered vessel owner or operator shall submit a written report to the department as soon as practicable regarding an emergency response system deployment, including photographic documentation determined by the department to be of adequate quality. The report must provide a detailed description of the incident necessitating a response and the actions taken to render assistance under the emergency response system.

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

(1) It is the intent of the legislature to provide the various components of the maritime industry with the tools necessary to satisfy the requirements of RCW 88.46.130 in the most cost-effective manner. In doing, the legislature encourages, but does not mandate, the maritime industry to unite behind their mutual interests and responsibilities and identify or form a single umbrella organization that allows all affected covered vessels to equitably share the costs inherent in the implementation of RCW 88.46.130.

(2) The legislature further finds that, given the broad range of covered vessel types and sizes, an equitable sharing of the costs of implementing RCW 88.46.130 will likely mean that not all covered vessels will be responsible for providing the same amount of funding. Any umbrella organization that is identified or formed to satisfy the requirements of this act should consider the multitude of factors that comprise the risk of vessel emergencies and the likelihood of initiating a response from the emergency response vessel required by RCW 88.46.130.

(3) The legislature intends to provide the authority for any operator of a covered vessel that feels as though an umbrella organization that is identified, formed, or proposed for formation does not equitably share the costs of compliance with RCW 88.46.130 with the covered vessel in question, or the class of vessel to which the covered vessel belongs, to either contract directly with an adequate emergency response vessel or form or join a discreet umbrella organization representing the appropriate segment of the maritime industry. However, if the operator of a covered vessel chooses not to join a proposed or existing umbrella organization, or finds that negotiations leading to the formation of an umbrella organization are not progressing in an adequate manner, the legislature requests, but does not require, that the vessel operator contact the department and provide official notice of their concern as to how the umbrella group in question failed in establishing an equitable cost-share strategy.

(4) The department shall collect and maintain all notices received under this section and shall summarize any reports received by the operators of covered vessels and report the summation to the appropriate committees of the legislature upon request by a legislative committee.

NEW SECTION. Sec. 5. (1) Designated representatives of the owners and operators of all classes of covered vessels shall negotiate, given the intent of section 4 of this act, a system to determine the equitable apportionment of costs of the emergency response system required by this act.

(2) Participants to the negotiations shall provide interim progress reports to the appropriate committees of the legislature by October 31, 2009, and again by December 1, 2009, the latter date coinciding with the deadline for contingency plans for covered vessels operating in the Strait of Juan de Fuca to provide for the emergency response system required by RCW 88.46.130. These reports shall provide available information relating to:

(a) The anticipated average annual cost of providing the emergency response system;

(b) The methodology for determining the anticipated average annual cost for each class of covered vessel, including:

(i) A system for crediting enhanced navigational or structural characteristics;

(ii) Appropriate limits on total cost for vessels that frequently transit the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks light; and

(iii) Consideration of current economic conditions; and

(c) Any impediment to equitable apportionment of costs.

(3) As used in this section, "class of covered vessel" means:

(a) Oil tankers;

(b) Tank barges;

(c) Tug and oil barge combinations;

(d) Cargo vessels;

(e) Passenger vessels; and

(f) Other covered vessels.

(4) If the representatives designated under this section to participate in negotiations fail to achieve the goals of this section or otherwise choose not to report the outcomes to the legislature, the department of ecology shall, by December 1,

2009, deliver the summation of any reports received under section 4 of this act.

(5) This section expires June 30, 2010.

NEW SECTION. Sec. 6. A new section is added to chapter 88.46 RCW to read as follows:

(1) As part of reviewing contingency plans submitted under RCW 88.46.130, the department may determine the adequacy of the emergency response system required in RCW 88.46.130 through practice drills that test compliance with the requirements of section 3 of this act. Practice drills may be conducted without prior notice.

(2) Each successful response to a vessel emergency may be considered by the department to satisfy a drill covering this portion of a covered vessel's contingency plan.

(3) Drills of the emergency response system required in RCW 88.46.130 must emphasize the system's ability to respond to a potentially worst case vessel emergency scenario.

Sec. 7. RCW 88.46.010 and 2007 c 347 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at atmospheric temperature and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Race Rocks light" means the nautical landmark located southwest of the city of Victoria, British Columbia.

(19) "Severe weather conditions" means observed nautical conditions with sustained winds measured at forty knots and wave heights measured between twelve and eighteen feet.

(20) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

~~((19))~~ (21) "Spill" means an unauthorized discharge of oil into the waters of the state.

~~((20))~~ (22) "Strait of Juan de Fuca" means waters off the northern coast of the Olympic Peninsula seaward of a line drawn from New Dungeness light in Clallam county to Discovery Island light on Vancouver Island, British Columbia, Canada.

(23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

~~((21))~~ (24) "Vessel emergency" means a substantial threat of pollution originating from a covered vessel, including loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, and seakeeping capability.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

~~((22))~~ (26) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 8. (1) The director of the department of ecology, or the director's designee, shall initiate discussions

with the director's equivalent position in the government for the Canadian province of British Columbia to explore options for Washington and British Columbia to share the marine response assets required under this act.

(2) Any progress or outcomes from the discussions initiated under this section must be reported to the appropriate committees of the legislature no later than January 1, 2011.

(3) This section expires July 31, 2011.

Sec. 9. RCW 90.56.500 and 1991 c 200 s 805 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The account shall be used exclusively to pay for:

(a) The costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state; and

(b) The costs associated with the department's use of the emergency response towing vessel as described in section 3 of this act.

(3) Payment of response costs under subsection (2)(a) of this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars.

(4) Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

~~((1))~~ (a) Natural resource damage assessment and related activities;

~~((2))~~ (b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

~~((3))~~ (c) Interagency coordination and public information related to a response; and

~~((4))~~ (d) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5344.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5344.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5344 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House.

Senator Delvin spoke against passage of the bill.

ROLL CALL

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 4; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Honeyford, Morton and Schoesler

Excused: Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5671 with the following amendment: 5671-S. E AMH FII H2640.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 The purpose of this act is to permit and set standards for producers and insurers selling annuity products issued after the effective date of this section that ensure consumers purchase annuities suitable to their financial and insurance needs and life circumstances.

NEW SECTION. Sec. 2. A new section is added to chapter 48.23 RCW to read as follows:

(1) For the purposes of this section:

(a) "Annuity" means a fixed annuity or variable annuity that is individually solicited, whether the product is classified as an individual or group annuity.

(b) "Recommendation" means advice provided by an insurance producer, or an insurer when no producer is involved, to an individual consumer that results in a purchase or exchange of an annuity in accordance with that advice.

(2) Insurers and insurance producers must comply with the following requirements in recommending and executing a purchase or exchange of an annuity:

(a) In recommending the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions to a consumer, the insurance producer, or the insurer when no producer is involved, must have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer about their investments and other insurance products and as to their financial situation and needs.

(b) Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an insurance producer, or an insurer when no producer is involved, shall make reasonable efforts to obtain information concerning:

(i) The consumer's financial status;

(ii) The consumer's tax status;

(iii) The consumer's investment objectives; and

(iv) Other information used or considered to be reasonable by the insurance producer, or the insurer when no producer is involved, in making recommendations to the consumer.

(3) An insurer or insurance producer's recommendation must be reasonable under all circumstances actually known to the

insurer or insurance producer at the time of the recommendation. Neither an insurance producer nor an insurer when no producer is involved, has any obligation to a consumer under subsection (2) of this section related to any recommendation if a consumer:

(a) Refuses to provide relevant information requested by the insurer or insurance producer;

(b) Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or insurance producer; or

(c) Fails to provide complete or accurate information.

(4) An insurer must assure that a system to supervise recommendations, reasonably designed to achieve compliance with this section, is established and maintained. The system must include, but is not limited to, written procedures and conducting periodic review of its records that are reasonably designed to assist in detecting and preventing violations of this section.

(a) An insurer may contract with a third party, including insurance producers, a general agent, or independent agency, to establish and maintain a system of supervision as required in this subsection with respect to insurance producers under contract with or employed by the third party. An insurer must make reasonable inquiry to assure that the third party is performing the functions required in this subsection and must take action as is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

(i) Annually obtaining a certification from a third party senior manager with responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions; and

(ii) Based on reasonable selection criteria, periodically selecting third parties contracting under this subsection for a review to determine whether the third parties are performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

(b) An insurer, or the contracted third party if a general agent or independent agency, is not required to:

(i) Review, or provide for review of, all insurance producer solicited transactions; or

(ii) Include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer, general agent, or independent agency.

(c) A general agent or independent agency contracting with an insurer to supervise compliance with this section shall promptly, when requested by the insurer, give a certification of compliance or give a clear statement that it is unable to meet the certification criteria. A person may not provide a certification unless the person:

(i) Is a senior manager with responsibility for the delegated functions; and

(ii) Has a reasonable basis for making the certification.

(5) Compliance with the financial industry regulatory authority conduct rules pertaining to suitability satisfies the requirements under this section for the recommendation of annuities registered under the securities act of 1933 (15 U.S.C. Sec. 77(a) et seq. or as hereafter amended). The insurance commissioner must notify the appropriate committees of the house of representatives and senate if there are changes regarding the registration of annuities under the securities act of 1933 that affect the application of this subsection. This subsection does not limit the insurance commissioner's ability to enforce this section.

SIXTY-EIGHTH DAY, MARCH 20, 2009

2009 REGULAR SESSION

(6) The commissioner may order an insurer, an insurance producer, or both, to take reasonably appropriate corrective action for any consumer harmed by the insurer's or insurance producer's violation of this section.

(a) Any applicable penalty under this or other sections of Title 48 RCW may be reduced or eliminated by the commissioner if corrective action for the consumer was taken promptly after a violation was discovered.

(b) This subsection does not limit the commissioner's ability to enforce this section or other applicable sections of Title 48 RCW.

(7) Insurers and insurance producers must maintain or be able to make available to the commissioner records of the information collected from the consumer and other information used in making the recommendations that were the basis for the insurance transaction for five years after the insurance transaction is completed by the insurer, or for five years after the annuity begins paying benefits, whichever is longer. An insurer is permitted, but is not required, to maintain documentation on behalf of an insurance producer. This section does not relieve an insurance producer of the obligation to maintain records of insurance transactions as required by RCW 48.17.470.

(8) The commissioner may adopt rules to implement and administer this section.

(9) Unless otherwise specifically included, this section does not apply to recommendations involving:

(a) Direct response solicitations when there is no recommendation based on information collected from the consumer under this section; or

(b) Contracts used to fund:

(i) An employee pension or welfare benefit plan that is covered by the employment and income security act;

(ii) A plan described by sections 401(a), 401(k), 403(b), 408(k), or 408(p) of the internal revenue code, as amended, if established or maintained by an employer;

(iii) A government or church plan defined in section 414 of the internal revenue code, a government or church welfare benefit plan or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the internal revenue code;

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(v) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

(vi) Formal prepaid funeral contracts.

(10) This section does not affect the application of chapter 21.20 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5671.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5671.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5671 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1562, by Representatives Liias, Priest, Quall, Sullivan, Kenney, Simpson, McCune and Ormsby

Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1562.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1562 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kastama

Excused: Senators Benton, Brown, Jacobsen, McCaslin, Pflug and Roach

HOUSE BILL NO. 1562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SIXTY-EIGHTH DAY, MARCH 20, 2009

At 11:11 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:18 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5130,

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,

MOTION

At 1:21 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, March 23, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 23, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 19, 2009

SHB 1170 Prime Sponsor, Committee on Judiciary: Modifying parenting plans based on the military service of a parent. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1171 Prime Sponsor, Representative Sullivan: Changing Washington beer commission provisions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

March 20, 2009

SHB 1201 Prime Sponsor, Committee on Human Services: Establishing the community integration assistance program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1238 Prime Sponsor, Representative Appleton: Allowing the Washington center for court research and the office of public defense to access juvenile case records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1281 Prime Sponsor, Representative Hurst: Addressing the rights of victims, survivors, and witnesses of crimes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

March 20, 2009

SHB 1283 Prime Sponsor, Committee on Environmental Health: Modifying provisions regarding the operators of public water supply systems. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 20, 2009

SHB 1323 Prime Sponsor, Committee on Community & Economic Development & Trade: Providing for coordination of workforce and economic development. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1369 Prime Sponsor, Committee on Local Government & Housing: Addressing county elected officials keeping offices at the county seat. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1395 Prime Sponsor, Representative Wallace: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1433 Prime Sponsor, Representative Liias: Addressing liability for damages to state property resulting from the illegal operation of a vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

March 19, 2009

ESHB 1441 Prime Sponsor, Committee on Commerce & Labor: Concerning the contractual relationships between distributors and producers of malt beverages. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 19, 2009

EHB 1461 Prime Sponsor, Representative Bailey: Regarding options for determining the pay periods for county employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1462 Prime Sponsor, Representative Williams: Regarding malt liquor sold by beer and/or wine specialty shops. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1474 Prime Sponsor, Representative Orcutt: Changing border county opportunity program provisions. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1475 Prime Sponsor, Representative Orcutt: Requiring state agency rule-making information to be posted on each state agency's web site. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1498 Prime Sponsor, Representative Hunter: Concerning provisions governing firearms possession by persons who have been involuntarily committed. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

March 20, 2009

SHB 1505 Prime Sponsor, Committee on Human Services: Authorizing diversion for sexually exploited juveniles. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

March 19, 2009

EHB 1513 Prime Sponsor, Representative Haler: Allowing municipalities to participate in financing the development of water or sewer facility projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

SEVENTY-FIRST DAY, MARCH 23, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1536 Prime Sponsor, Representative Clibborn: Concerning permits for and advertising by household goods carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

March 20, 2009

2SHB 1580 Prime Sponsor, Committee on General Government Appropriations: Establishing a pilot local water management program in one qualified jurisdiction. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 19, 2009

HB 1589 Prime Sponsor, Representative Green: Addressing venue for hearings to modify or revoke an order for conditional release. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1640 Prime Sponsor, Representative Kessler: Modifying disclosure requirements for private investment information received by the University of Washington consolidated endowment fund. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

HB 1789 Prime Sponsor, Representative Dammeier: Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders. (REVISED FOR PASSED LEGISLATURE: Allowing the department of corrections to approve jail certifications from a correctional agency in the calculation of release dates for offenders.) (REVISED FOR PASSED LEGISLATURE: Allowing the department of corrections to approve jail

certifications from correctional agencies in the calculation of release dates for offenders.) Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1812 Prime Sponsor, Committee on Commerce & Labor: Concerning wine labels. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 1843 Prime Sponsor, Committee on Transportation: Addressing motor carrier regulation and compliance review. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

March 19, 2009

EHB 1965 Prime Sponsor, Representative Hunt: Granting leave to employees with sensory disabilities to attend service animal training. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 19, 2009

EHB 2040 Prime Sponsor, Representative Conway: Concerning the work of the joint select committee on beer and wine regulation. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 19, 2009

SHB 2042 Prime Sponsor, Committee on Community & Economic Development & Trade: Concerning the incentive in

SEVENTY-FIRST DAY, MARCH 23, 2009

2009 REGULAR SESSION

the motion picture competitiveness programs. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 20, 2009

ESHB 2116 Prime Sponsor, Committee on Capital Budget: Concerning water pollution control. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 20, 2009

HJM 4000 Prime Sponsor, Representative O'Brien: Requesting passage of the federal act to restore payment of county health care costs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Kauffman.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 20, 2009

SGA 9010 RICK S BENDER, reappointed on October 26, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9037 MARC GASPARD, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9064 KEITH L KESSLER, appointed on March 7, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9146 DENNY HECK, appointed on January 2, 2009, for the term ending September 30, 2010, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9148 FAWN SHARP-MALVINI, reappointed on October 1, 2008, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9150 TED BASELER, appointed on February 9, 2009, for the term ending September 30, 2014, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education & Workforce Development

SEVENTY-FIRST DAY, MARCH 23, 2009

2009 REGULAR SESSION

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9152 BRUCE L LACHNEY, appointed on February 9, 2009, for the term ending September 30, 2009, as Member of the Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9153 JOHN K MCVAY, appointed on October 20, 2008, for the term ending March 26, 2012, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9157 ANNETTE SANDBERG, appointed on January 29, 2009, for the term ending September 30, 2014, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 20, 2009

SGA 9160 LARRY SANCHEZ, reappointed on March 5, 2009, for the term ending September 30, 2013, as Member of the Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

March 20, 2009
SGA 9161 BETTY J COBBS, appointed on February 27, 2009, for the term ending September 30, 2013, as Member of the Board of Trustees, Everett Community College District No. 5. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Jacobsen; Kastama; McAuliffe; Shin and Stevens.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 20, 2009

MR. PRESIDENT:
The Speaker has signed the following:
SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6126 by Senators Prentice and Tom

AN ACT Relating to boxing, martial arts, and wrestling events; and amending RCW 67.08.050, 67.08.055, 67.08.105, and 43.24.150.

Referred to Committee on Ways & Means.

SB 6127 by Senators Sheldon, Hargrove and Hatfield

AN ACT Relating to extending normal timber harvest termination dates; amending RCW 79.15.100; providing an effective date; providing an expiration date; and declaring an emergency.

SEVENTY-FIRST DAY, MARCH 23, 2009

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator McDermott, the Senate adjourned until 12:00 noon, Tuesday, March 24, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 24, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2009

SB 6002 Prime Sponsor, Senator Keiser: Abolishing the Washington state quality forum. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Keiser; Kohl-Welles; McDermott; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Oemig.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 6108 Prime Sponsor, Senator Prentice: Allowing the state lottery to enter into agreements to conduct multistate shared games. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6108 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Honeyford; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Fairley and Murray.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1063 Prime Sponsor, Representative Takko: Removing the termination date for the salmon and steelhead recovery program under RCW 77.85.200. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1110 Prime Sponsor, Committee on Education: Prohibiting advertising and marketing to students receiving home-based instruction and their parents. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1215 Prime Sponsor, Committee on Commerce & Labor: Modifying motor vehicle warranty provisions. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; King and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1250 Prime Sponsor, Committee on Capital Budget: Concerning the housing trust fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford; Parlette; Pflug and Schoesler.

SEVENTY-SECOND DAY, MARCH 24, 2009

2009 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Hewitt.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1288 Prime Sponsor, Representative Upthegrove: Exempting the annual parental declaration of intent to home school from the public disclosure act. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 23, 2009

ESHB 1326 Prime Sponsor, Committee on Agriculture & Natural Resources: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1380 Prime Sponsor, Representative Liias: Changing the county population requirement in order for a county to lease space with an option to purchase. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1437 Prime Sponsor, Representative Dammeier: Authorizing a volunteer chaplain for the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1456 Prime Sponsor, Representative Dunshee: Preventing the conversion of certain natural resource lands. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

2SHB 1484 Prime Sponsor, Committee on Capital Budget: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species. (REVISED FOR PASSED LEGISLATURE: Regarding habitat open space.) Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1506 Prime Sponsor, Representative Conway: Providing benefits for the survivors of certain firefighters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 23, 2009

ESHB 1516 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the recovery of gear used in the coastal Dungeness crab fishery. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1517 Prime Sponsor, Representative Darneille: Changing requirements for the restoration of the right to vote for people convicted of felonies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

SEVENTY-SECOND DAY, MARCH 24, 2009

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker.

operating agencies and public utility districts.) Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

March 23, 2009

HB 1527 Prime Sponsor, Representative Kessler: Concerning medicaid payment rates for boarding homes. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1733 Prime Sponsor, Committee on Finance: Concerning the property tax current use valuation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

March 23, 2009

HB 1569 Prime Sponsor, Representative Liias: Establishing local public works assistance funds. Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1765 Prime Sponsor, Committee on Health Care & Wellness: Concerning the license surcharge for the impaired physician program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

March 23, 2009

HB 1578 Prime Sponsor, Representative Driscoll: Regarding the board of directors of an air pollution control authority. Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

2SHB 1797 Prime Sponsor, Committee on General Government Appropriations: Examining rural and resource lands. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

March 23, 2009

SHB 1595 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the transfer of certain state forest lands. Reported by Committee on Natural Resources, Ocean & Recreation

MINORITY recommendation: Do not pass. Signed by Senator Roach.

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

March 23, 2009

EHB 1728 Prime Sponsor, Representative Takko: Regarding the issuance of checks by joint operating agencies and public utility districts. (REVISED FOR ENGROSSED: Regarding the payment of claims or obligations by joint

HB 1852 Prime Sponsor, Representative Appleton: Modifying provisions relating to record checks using fingerprints. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early

SEVENTY-SECOND DAY, MARCH 24, 2009

2009 REGULAR SESSION

Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1953 Prime Sponsor, Committee on Ways & Means: Allowing department of fish and wildlife enforcement officers to transfer service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1957 Prime Sponsor, Committee on Capital Budget: Identifying qualified applicants and procedures within the Washington wildlife and recreation program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1972 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding access to information for outdoor recreation and wildlife viewing opportunities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 2117 Prime Sponsor, Representative Cody: Modifying the basic health plan. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: Do not pass. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

March 23, 2009

HB 2199 Prime Sponsor, Representative Newhouse: Providing regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1595 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 23, 2009

MR. PRESIDENT:

The House has passed the following bill:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 24, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 24, 2009

MR. PRESIDENT:

The Speaker has signed the following:
HOUSE BILL NO. 1562,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1562,

MOTION

On motion of Senator McDermott, the Senate advanced to the eighth order of business.

MOTION

SEVENTY-SECOND DAY, MARCH 24, 2009

2009 REGULAR SESSION

Senator Hatfield moved adoption of the following resolution:

SENATE RESOLUTION
8644

By Senators Hatfield, Schoesler, Delvin, Holmquist, Haugen, Jacobsen, Shin, Morton, Becker, Hobbs, Murray, Ranker, and Brandland

WHEREAS, Families across Washington depend on the safe and nutritious dairy products provided by the dairy farmers of Washington state; and

WHEREAS, There are approximately 465 family dairy farms in Washington state with approximately 244,000 dairy cows; and

WHEREAS, Washington state ranks tenth in total milk production in the United States with 662 million gallons annually; and

WHEREAS, Washington ranks second in milk production per cow with 23,344 pounds of milk per year; and

WHEREAS, Milk is the second highest dollar-valued agricultural commodity produced in Washington, valued at 1.06 billion dollars; and

WHEREAS, Dairy farming has an annual economic impact of 4.25 billion dollars; and

WHEREAS, There are over 12,000 on-farm dairy jobs in 25 counties across Washington, and over 40,000 jobs in the dairy industry in total; and

WHEREAS, The Washington State Dairy Ambassadors for 2008-2009 are Ambassador Eryn Edwards of Olympia and alternate Ambassadors Trisha Dykstra, representing Skagit/Island Counties, and Adrienne Schoenbachler of Snohomish County; and

WHEREAS, Dairy Day at the legislature is March 11, 2009, when the legislators will visit with the dairy producers of the state and enjoy ice cream produced in Washington that will be handed out by the Washington State Dairy Federation, Washington State Dairy Women and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Eryn Edwards, alternate Ambassadors Adrienne Schoenbachler and Trisha Dykstra, and the Washington State Dairy Federation.

Senator Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

The motion by Senator Hatfield carried and the resolution was adopted by voice vote.

MOTION

Senator McDermott moved adoption of the following resolution:

SENATE RESOLUTION
8650

By Senators Kilmer and McAuliffe

WHEREAS, The students selected for special recognition as Washington Scholars and Washington Scholars-Alternate in 2009 have distinguished themselves as exceptional students,

student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor four outstanding seniors from each of the state's forty-nine Legislative Districts, three scholars and one alternate, for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars and the Washington Scholars-Alternate selected in 2009.

Senator McDermott spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator McDermott carried and the resolution was adopted by voice vote.

MOTION

Senator Morton moved adoption of the following resolution:

SENATE RESOLUTION
8651

By Senator Morton

WHEREAS, British Columbia and Washington State share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve mutual goals, including British Columbia working together with Whatcom County officials to secure and streamline the border crossing and transportation throughout the region for the 2010 Winter Olympics in British Columbia; and

WHEREAS, The primary purpose of the Washington State Constitution is the education of our youth in order to prepare them to lead us into the future; and

WHEREAS, British Columbia recognizes the importance and value of quality civic education; and

SEVENTY-SECOND DAY, MARCH 24, 2009

2009 REGULAR SESSION

WHEREAS, Washington State and British Columbia sponsor nationally renowned legislative internship programs; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State House of Representatives or Senate; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, British Columbia parliamentary internship offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislature firsthand; and

WHEREAS, Interns acquire skills and knowledge they can apply in the chosen careers and future life experiences that will further contribute to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, For the seventh year British Columbia and Washington State Legislative interns have participated in an exchange program to explore and learn about each other's history and government processes; and

WHEREAS, We welcome the British Columbia Parliamentary interns to the Washington State Legislature and commend their numerous academic achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hardworking and dedicated British Columbian Parliamentary intern program facilitators: Karen Aitken and Jacqueline Quesnel, as well as the British Columbian Parliamentary interns: James Bagan, Shawn Courtney, James Cybulski, Jennifer Goad, Michael Gudaitis, Niya Karpenko, Andrew Kurjata, Emily-Anne Paul, Marie Perry, and Erin Rennie, and extending our deepest gratitude to our own Legislative intern Coordinators, Judi Best and Samantha Barrera for putting together such excellent programs; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the British Columbian Parliamentary internship participants here today.

Senator Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Morton carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Kilmer: Thank you, unfortunately the chair of the Higher Ed committee had us go long today so unfortunately we weren't able to come and say a few words on behalf of the resolution that was heard earlier. I say that as the Chair of the Higher Ed Committee whose the guilty party. I'd like to say briefly on the resolution dealing with the Washington Scholars Program. What a terrific program that is as a means of recognizing the hard work of our high school students throughout the state. I actually myself was a Washington Scholar and my brothers were as well and it provided them with an opportunity to go to college in this state and helped them cover some of the cost and I think that's a real asset when we can invest in the future of the kids of our state. So, with that I thank the body for their support of the resolution and I beg of the President's indulgence for haven been late. Thank you."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you I'd like to speak if I may on the senate resolution that was heard earlier, 8650 honoring the Scholars and due to the chair of Higher Education I'm late too.

So, I do want to recognize these students who will be our leaders of tomorrow. They are exceptional students. They are community volunteers and they are caring and gifted individuals. I feel very confident with these young scholars moving through our schools that they will be the leaders of tomorrow and we honor them and recognize the work that they do. Thank you Mr. President."

MOTION

At 12:08 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Wednesday, March 25, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-THIRD DAY, MARCH 25, 2009

2009 REGULAR SESSION

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 25, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Paul Roth and Imani Kemp, presented the Colors. Reverend Tom Darling of Bellingham, Chaplain of the Washington Sate Chapter of the Veterans of Foreign Wars offered the prayer.

MOTION

On motion of Senator Eide, pursuant to Senate Rule 46, the Education Committee was granted special leave to meet during the floor session.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2009

SB 5073 Prime Sponsor, Senator Zarelli: Improving budget transparency by consolidating accounts into the state general fund. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5073 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kohl-Welles; McDermott; Oemig; Parlette; Pflug; Regala and Rockefeller.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 6082 Prime Sponsor, Senator Pridemore: Regarding forest fire protection assessment refunds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6082 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Hewitt; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Parlette and Pflug.

Passed to Committee on Rules for second reading.

March 24, 2009

E2SHB 1007 Prime Sponsor, Committee on Capital Budget: Creating a sustainable energy trust. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Hatfield; Marr; Morton and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Holmquist.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1036 Prime Sponsor, Committee on Judiciary: Concerning the Washington code of military justice. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1048 Prime Sponsor, Representative Simpson: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1067 Prime Sponsor, Committee on Judiciary: Creating the uniform limited partnership act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 24, 2009

E2SHB 1078 Prime Sponsor, Committee on General Government Appropriations: Concerning exchange facilitators. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

SEVENTY-THIRD DAY, MARCH 25, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1103 Prime Sponsor, Committee on Judiciary: Concerning the estates of vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1137 Prime Sponsor, Representative Finn: Protecting landowners' investments in Christmas trees. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1158 Prime Sponsor, Representative Goodman: Allowing electronic signatures on juror questionnaires. (REVISED FOR PASSED LEGISLATURE:) (REVISED FOR PASSED LEGISLATURE: Allowing electronic signatures on juror declarations.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1184 Prime Sponsor, Representative Chase: Extending the loan repayment period for municipally funded conservation projects. (REVISED FOR PASSED LEGISLATURE: Extending the loan repayment period for conservation projects funded by municipal utilities and public utility districts.) Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1205 Prime Sponsor, Committee on Ways & Means: Adding one judge to division two of the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 24, 2009

E2SHB 1208 Prime Sponsor, Committee on Finance: Concerning property tax administration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1225 Prime Sponsor, Committee on Transportation: Clarifying the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1254 Prime Sponsor, Committee on Agriculture & Natural Resources: Creating the Washington grain commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1295 Prime Sponsor, Representative Warnick: Annexing areas used for agricultural fairs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1328 Prime Sponsor, Committee on Higher Education: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 24, 2009

2SHB 1355 Prime Sponsor, Committee on Ways & Means: Establishing the opportunity internship program for high school students. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Jacobsen; Kastama; McAuliffe and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Stevens.

SEVENTY-THIRD DAY, MARCH 25, 2009

2009 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Hewitt and Pflug.

Passed to Committee on Ways & Means.

March 24, 2009

HB 1468 Prime Sponsor, Representative Sullivan: Requiring rural county library district boards in counties with populations of one million five hundred thousand or more to have seven appointed members. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 23, 2009

HB 1478 Prime Sponsor, Representative Orcutt: Addressing vehicle registrations for deployed military personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

March 24, 2009

2SHB 1522 Prime Sponsor, Committee on General Government Appropriations: Regarding repair and reuse of electronic products by registered collectors. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 1529 Prime Sponsor, Committee on Health Care & Wellness: Concerning telemedicine. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1572 Prime Sponsor, Committee on State Government & Tribal Affairs: Adopting all mail voting. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Oemig, Vice Chair.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1583 Prime Sponsor, Committee on Local Government & Housing: Modifying provisions relating to county auditors. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1621 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

E2SHB 1747 Prime Sponsor, Committee on Ways & Means: Reducing climate pollution in the built environment. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Holmquist; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Ways & Means.

March 24, 2009

SHB 1749 Prime Sponsor, Committee on Financial Institutions & Insurance: Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

ESHB 1752 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding the observation of election procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

SEVENTY-THIRD DAY, MARCH 25, 2009

EHB 1815 Prime Sponsor, Representative Sullivan: Concerning current use valuation under the property tax open space program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

March 24, 2009

ESHB 1847 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding bid limits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 24, 2009

2SHB 1946 Prime Sponsor, Committee on Education Appropriations: Regarding higher education online technology. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Ways & Means.

March 24, 2009

SHB 1981 Prime Sponsor, Committee on Finance: Modifying the rural county tax credit provided in chapter 82.62 RCW. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

March 24, 2009

SHB 1984 Prime Sponsor, Committee on Ecology & Parks: Authorizing the use of a safe alternative refrigerant in motor vehicle air conditioning equipment. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 23, 2009

SHB 2052 Prime Sponsor, Committee on Ways & Means: Delaying the implementation of the health insurance partnership. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Carrell; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 2275 Prime Sponsor, Committee on Finance: Providing a sales and use tax exemption for the nonhighway use of propane by farmers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

March 24, 2009

ESHB 2278 Prime Sponsor, Committee on Finance: Concerning the sales and use tax exemption for livestock nutrient management equipment and facilities. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 24, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RODGER E. SCHMITT, appointed March 6, 2009, for the term ending December 31, 2014, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SEVENTY-THIRD DAY, MARCH 25, 2009

2009 REGULAR SESSION

INTRODUCTION AND FIRST READING

SB 6128 by Senator Keiser

AN ACT Relating to taxation of little cigars; and amending RCW 82.26.010, 82.26.020, and 82.26.030.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2295 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Cody, Williams, Seaquist and Darneille)

AN ACT Relating to the organization of the department of social and health services; amending RCW 43.20A.090 and 71.24.360; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION
8605

By Senators Stevens, Becker, Holmquist, Parlette, Morton, McCaslin, Zarelli, Hewitt, Schoesler, Swecker, Carrell, Delvin, and Roach

WHEREAS, The state of Washington acknowledges Mr. Tom Darling for his honorable service as the National Chaplain for the Veterans of Foreign Wars, and Chaplain of Washington State; and

WHEREAS, Mr. Darling has provided encouragement and sacrificial care to the wartime veterans of this country and this state; and

WHEREAS, In the best traditions of the Department of Washington, the Legion of Honor Award was bestowed upon Mr. Darling for his service to veterans of all faiths; and

WHEREAS, The Veterans of Foreign Wars Post 1865 and the city of Kenosha, Wisconsin deemed it appropriate to commend Mr. Darling for his exemplary commitment to war veterans; and

WHEREAS, It is appropriate that Mr. Darling receive recognition for selflessly serving those who sacrifice on behalf of this great state and the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honor, thank, and acknowledge with distinction the service of Mr. Tom Darling as the National Chaplain to the Veterans of Foreign Wars; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mr. Tom Darling.

Senators Stevens and Swecker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

The motion by Senator Stevens carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President again welcomed and introduced Reverend Tom Darling and wife Thelma Darling who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Veterans of Foreign Wars, Steve Stetson, VFW Commander; John Lee, Director, State Department of Veterans Affairs; Alfie Alvarado, Deputy Director, State Department of Veterans Affairs; Russ Treadwell, Veterans Administration; Doug Simpson, Vietnam Veteran and Keith Stevens, husband of Senator Stevens who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Stevens: "I would like to offer for your consideration, on your desks we have handed out what the flag drape coffin really means and I know that we had that ceremony here in the Senate but I thought you might enjoy receiving a copy of exactly what it's all about. So, for your enjoyment and your opportunity to know exactly what goes on when you see those coffins that are draped with the flag. This gives you that in writing so thank you Mr. President."

MOMENT OF SILENCE

At the request of Senator Swecker, the President lead the senate in a moment of silence in memory of Donna Sorrell, former Legislative Assistant to Senator Swecker who passed away March 9, 2009.

MOTION

At 10:17 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:47 a.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the rules were suspended and the following measures were referred to the Committee on Rules and placed in the Rules X File:

Senate Bill No. 5029,
Senate Bill No. 5039,
Senate Bill No. 5047,
Senate Bill No. 5084,
Senate Bill No. 5178,
Senate Bill No. 5227,
Senate Bill No. 5231,
Senate Bill No. 5266,
Senate Bill No. 5427,
Senate Bill No. 5430,
Senate Bill No. 5495,
Senate Bill No. 5497,
Senate Bill No. 5526,
Senate Bill No. 5549,
Senate Bill No. 5550,
Senate Bill No. 5567,

SEVENTY-THIRD DAY, MARCH 25, 2009

Senate Bill No. 5572,
 Senate Bill No. 5696,
 Senate Bill No. 5798,
 Senate Bill No. 5803,
 Senate Bill No. 5812,
 Senate Bill No. 5876,
 Senate Bill No. 5953,
 Senate Bill No. 6085,
 Senate Joint Memorial No. 8008,
 Senate Joint Memorial No. 8011,

The following bills shall be moved from the Rules White Sheet to the Rules X file:

Senate Bill No. 5004,
 Senate Bill No. 5024,
 Senate Bill No. 5025,
 Senate Bill No. 5034,
 Senate Bill No. 5058,
 Senate Bill No. 5063,
 Senate Bill No. 5069,
 Senate Bill No. 5079,
 Senate Bill No. 5086,
 Senate Bill No. 5096,
 Senate Bill No. 5097,
 Senate Bill No. 5105,
 Senate Bill No. 5133,
 Senate Bill No. 5149,
 Senate Bill No. 5165,
 Senate Bill No. 5167,
 Senate Bill No. 5175,
 Senate Bill No. 5176,
 Senate Bill No. 5239,
 Senate Bill No. 5282,
 Senate Bill No. 5311,
 Senate Bill No. 5319,
 Senate Bill No. 5323,
 Senate Bill No. 5337,
 Senate Bill No. 5375,
 Senate Bill No. 5376,
 Senate Bill No. 5381,
 Senate Bill No. 5396,
 Senate Bill No. 5397,
 Senate Bill No. 5398,
 Senate Bill No. 5411,
 Senate Bill No. 5416,
 Senate Bill No. 5438,
 Senate Bill No. 5446,
 Senate Bill No. 5447,
 Senate Bill No. 5448,
 Senate Bill No. 5458,
 Senate Bill No. 5478,
 Senate Bill No. 5479,
 Senate Bill No. 5544,
 Senate Bill No. 5546,
 Senate Bill No. 5577,
 Senate Bill No. 5593,
 Senate Bill No. 5596,
 Senate Bill No. 5602,
 Senate Bill No. 5605,
 Senate Bill No. 5611,
 Senate Bill No. 5612,
 Senate Bill No. 5615,
 Senate Bill No. 5620,
 Senate Bill No. 5621,
 Senate Bill No. 5622,
 Senate Bill No. 5623,
 Senate Bill No. 5633,
 Senate Bill No. 5646,
 Senate Bill No. 5650,
 Senate Bill No. 5668,
 Senate Bill No. 5670,
 Senate Bill No. 5681,
 Senate Bill No. 5687,
 Senate Bill No. 5694,

Senate Bill No. 5700,
 Senate Bill No. 5701,
 Senate Bill No. 5703,
 Senate Bill No. 5721,
 Senate Bill No. 5728,
 Senate Bill No. 5745,
 Senate Bill No. 5748,
 Senate Bill No. 5749,
 Senate Bill No. 5758,
 Senate Bill No. 5770,
 Senate Bill No. 5775,
 Senate Bill No. 5778,
 Senate Bill No. 5788,
 Senate Bill No. 5823,
 Senate Bill No. 5844,
 Senate Bill No. 5846,
 Senate Bill No. 5865,
 Senate Bill No. 5868,
 Senate Bill No. 5874,
 Senate Bill No. 5877,
 Senate Bill No. 5878,
 Senate Bill No. 5883,
 Senate Bill No. 5907,
 Senate Bill No. 5908,
 Senate Bill No. 5934,
 Senate Bill No. 5938,
 Senate Bill No. 5958,
 Senate Bill No. 5964,
 Senate Bill No. 5969,
 Senate Bill No. 5981,
 Senate Bill No. 6012,
 Senate Bill No. 6047,
 Senate Bill No. 6051,
 Senate Bill No. 6067,
 Senate Bill No. 6090,
 Senate Joint Memorial No. 8007,
 Senate Joint Memorial No. 8009,
 Senate Joint Memorial No. 8010,

Floor Calendar Bills To be Moved to the Rules X File:

Senate Bill No. 5016,
 Senate Bill No. 5018,
 Senate Bill No. 5019,
 Senate Bill No. 5023,
 Senate Bill No. 5036,
 Senate Bill No. 5053,
 Senate Bill No. 5103,
 Senate Bill No. 5111,
 Senate Bill No. 5116,
 Senate Bill No. 5124,
 Senate Bill No. 5157,
 Senate Bill No. 5158,
 Senate Bill No. 5189,
 Senate Bill No. 5191,
 Senate Bill No. 5197,
 Senate Bill No. 5201,
 Senate Bill No. 5207,
 Senate Bill No. 5209,
 Senate Bill No. 5210,
 Senate Bill No. 5220,
 Senate Bill No. 5235,
 Senate Bill No. 5245,
 Senate Bill No. 5257,
 Senate Bill No. 5258,
 Senate Bill No. 5272,
 Senate Bill No. 5278,
 Senate Bill No. 5280,
 Senate Bill No. 5296,
 Senate Bill No. 5324,
 Senate Bill No. 5331,
 Senate Bill No. 5366,
 Senate Bill No. 5394,
 Senate Bill No. 5399,
 Senate Bill No. 5404,

SEVENTY-THIRD DAY, MARCH 25, 2009

2009 REGULAR SESSION

Senate Bill No. 5415,
Senate Bill No. 5421,
Senate Bill No. 5422,
Senate Bill No. 5439,
Senate Bill No. 5486,
Senate Bill No. 5516,
Senate Bill No. 5523,
Senate Bill No. 5530,
Senate Bill No. 5533,
Senate Bill No. 5534,
Senate Bill No. 5563,
Senate Bill No. 5564,
Senate Bill No. 5569,
Senate Bill No. 5570,
Senate Bill No. 5582,
Senate Bill No. 5614,
Senate Bill No. 5624,
Senate Bill No. 5625,
Senate Bill No. 5630,
Senate Bill No. 5636,
Senate Bill No. 5645,
Senate Bill No. 5655,
Senate Bill No. 5669,
Senate Bill No. 5672,
Senate Bill No. 5702,
Senate Bill No. 5757,
Senate Bill No. 5759,
Senate Bill No. 5764,
Senate Bill No. 5791,
Senate Bill No. 5806,
Senate Bill No. 5816,
Senate Bill No. 5843,
Senate Bill No. 5910,
Senate Bill No. 5917,
Senate Bill No. 5920,
Senate Bill No. 5928,
Senate Bill No. 5948,
Senate Bill No. 5979,
Senate Bill No. 5991,
Senate Bill No. 6004,
Senate Bill No. 6006,
Senate Bill No. 6020,
Senate Bill No. 6027,
Senate Bill No. 6087,
Senate Bill No. 6092,
Senate Joint Memorial No. 8000,
Senate Joint Resolution No. 8208,
Senate Joint Resolution No. 8212,
Senate Concurrent Resolution No. 8406,

MOTION

At 11:49 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 26, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 26, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 25, 2009

ESHB 1004 Prime Sponsor, Committee on Technology, Energy & Communications: Adding products to the energy efficiency code. (REVISED FOR ENGROSSED: Adding products to and removing products from the energy efficiency code.) Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Hatfield; Marr; Morton and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Holmquist.

Passed to Committee on Rules for second reading.

March 25, 2009

SHB 1008 Prime Sponsor, Committee on Technology, Energy & Communications: Concerning permit requirements for small wind energy systems. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 25, 2009

E2SHB 1009 Prime Sponsor, Committee on Finance: Extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation. (REVISED FOR ENGROSSED: Modifying existing sales and use tax exemptions related to certain electricity generation.) Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 1011 Prime Sponsor, Committee on Technology, Energy & Communications: Regulating the use of identification devices by governmental and business entities. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott and Parlette.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

2SHB 1025 Prime Sponsor, Committee on Education Appropriations: Requiring disclosure of certain information relating to higher education course materials. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1058 Prime Sponsor, Representative Goodman: Revising editorial standards for the RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1059 Prime Sponsor, Representative Goodman: Making technical corrections to various statutes at the request of the statute law committee. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

March 25, 2009

SHB 1119 Prime Sponsor, Committee on Judiciary: Concerning the management of funds held by nonprofit institutions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1127 Prime Sponsor, Representative Hurst: Securing credit and debit card information. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1148 Prime Sponsor, Representative Williams: Protecting animals from perpetrators of domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1166 Prime Sponsor, Representative Hasegawa: Allowing loans to community development financial institutions under the linked deposit program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1167 Prime Sponsor, Representative Hasegawa: Studying the linked deposit program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 1202 Prime Sponsor, Committee on Financial Institutions & Insurance: Allowing noninsurance benefits as part of life insurance policies. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1218 Prime Sponsor, Representative Goodman: Changing the requirement that contempt of court sanctions be served in the county jail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1227 Prime Sponsor, Representative Springer: Concerning recreational vehicles used as primary residences in manufactured/mobile home communities. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

EHB 1251 Prime Sponsor, Representative Shea: Addressing the release of certified abstracts of full driving records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 25, 2009

2SHB 1290 Prime Sponsor, Committee on Finance: Concerning local tourism promotion areas. Reported by Committee on Economic Development, Trade & Innovation

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 1309 Prime Sponsor, Committee on Health Care & Wellness: Regarding dental hygiene. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1311 Prime Sponsor, Representative Kirby: Regulating reverse mortgage lending practices. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

ESHB 1362 Prime Sponsor, Committee on Judiciary: Concerning conveyances used in prostitution-related offenses. (REVISED FOR PASSED LEGISLATURE: Concerning vehicles used in prostitution-related offenses.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 20, 2009

SHB 1413 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning water discharge fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1415 Prime Sponsor, Committee on Commerce & Labor: Providing for the sales of wine at the legislative gift

center. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 25, 2009

SHB 1420 Prime Sponsor, Committee on Commerce & Labor: Revising real estate seller disclosure requirements. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1426 Prime Sponsor, Representative Hunt: Regarding the use of certified mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1431 Prime Sponsor, Representative Sells: Designating certain state routes as highways of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

March 25, 2009

2SHB 1450 Prime Sponsor, Committee on Capital Budget: Modifying the definition of "public facilities." Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide and Kilmer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli and McCaslin.

Passed to Committee on Ways & Means.

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

March 25, 2009

EHB 1464 Prime Sponsor, Representative Springer: Concerning affordable housing incentive programs. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 25, 2009

2SHB 1481 Prime Sponsor, Committee on Finance: Regarding electric vehicles. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Morton.

Passed to Committee on Transportation.

March 25, 2009

HB 1487 Prime Sponsor, Representative Hunter: Regarding resident student classification. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

March 24, 2009

HB 1492 Prime Sponsor, Representative Pedersen: Addressing the independent youth housing program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1530 Prime Sponsor, Representative Kirby: Creating

the guaranteed asset protection waiver model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

SHB 1565 Prime Sponsor, Committee on Financial Institutions & Insurance: Addressing business continuity plans for domestic insurers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1566 Prime Sponsor, Representative Kirby: Granting the insurance commissioner certain authority when the governor declares a state of emergency. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1567 Prime Sponsor, Representative Bailey: Addressing insurance, generally. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1568 Prime Sponsor, Representative Bailey: Regulating persons selling, soliciting, or negotiating insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

ESHB 1571 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding the adjudication of water rights. Reported by Committee on Environment, Water & Energy

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr; Morton and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin and Holmquist.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1596 Prime Sponsor, Representative Green: Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 24, 2009

E2SHB 1618 Prime Sponsor, Committee on General Government Appropriations: Concerning community and surplus schools. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 1663 Prime Sponsor, Committee on Judiciary: Creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1692 Prime Sponsor, Committee on Community & Economic Development & Trade: Addressing the authority of the board of directors of a public facilities district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1791 Prime Sponsor, Committee on Human Services: Clarifying certain community custody and drug offender sentencing alternative sentencing provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 24, 2009

ESHB 1792 Prime Sponsor, Committee on Human Services: Establishing search and arrest authority provisions of offenders by department of corrections personnel. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and McAuliffe.

MINORITY recommendation: Do not pass. Signed by Senator Kauffman.

Passed to Committee on Rules for second reading.

March 24, 2009

ESHB 1794 Prime Sponsor, Committee on Judiciary: Concerning the calculation of child support. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 25, 2009

SHB 1808 Prime Sponsor, Committee on Education Appropriations: Creating an interdisciplinary work group for paramedic and nursing training. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1826 Prime Sponsor, Representative Rodne: Addressing the proceeds from foreclosure sales. Reported by Committee on Financial Institutions, Housing & Insurance

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1844 Prime Sponsor, Representative Moeller: Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; King and Ranker.

Passed to Committee on Rules for second reading.

March 24, 2009

SHB 1856 Prime Sponsor, Committee on Judiciary: Providing certain procedures for tenants who are victims of sexual assault, unlawful harassment, and stalking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 1888 Prime Sponsor, Representative Springer: Repealing RCW 46.12.295. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 24, 2009

HB 1912 Prime Sponsor, Representative Armstrong: Concerning facilities to house sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 25, 2009

ESHB 1926 Prime Sponsor, Committee on Health Care & Wellness: Exempting certain hospice agencies from certificate of need requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 25, 2009

E2SHB 1935 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning adult family homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Fairley and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 1986 Prime Sponsor, Representative Hasegawa: Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 2013 Prime Sponsor, Committee on Financial Institutions & Insurance: Allowing the owner of a self-service storage facility to offer self-service storage insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

March 25, 2009

E2SHB 2021 Prime Sponsor, Committee on Education Appropriations: Revitalizing student financial aid. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; McAuliffe; Shin and Stevens.

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

Passed to Committee on Ways & Means.

March 25, 2009

SHB 2095 Prime Sponsor, Committee on Transportation: Clarifying the permitting, training, and licensing process for driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; King and Ranker.

Passed to Committee on Rules for second reading.

March 25, 2009

HB 2129 Prime Sponsor, Representative Eddy: Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 25, 2009

SHB 2160 Prime Sponsor, Committee on Health Care & Wellness: Concerning health carrier payment of wellness incentives. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Rules for second reading.

March 25, 2009

ESHB 2222 Prime Sponsor, Committee on Agriculture & Natural Resources: Creating a technical assistance program for industrial and construction storm water permit permittees. (REVISED FOR PASSED LEGISLATURE: Regarding the conditioning of industrial storm water general discharge permits.) Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Morton and Ranker.

Passed to Committee on Rules for second reading.

March 25, 2009

EHB 2279 Prime Sponsor, Representative Hurst: Addressing the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 25, 2009

ESHB 2289 Prime Sponsor, Committee on Capital Budget: Expanding the energy freedom program. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton and Ranker.

Passed to Committee on Ways & Means.

March 24, 2009

SHJM 4004 Prime Sponsor, Committee on Transportation: Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Delvin; Kastama; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1413 which was referred to the Committee on Rules; Second Substitute House Bill No. 1481 which was referred to the Committee on Transportation; and Engrossed House Bill No. 1167, Second Substitute House Bill No. 1290, Second Substitute House Bill No. 1450 and Engrossed Second Substitute House Bill No. 1618 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM STATE OFFICES

March 9, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

SEVENTY-FOURTH DAY, MARCH 26, 2009

2009 REGULAR SESSION

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, "Examining Processes and Systems to Expediently Link Persons Released from Correctional Facility and Institutional Confinement to Medical Assistance Prior to Release" report. This report is mandated under ESHB 2687.

If you have any questions about the report, please call 360-725-1880.

Sincerely,

Robin Arnold-Williams, Secretary
The Department of Social & Health Services, "Examining Processes and Systems to Expediently Link Persons Released from Correctional Facility and Institutional Confinement to Medical Assistance Prior to Release" report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

March 3, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, "Services to Persons with Developmental Disabilities who are Discharged or Diverted from State Hospitals or Individuals with Community Protection Issues" report. This report is mandated under Chapter 518, Laws of 2007, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3452.

Sincerely,

Robin Arnold-Williams, Secretary
The Department of Social & Health Services, "Services to Persons with Developmental Disabilities who are Discharged or Diverted from State Hospitals or Individuals with Community Protection Issues" report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

March 9, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Parks & Recreation Commission "Northwest Weather & Avalanche Center" report. This report is mandated under SSB 5219, Chapter 141, Laws of 2007.

If you have any questions about the report, please call 360-902-8500.

Sincerely,

Rex Derr, Director
The Washington State Parks & Recreation Commission
"Northwest Weather & Avalanche Center" report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

March 6, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Treasurer "Certification of the Debt Limitation of the State of Washington for Fiscal Year 2009" report. This report is mandated under Article VIII, Section 1, of the Washington State Constitution & Chapter 39.42 RCW as amended.

If you have any questions about the report, please call 360-902-9001.

Sincerely,

Michael Murphy, Treasurer
The Washington State Treasurer "Certification of the Debt Limitation of the State of Washington for Fiscal Year 2009" report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

March 23, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Department of Health "The Living Will Registry" report. This report is mandated under RCW 70.122.130.

If you have any questions about the report, please call 360-236-4501.

Sincerely,

Mary Selecky, Secretary
The Washington State Department of Health "The Living Will Registry" report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM STATE OFFICES

March 20, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Corrections "Annual Report to the Legislature on copayments" report. This report is mandated under RCW 72.10.020(3)(A).

If you have any questions about the report, please call 360-725-8700.

Sincerely,
Harold Clarke, Secretary
The Department of Corrections "Annual Report to the
Legislature on copayments" report is on file in the Office of the
Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the
eighth order of business.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8647

By Senator Eide

WHEREAS, On July 25, 1925, the Seattle Postal Employees
Credit Union became the first credit union in Washington and
later became the Community 1st Credit Union; and

WHEREAS, The Washington State Credit Union Act was
passed in 1933; and

WHEREAS, The Washington Credit Union League began in
Seattle on November 3, 1934, and representatives from the sixty
credit unions elected E. A. Foerschler from Seattle Postal
Employees Credit Union as president of the League's eleven-
member board of directors; and

WHEREAS, Credit unions are nonprofit financial
cooperatives, democratically owned and operated, and founded
by people working together toward economic advancement; and

WHEREAS, Credit unions embrace a "people helping
people" philosophy by pooling personal resources and
leadership abilities for the good of the cooperative, empowering
their members to improve their financial futures and uniting to
help those in need; and

WHEREAS, Credit unions have demonstrated outstanding
leadership throughout the communities in which they have
served since they were founded in the United States more than
one hundred years ago; and

WHEREAS, Credit unions have championed the idea that
people from all walks of life should have access to lower-cost
financial services offered by credit unions;

NOW, THEREFORE, BE IT RESOLVED, That the
Washington State Senate recognize credit unions for their
service to the State of Washington.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be
the adoption of Senate Resolution No. 8647.

The motion by Senator Eide carried and the resolution was
adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate
adjourned until 10:00 a.m. Friday, March 27, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 27, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators McCaslin and Morton.

The Sergeant at Arms Color Guard consisting of Pages Brandon Bannister and Kylie Johnson, presented the Colors. Pastor Dan Sailer of the Stanwood United Methodist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 26, 2009

SB 5898 Prime Sponsor, Senator Pflug: Creating a health care council. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5898 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Ways & Means.

March 26, 2009

2SHB 1021 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning notice of hospital audits. (REVISED FOR PASSED LEGISLATURE: Concerning the department of health's authority in hospitals.) Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1038 Prime Sponsor, Committee on General Government Appropriations: Regarding specialized forest products. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1075 Prime Sponsor, Representative Rolfes: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1114 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding youth hunting privileges. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Hargrove; Hatfield and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1123 Prime Sponsor, Committee on Health Care & Wellness: Reducing the spread of multidrug resistant organisms. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1128 Prime Sponsor, Committee on Community & Economic Development & Trade: Changing innovation partnership zone provisions. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1156 Prime Sponsor, Representative Anderson: Creating a preference in the alternative route certification program for veterans and national guard members. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; Roach and Tom.

SEVENTY-FIFTH DAY, MARCH 27, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2009

March 26, 2009

SHB 1303 Prime Sponsor, Committee on Health Care & Wellness: Collecting child mortality reviews into a database. Reported by Committee on Health & Long-Term Care

ESHB 1703 Prime Sponsor, Committee on Health Care & Wellness: Concerning child immunization exemptions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 26, 2009

March 26, 2009

SHB 1347 Prime Sponsor, Committee on Ways & Means: Regarding financial education. Reported by Committee on Early Learning & K-12 Education

ESHB 1741 Prime Sponsor, Committee on Education: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott and Roach.

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Oemig, Vice Chair, K-12; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Brandland and Holmquist.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

March 26, 2009

March 26, 2009

SHB 1435 Prime Sponsor, Committee on Commerce & Labor: Modifying licensing provisions for cigarettes and tobacco products. Reported by Committee on Labor, Commerce & Consumer Protection

2SHB 1762 Prime Sponsor, Committee on Education Appropriations: Increasing parental and community involvement in public education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators King; Brandland and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

March 25, 2009

EHB 1499 Prime Sponsor, Representative Eddy: Concerning notice of utility facilities relocations. Reported by Committee on Environment, Water & Energy

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Honeyford; Delvin; Holmquist; Marr and Morton.

2SHB 1899 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning physicians holding a retired active license. Reported by Committee on Health & Long-Term Care

MINORITY recommendation: Do not pass. Signed by Senators Pridemore, Vice Chair; Fraser and Ranker.

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley and Parlette.

Passed to Committee on Transportation.

Passed to Committee on Rules for second reading.

March 26, 2009

March 26, 2009

ESHB 1664 Prime Sponsor, Committee on Commerce & Labor: Addressing the termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements. Reported by Committee on Labor, Commerce & Consumer Protection

2SHB 1951 Prime Sponsor, Committee on General Government Appropriations: Regarding the operation and management of salmonid hatcheries. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin and King.

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

SEVENTY-FIFTH DAY, MARCH 27, 2009

2009 REGULAR SESSION

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 26, 2009
ESHB 2125 Prime Sponsor, Committee on Community & Economic Development & Trade: Addressing community preservation and development authorities. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

March 26, 2009
ESHB 2128 Prime Sponsor, Committee on Health Care & Wellness: Concerning health care coverage for children. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

March 25, 2009
2SHB 2130 Prime Sponsor, Committee on Finance: Concerning tax incentives for renewable energy manufacturing facilities. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

March 26, 2009
HB 2132 Prime Sponsor, Representative Quall: Regarding instruction in civics. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Hobbs; Holmquist; Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

March 26, 2009
HB 2165 Prime Sponsor, Representative Van De Wege: Authorizing the department of natural resources to conduct a forest biomass energy demonstration project. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009
SGA 9033 JOHN ELLIS, reappointed on July 1, 2007, for the term ending June 30, 2013, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 26, 2009
SGA 9065 HARTLY KRUGER, reappointed on January 18, 2008, for the term ending January 17, 2014, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 26, 2009
SGA 9077 DARRYL-JEAN "DJ" K MARK, appointed on January 5, 2009, for the term ending January 4, 2015, as Member of the Personnel Resources Board. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 26, 2009
SGA 9115 HARRIET A SPANEL, reappointed on March 7, 2008, for the term ending June 30, 2011, as Member of the Pacific Marine Fishery Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009
SGA 9139 BRIAN COMSTOCK, reappointed on October 6, 2008, for the term ending August 2, 2014, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

March 26, 2009

SEVENTY-FIFTH DAY, MARCH 27, 2009

2009 REGULAR SESSION

SGA 9142 PAMELA BRADBURN, reappointed on January 9, 2009, for the term ending September 8, 2013, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 1075 which was referred to the Committee on Rules and Engrossed House Bill No. 1499 which was referred to the Committee on Transportation.

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:22 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8653

By Senators Parlette, Becker, Roach, Shin, and Holmquist

WHEREAS, The Washington State Senate joins with the city of Leavenworth, surrounding communities, and the Ward family in celebrating the life and vast contributions of Jim Ward; and

WHEREAS, On May 12, 1942, Jim Ward was born in Wenatchee, Washington to Lloyd and Doris Ward; and

WHEREAS, Jim was a resident of the Upper Valley of Washington for over sixty years, graduating from Leavenworth High School in 1960; earning an Associates of Arts degree from Wenatchee Valley College; and then a degree in Mortuary Science from California College of Mortuary Science in Los Angeles, California; and

WHEREAS, Jim married Wilda Rayfield in 1961; and

WHEREAS, Following his graduation from California College of Mortuary Science, Jim and Wilda returned to Leavenworth where, with his dad Lloyd, Jim constructed Ward's Funeral Chapel, which he and Wilda have since operated; and

WHEREAS, In 2007, the Washington State Funeral Directors Association named Jim the Funeral Director of the Year, only the fourteenth time the award had been given in the Association's one hundred six-year history; and

WHEREAS, For over forty years, with kindness, generosity, and love Jim served the community of Leavenworth; and

WHEREAS, Jim started the first ambulance service in Leavenworth where he served as director for fifteen years and was instrumental in securing the first 911 system in the valley that for many years he answered and operated from his home; and

WHEREAS, Jim was a devout member of the Leavenworth Community United Methodist Church and served as a Leavenworth city councilman and later mayor; and

WHEREAS, As Mayor Jim was influential in the development of Waterfront Park, the paving of Front Street, and was invited to the White House by President Jimmy Carter to speak on urban water and utilities issues; and

WHEREAS, Jim was deeply involved in many community organizations including: Member and past president of the Washington State Autumn Leaf Festival and the Grand Marshal of the 1997 parade; board member of the Cascade Medical Center Foundation in 1997; commissioner of the Cascade Medical Center Hospital District; Citizen of the Year as selected by the Cascade Medical Center Foundation in 1997; member of the Leavenworth Chamber of Commerce and honored by the Chamber in 2007 with the Spirit of Leavenworth Award; and

WHEREAS, Due to Jim's dedicated service to all veteran and military personnel, he was inducted as an honorary member of the American Legion Post of Cashmere and in 2007 received from the Leavenworth Rotary, The Paul Harris Fellow Designation, which exemplifies "Service Above Self"; and

WHEREAS, On September 17th, 2008, Jim Ward passed away at Central Washington Hospital in Wenatchee; and

WHEREAS, Jim is survived by his lovely wife Wilda; three children and their spouses, Jim and Melissa Ward, Lona and Doug Parton, and Denise and Alan Unis; and his six beautiful grandchildren, Kellen, Evan, Noelle, Juliea, Caroline, and Jesse; and

WHEREAS, Jim's dynamic and friendly personality, generous and giving nature, and constant gentleman-like demeanor earned him many friends and admirers throughout the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby acknowledge and honor the lasting impression of Jim Ward's selfless service to Washington State's North Central Valley and the community of Leavenworth; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Wilda Ward and the City of Leavenworth.

Senators Parlette and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Wilda Ward and family and friends of Jim Ward who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Honorable Janet Kepka, Mayor of Wilkeson, who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President, members of the senate. Today, we've just been introduced to Mayor Janet Kepka. She's from Wilkeson and Wilkeson is going to be celebrating it's one-hundredth birthday. You'll be hearing a lot about this very, very small town. It is the town whose fore fathers provided the sandstone that surrounds and it holds up our building. So, an incredible part of Washington State history comes from the hillsides of the town of Wilkeson. They were severely affected by flooding recently and I know that each of us

SEVENTY-FIFTH DAY, MARCH 27, 2009

2009 REGULAR SESSION

that are involved in budget writing will try to remember our smaller towns as well as some of the larger areas that were affected. So, thank you Mr. President, members of the senate, I just want to commend the leadership in this very small but wonderful town of Wilkeson, Washington.”

PERSONAL PRIVILEGE

Senator Regala: “Thank you Mr. President, well, I rise to greet the mayor of Wilkeson also and just to make a couple of brief comments about it. Believe it or not, that is a town that’s been in my family history. I’m very familiar with it and, Senator Roach, I realize that you probably did not realize that, that Mayor Kepka is actually married to one of my cousins. We haven’t seen each other for a few days, or a few months I should say, so happy to see you here.”

PERSONAL PRIVILEGE

Senator Franklin: “Thank you Mr. President Well, ladies and gentlemen of the Senate, boy it’s quiet in here. Many of you who were here recall the Nisqually Earthquake that caused us to evacuate the Legislative Building. For the next two sessions we were in the temporary housing on campus which is the Pritchard Building. We were sequestered tightly together. We were knitted together. We had no other choice, of course, but to do the people’s work and to get along and that we did. But in the mean time we certainly needed something, something to do to bring us some laughter, to bring us some moments of doing nothing and at that particular time Red Hat Day was started to hopefully become a tradition in the legislature. Representative Mary Skinner and before I go to the next point, at that time I was getting to get a little weak kneed and decided that, maybe we shouldn’t do this but Senator Eide said, ‘No, no, no, no. We got to do it we got to do it. And so with Representative Mary Skinner and I worked together to coordinate that wonderful fun filled day. With red hats throughout the campus, people wondered what was going on. On the senate floor I read the poem by Jenny Joseph that says ‘When I grow old I will wear purple and a red hat that doesn’t fit’ and of course everyone laughed. The late Senator Jim West was at home. He was undergoing treatment for cancer and later on when he came back he said to me, ‘I looked and I wondered what in the world is going on on the senate floor.’ Well, we were really, really having fun. Since that early beginning of course which was the beginning of the twenty-first century more or less, we have invited our male colleagues to wear red ties because Senator from the Thirty-Sixth District, you know she would not let us have any gender differences here. So, those of our colleagues, male colleagues, who wearing ties we gladly welcome. Of course, all of us know there is nothing, nothing better than having a great laugh and having a time of relaxation and of doing nothing. That is what the Red Hatters are all about. Mr. President, if you’ll allow me, I would like to refresh a little memory here by reading this little poem?”

REPLY BY THE PRESIDENT

President Owen: “Senator Franklin.”

PERSONAL PRIVILEGE

Senator Franklin: “This is of course a warning from by Jenny Joseph.

‘When I am old woman, I shall wear purple
With a red hat that doesn’t go and doesn’t suit me
And satin sandals and I shall spend my pension on brandy
and summer gloves and satin sandals and say
We have no money for butter

I shall set down on the pavement when I am tired and gobble up samples in shops and press alarms bells and

Run my stick along the public railings and make up with the sobriety of my youth

I shall go out in my slippers in the rain and pick flowers in other peoples gardens

But maybe I ought to practice a little noun and that’s what we are doing, we don’t have our canes to run around the railings

But we’ll do a little practicing with our red hats and our purple who knew me shocked and surprised when suddenly I am old

And start to wear purple.’

Mr. President, in this days when we are undergoing a lot of stress, there’s nothing like a great laugh and so Mr. President, ladies and gentlemen, just a little time out, just to have fun and to laugh and to dedicate this day in honor of our late good friend, Representative Mary Skinner who I really had fun working with as we of course inaugurated here in the legislature the first Red Hat Day. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator King: “I appreciate the red hats and also appreciated Mary Skinner and if I may sir? She was true lady, I don’t know if I can get through this. My apologies. Let me just say that all of us in Yakima have lost a great lady, an ambassador to our valley. Thank you.”

PERSONAL PRIVILEGE

Senator Roach: “Thank you Mr. President, members of the senate. Well I want you to know that while I appreciate the red hats I didn’t bring one today. I was thinking of using my red bracelet but I also want you to know that when this old age approaches I actually got a different plan. I spiked my hair, ok, that’s one part of my plan, secondly, this last week I bought a new guitar, it is blue like this right here. Got myself a pix and also signed up for the guitar lessons. I’m going to pick up somewhere where I left off in the late 60’s around the dorm room. I also drive a car with a rag top and I’m looking forward to the summer time when I can zip around and race around with the Senator from I think it’s the Forty-First District who drives a like and similar wonderful vehicle. So, I think we can have fun, but remember this, you’re only as old as you really feel and it’s very important that we keep that in mind because this is a generation where we’re going to go in style and you never know when that happens. Last Saturday I was a Keynote speaker at a Republican event and was there and saw one of the former colleagues here if you were in the House and bless her heart member of the House, Lois McMahan. She is a wonderful woman. You knew her as cheerful and so forth, she, I think it’s fair I say this, she was there to receive a life time award achievement for the Republican Party efforts. She’s lost one hundred pounds. She did not recognize me because of a terrible disease of dementia. She’s sixty-six. Jennifer Dunn, I remember the day I got my nice car I was driving down the highway and I turned on the radio at nine in the morning, I remember exactly and John Carlson said ‘Ladies and gentlemen,’ he says to the audience of Puget Sound, ‘Sad news, former U. S. Congresswoman Jennifer Dunn has passed away.’ She was sixty-six. So what I want to do is let you know that we all face the inevitable and when we’re doing that we don’t know if it’s a slow decline or a quick one but we got smiles on our faces, we find ways to make sure we have things added to our list of things we want to do and smile a lot, spend time with your family, look at communicating your past to your families by way of journals, personal journals and make sure that you take this segment of life and make it it’s best. That would be my red hat speech for 2009. Thank you.”

MOTION

At 11:44 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, March 30, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 30, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 26, 2009

ESHB 1018 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying when a special election may be held. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2009

2SHB 1052 Prime Sponsor, Committee on General Government Appropriations: Concerning firearm licenses for persons from other countries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 27, 2009

ESHB 1138 Prime Sponsor, Committee on Judiciary: Concerning access to employee restrooms in retail stores. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

2SHB 1172 Prime Sponsor, Committee on General Government Appropriations: Implementing a transfer of

development rights program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1197 Prime Sponsor, Representative Haigh: Regarding alternative public works contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1199 Prime Sponsor, Representative Haigh: Regarding retainage of funds on public works projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1239 Prime Sponsor, Committee on Early Learning & Children's Services: Addressing parenting plans and residential schedules in dependency proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 27, 2009

SHB 1292 Prime Sponsor, Committee on Education: Authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks. Reported by Committee on Early Learning & K-12 Education

SEVENTY-EIGHTH DAY, MARCH 30, 2009

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Oemig, Vice Chair, K-12; King; Hobbs; Jarrett and McDermott.

MINORITY recommendation: Do not pass. Signed by Senator Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kauffman, Vice Chair, Early Learning; Brandland and Roach.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1300 Prime Sponsor, Committee on Human Services: Accessing mental health information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

March 27, 2009

SHB 1319 Prime Sponsor, Committee on Education: Prohibiting school district employees from using public assets for private gain. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 27, 2009

HB 1324 Prime Sponsor, Representative O'Brien: Modifying the requirements of psychological examinations for peace officer certification. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1349 Prime Sponsor, Committee on Human Services: Renewing orders for less restrictive treatment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

2009 REGULAR SESSION

2SHB 1373 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning children's mental health services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Stevens; Brandland and Carrell.

Passed to Committee on Ways & Means.

March 26, 2009

ESHB 1379 Prime Sponsor, Committee on Local Government & Housing: Regarding moratoria and other interim official controls adopted under the shoreline management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: Do not pass. Signed by Senators Roach; Benton and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2009

EHB 1385 Prime Sponsor, Representative Haler: Modifying provisions relating to sexual misconduct by school employees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1419 Prime Sponsor, Committee on Health & Human Services Appropriations: Revising provisions affecting sexually aggressive youth. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1496 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Changing the membership to the state interoperability executive committee. Reported by Committee on Government Operations & Elections

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1552 Prime Sponsor, Committee on State Government & Tribal Affairs: Regarding public access at open public meetings. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1553 Prime Sponsor, Committee on Judiciary: Addressing claims for damages against the state and local governmental entities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2009

HB 1675 Prime Sponsor, Representative Sells: Changing the work experience provisions of the alternative route partnership grant program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 27, 2009

SHB 1758 Prime Sponsor, Committee on Education: Expanding options for students to earn high school diplomas. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1769 Prime Sponsor, Committee on Early Learning & Children's Services: Concerning housing assistance in dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1782 Prime Sponsor, Committee on Early Learning & Children's Services: Concerning parent participation in dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1785 Prime Sponsor, Representative Armstrong: Concerning the chief for a day program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Jarrett; Kastama; Kauffman; Kilmer and Ranker.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1790 Prime Sponsor, Representative O'Brien: Including domestic violence court order violations to the list of offenses eligible for notification. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1825 Prime Sponsor, Committee on Local Government & Housing: Identifying specific facilities planning requirements under the growth management act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1830 Prime Sponsor, Representative Santos: Establishing business definitions for public contracting. Reported by Committee on Government Operations & Elections

SEVENTY-EIGHTH DAY, MARCH 30, 2009

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Benton and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 1845 Prime Sponsor, Committee on Judiciary: Concerning medical support obligations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Kauffman and McAuliffe.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

March 27, 2009

E2SHB 1879 Prime Sponsor, Committee on Education Appropriations: Providing for the delivery of educational services to children who are deaf and hard of hearing. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 1880 Prime Sponsor, Representative Armstrong: Concerning ballot envelopes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1886 Prime Sponsor, Committee on Local Government & Housing: Concerning flood control districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

2009 REGULAR SESSION

ESHB 1887 Prime Sponsor, Committee on Local Government & Housing: Authorizing the annexation of contiguous territory outside of a diking district that receives services from the district. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2009

ESHB 1889 Prime Sponsor, Committee on Education: Regarding paraeducator tutor certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Ways & Means.

March 27, 2009

SHB 1900 Prime Sponsor, Committee on Judiciary: Requiring a disclosing entity to send notice to a vehicle owner no earlier than thirty days after granting a request for vehicle owner information. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

March 27, 2009

SHB 1919 Prime Sponsor, Committee on Human Services: Operating and administering a drug court program. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Ways & Means.

March 26, 2009

2SHB 1938 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning postadoption contact with siblings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

March 26, 2009

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

ESHB 1939 Prime Sponsor, Committee on Transportation:
Concerning vehicle dealer documentary service fees. Reported
by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by
Senators Haugen, Chair; Marr, Vice Chair; Swecker;
Becker; Benton; Berkey; Delvin; Eide; Jarrett; Kastama;
Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

March 27, 2009

SHB 1943 Prime Sponsor, Committee on Early Learning
& Children's Services: Requiring recommendations for
preparation and professional development for the early learning
and school-age program workforce. Reported by Committee on
Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended.
Signed by Senators McAuliffe, Chair; Kauffman, Vice
Chair, Early Learning; Oemig, Vice Chair, K-12; King;
Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 1954 Prime Sponsor, Committee on Human
Services: Sealing juvenile records under certain conditions.
Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by
Senators Hargrove, Chair; Regala, Vice Chair; Stevens;
Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

E2SHB 1961 Prime Sponsor, Committee on Ways & Means:
Implementing the federal fostering connections to success and
increasing adoptions act of 2008. Reported by Committee on
Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by
Senators Hargrove, Chair; Regala, Vice Chair; Stevens;
Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

EHB 1967 Prime Sponsor, Representative White:
Prohibiting expansions of urban growth areas into one hundred
year floodplains. Reported by Committee on Government
Operations & Elections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Fairley, Chair; Oemig, Vice Chair;
McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senators Roach and Benton.

Passed to Committee on Rules for second reading.

March 26, 2009

2SHB 1985 Prime Sponsor, Committee on Ways & Means:
Concerning public health financing. Reported by Committee on
Health & Long-Term Care

MAJORITY recommendation: Do pass as amended.
Signed by Senators Keiser, Chair; Franklin, Vice Chair;
Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

March 27, 2009

SHB 2003 Prime Sponsor, Committee on Education:
Changing professional educator standards board provisions.
Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended.
Signed by Senators McAuliffe, Chair; Kauffman, Vice
Chair, Early Learning; Oemig, Vice Chair, K-12; King;
Brandland; Hobbs; Jarrett; McDermott and Tom.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 26, 2009

HB 2025 Prime Sponsor, Representative Orwall: Sharing
health care information. Reported by Committee on Health &
Long-Term Care

MAJORITY recommendation: Do pass as amended.
Signed by Senators Keiser, Chair; Franklin, Vice Chair;
Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 26, 2009

ESHB 2035 Prime Sponsor, Committee on Public Safety &
Emergency Preparedness: Requiring registered sex and
kidnapping offenders to submit information regarding any e-
mail addresses and any web sites they create or operate.
Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended.
Signed by Senators Hargrove, Chair; Stevens; Brandland;
Carrell and McAuliffe.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senator Regala, Vice Chair.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 2071 Prime Sponsor, Committee on Early Learning
& Children's Services: Concerning education for parents of

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

needy families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

E2SHB 2078 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning persons with developmental disabilities who are in correctional facilities or jails. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 2079 Prime Sponsor, Committee on Health Care & Wellness: Concerning the office of financial management's access to health professional licensing information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

March 26, 2009

2SHB 2106 Prime Sponsor, Committee on Ways & Means: Improving child welfare outcomes through the phased implementation of strategic and proven reforms. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Ways & Means.

March 27, 2009

2SHB 2119 Prime Sponsor, Committee on Ways & Means: Expanding dual credit opportunities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott; Roach and Tom.

Passed to Committee on Ways & Means.

March 26, 2009

HB 2146 Prime Sponsor, Representative Ericks: Modifying contract requirements for water or sewer facilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 2214 Prime Sponsor, Committee on Transportation: Concerning airport operators financing consolidated rental car facilities and common use transportation equipment and facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 26, 2009

EHB 2285 Prime Sponsor, Representative Flannigan: Addressing the formation of local improvement districts and utility local improvement districts comprised of property in more than one city or town. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

MINORITY recommendation: Do not pass. Signed by Senator Benton.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 26, 2009

SHB 2287 Prime Sponsor, Committee on Ways & Means: Concerning paper conservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Benton; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

March 26, 2009

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

EHB 2299 Prime Sponsor, Representative Klippert: Concerning formation, operation, and nonstate funding of public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1300, Second Substitute House Bill No. 1938 and Second Substitute House Bill No. 2106 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6129 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6130 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6131 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6132 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6133 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6134 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6135 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

SB 6136 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

ESB 6137 by Senator Prentice

AN ACT Relating to common schools fund transfers during fiscal year 2009; amending 2008 c 329 s 516 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6138 by Senator Prentice

AN ACT Relating to common schools.

Referred to Committee on Ways & Means.

SB 6139 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6140 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6141 by Senator Prentice

AN ACT Relating to retirement from public service.

Referred to Committee on Ways & Means.

SB 6142 by Senator Prentice

AN ACT Relating to retirement from public service.

Referred to Committee on Ways & Means.

SB 6143 by Senator Prentice

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways & Means.

SB 6144 by Senator Prentice

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways & Means.

SB 6145 by Senators Swecker, Haugen, Prentice, Kastama and Eide

AN ACT Relating to siting major auctioneering activity; amending RCW 43.157.010; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8654

By Senators Shin, Franklin, Hargrove, Eide, Fraser, Kohl-Welles, Hatfield, Kastama, Regala, Berkey, Prentice, Hewitt, Stevens, Becker, and Fairley

WHEREAS, Peggy Pritchard Olson has been a longtime prominent citizen in the City of Edmonds and has contributed countless hours in community service as a volunteer and elected official; and

WHEREAS, Peggy was able to help preserve the beautiful waterfront of the City of Edmonds through her work as a cofounder of the Washington Tea Party, a grassroots organization that worked on issues related to the Brightwater sewer treatment plant; and

WHEREAS, Peggy was elected to the Edmonds City Council in 2004, served as President of the Council in 2007, was reelected, unopposed, in 2008, and continues to serve on the council and numerous council committees; and

WHEREAS, Peggy is a founding member of the South Snohomish Cities, to increase communication between the county and its southern cities; and

WHEREAS, Peggy Pritchard Olson was honored on Thursday, February 26, 2009, with the sixteenth annual Edmonds Kiwanis Club's "Citizen of the Year" Award; and

WHEREAS, Peggy was diagnosed a year ago with amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig's Disease, a progressive neurodegenerative disease that strikes suddenly and mysteriously; and

WHEREAS, Upon learning of Peggy's diagnosis, friends rallied to create "Team Peggy," which has brought community members together and has raised 28,000 dollars for the ALS Association through a variety of fund-raisers; and when Peggy learned that there was no local ALS Support Group, she helped establish a group at Steven's Hospital in Edmonds that quickly became one of the largest ALS Support Groups in a multistate region; and

WHEREAS, Peggy's courage and determination have served as an inspiration to all, have generated public awareness of issues related to ALS, and have provided comfort to others who were coping with ALS but weren't aware of resources; and

WHEREAS, The "Edmonds Loves Peggy" buttons seen around town bear testimony to the positive impact she has had on her entire community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize the various contributions and lasting legacy made by Peggy Pritchard Olson; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Peggy Pritchard Olson and to Gary Haakenson, the Mayor of Edmonds.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8656

By Senators Kohl-Welles, Jacobsen, Franklin, McDermott, Kilmer, Hobbs, Prentice, Shin, Marr, Kastama, Hargrove, Regala, Brown, Eide, Berkey, Kauffman, and Rockefeller

WHEREAS, RCW 28B.10.703 authorizes programs for intercollegiate athletics at our State's colleges and universities; and

WHEREAS, The University of Washington, as a member of the Pacific-10 Conference, offers intercollegiate athletic competition for student-athletes in twenty-three sports for men and women; and

WHEREAS, Each sport strives to compete at the highest level, with the goal of winning a national championship; and

WHEREAS, The University of Washington's women's cross country team completed an undefeated season on November 24, 2008, by winning its first NCAA Championship in program history; and

WHEREAS, On the road to the NCAA Championship, the team won every race in which it competed by a wide margin, sweeping the top six finishing places with a perfect score of fifteen in winning the Pac-10 Championship; and

WHEREAS, A remarkable five women on the team were recognized with All-America Honors: Christine Babcock of Irvine, California; Kendra Schaaf of Craven, Saskatchewan, Canada; Mel Lawrence of Reno, Nevada; Katie Follett of Fort Collins, Colorado; and Amanda Miller of Wenatchee, Washington; and

WHEREAS, In addition, the team was named the 2008 Division I U.S. Track & Field and Cross Country Coaches Association Women's Cross Country Scholar Team of the year, with an aggregate grade point average of 3.28; and

WHEREAS, Coach Greg Metcalf was named Division I Cross Country Coach of the year by the U.S. Track & Field and Cross Country Coaches Association;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the citizens of the State of Washington, express to President Mark A. Emmert, Athletic Director Scott Woodward, Coach Greg Metcalf, assistant coaches Kelly Strong and Jimmy Bean, and especially to all the members of the 2008 NCAA National Championship Cross Country team, congratulations on their momentous achievement and for bringing acclaim and recognition to our state and the university; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to University of Washington President Mark Emmert, Athletic Director Scott Woodward, Coach Greg Metcalf, and the coaching staff and members of the University of Washington's Women's Cross Country team.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

On motion of Senator Eide, pursuant to Rule 46, the Ways & Means Committee and the Transportation Committee were granted leave to meet during the day's session.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

MOTION

Passed to Committee on Rules for second reading.

At 12:10 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

March 30, 2009

AFTERNOON SESSION

2SHB 1252 Prime Sponsor, Committee on Capital Budget: Concerning the community economic revitalization board's project selection criteria. Reported by Committee on Economic Development, Trade & Innovation

The Senate was called to order at 4:49 p.m. by President Owen.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 30, 2009

March 25, 2009
ESHB 1033 Prime Sponsor, Committee on Environmental Health: Requiring the use of alternatives to lead wheel weights. Reported by Committee on Environment, Water & Energy

SHB 1329 Prime Sponsor, Committee on Ways & Means: Providing collective bargaining for child care center directors and workers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Marr and Ranker.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Hatfield; Holmquist and Morton.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

March 30, 2009

March 30, 2009
EHB 1087 Prime Sponsor, Representative Kenney: Improving the effectiveness of the office of minority and women's business enterprises. Reported by Committee on Economic Development, Trade & Innovation

E2SHB 1393 Prime Sponsor, Committee on Ways & Means: Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

March 30, 2009

March 30, 2009
ESHB 1131 Prime Sponsor, Committee on Community & Economic Development & Trade: Concerning the Washington state economic development commission. Reported by Committee on Economic Development, Trade & Innovation

SHB 1402 Prime Sponsor, Committee on Commerce & Labor: Restricting contact with medical providers after appeals have been filed under industrial insurance. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 30, 2009

March 30, 2009
HB 1212 Prime Sponsor, Representative Kirby: Regarding industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system. Reported by Committee on Labor, Commerce & Consumer Protection

SHB 1555 Prime Sponsor, Committee on Commerce & Labor: Addressing the recommendations of the joint legislative task force on the underground economy in the construction

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

industry. Reported by Committee on Labor, Commerce & Consumer Protection

Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

March 30, 2009

E2SHB 1701 Prime Sponsor, Committee on Ways & Means: Authorizing the department of information services to engage in high-speed internet activities. Reported by Committee on Economic Development, Trade & Innovation

EHB 1836 Prime Sponsor, Representative Ormsby: Regarding public works involving off-site prefabrication. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Delvin; Eide and Kilmer.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

Passed to Committee on Ways & Means.

March 30, 2009

ESHB 1709 Prime Sponsor, Committee on Financial Institutions & Insurance: Providing fee and installment plan assistance for borrowers at risk of default on small loans. Reported by Committee on Labor, Commerce & Consumer Protection

ESHB 2049 Prime Sponsor, Committee on State Government & Tribal Affairs: Concerning personnel practices regarding exempt employment. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 30, 2009

SHB 1778 Prime Sponsor, Committee on Agriculture & Natural Resources: Modifying various provisions of Title 77 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

SHB 2208 Prime Sponsor, Committee on Commerce & Labor: Prohibiting new motorsports vehicle dealers from having to pay a fee for canceling orders of new motorsports vehicles. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser; Hargrove; Hatfield and Swecker.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Holmquist; Honeyford and King.

MINORITY recommendation: Do not pass. Signed by Senator Morton.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser, Vice Chair.

Passed to Committee on Rules for second reading.

March 30, 2009

SHB 1816 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding wireless phone numbers used by directory providers. Reported by Committee on Economic Development, Trade & Innovation

E2SHB 2227 Prime Sponsor, Committee on Education Appropriations: Enacting the evergreen jobs act. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass as amended.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Shin, Vice Chair; Eide and Kilmer.

MINORITY recommendation: Do not pass. Signed by Senator Delvin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

March 30, 2009

SEVENTY-EIGHTH DAY, MARCH 30, 2009

2009 REGULAR SESSION

EHB 2242 Prime Sponsor, Representative Kenney:
Creating a department of commerce. Reported by Committee on
Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass as amended.
Signed by Senators Kastama, Chair; Shin, Vice Chair;
Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Ways & Means.

March 30, 2009

ESHB 2261 Prime Sponsor, Committee on Education
Appropriations: Concerning the state's education system.
Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended.
Signed by Senators McAuliffe, Chair; Kauffman, Vice
Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs;
Jarrett; McDermott; Roach and Tom.

MINORITY recommendation: Do not pass. Signed by
Senator King.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senator Brandland.

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Supplemental
Standing Committee report were referred to the committees as
designated with the exception of Engrossed House Bill No.
1836 which was referred to the Committee on Ways & Means.

MOTION

At 4:51 p.m., on motion of Senator Eide, the Senate
adjourned until 9:00 a.m. Tuesday, March 31, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 31, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Carrell, Fairley, Murray, Roach, Tom and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Leticia Campos and Grant Woods, presented the Colors. Reverend Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 30, 2009

SB 5352 Prime Sponsor, Senator Haugen: Making 2009-11 transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Delvin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 30, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5012,
 SUBSTITUTE SENATE BILL NO. 5030,
 SUBSTITUTE SENATE BILL NO. 5035,
 SUBSTITUTE SENATE BILL NO. 5043,
 SUBSTITUTE SENATE BILL NO. 5055,
 SUBSTITUTE SENATE BILL NO. 5131,

ENGROSSED SENATE BILL NO. 5135,
 SENATE BILL NO. 5156,
 SENATE BILL NO. 5184,
 SUBSTITUTE SENATE BILL NO. 5190,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
 SUBSTITUTE SENATE BILL NO. 5261,
 SUBSTITUTE SENATE BILL NO. 5290,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6146 by Senator Prentice

AN ACT Relating to the consolidation of the gambling commission into the department of licensing as the office of gambling regulation; amending RCW 9.46.010, 9.46.0201, 9.46.0205, 9.46.0209, 9.46.0217, 9.46.0221, 9.46.0233, 9.46.0261, 9.46.0273, 9.46.0282, 9.46.0311, 9.46.0315, 9.46.0321, 9.46.0331, 9.46.0335, 9.46.0341, 9.46.0345, 9.46.0351, 9.46.0356, 9.46.0361, 9.46.040, 9.46.060, 9.46.070, 9.46.0701, 9.46.071, 9.46.075, 9.46.077, 9.46.080, 9.46.085, 9.46.090, 9.46.095, 9.46.100, 9.46.110, 9.46.116, 9.46.120, 9.46.130, 9.46.140, 9.46.150, 9.46.153, 9.46.158, 9.46.160, 9.46.170, 9.46.198, 9.46.210, 9.46.215, 9.46.220, 9.46.225, 9.46.231, 9.46.250, 9.46.285, 9.46.293, 9.46.300, 9.46.310, 9.46.350, 9.46.360, 9.46.420, 43.24.016, 43.24.020, 43.24.030, 43.24.086, and 43.24.120; and repealing RCW 9.46.050.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9100, Erik S. Rohrer, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed.

Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Kauffman and Prentice were excused.

APPOINTMENT OF ERIK S. ROHRER

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9100, Erik S. Rohrer as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9100, Erik S. Rohrer as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 6; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Absent: Senators Benton, Carrell, Murray, Roach, Tom and Zarelli

Excused: Senators Brown and Fairley

Gubernatorial Appointment No. 9100, Erik S. Rohrer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Roach and Zarelli were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Morton moved that Gubernatorial Appointment No. 9087, Erin Munding, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Morton spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Murray and Tom were excused.

APPOINTMENT OF ERIN MUNDINGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9087, Erin Munding as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9087, Erin Munding as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Brown, Carrell, Fairley, Murray, Roach and Zarelli

Gubernatorial Appointment No. 9087, Erin Munding, having received the constitutional majority was declared

confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brandland moved that Gubernatorial Appointment No. 9031, Timothy B. Douglas, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Brandland spoke in favor of the motion.

APPOINTMENT OF TIMOTHY B. DOUGLAS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9031, Timothy B. Douglas as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9031, Timothy B. Douglas as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Carrell, Murray and Zarelli

Gubernatorial Appointment No. 9031, Timothy B. Douglas, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Gubernatorial Appointment No. 9004, Mike Amos, as a member of the Gambling Commission, be confirmed.

Senator King spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Regala was excused.

APPOINTMENT OF MIKE AMOS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9004, Mike Amos as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9004, Mike Amos as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Carrell, Murray, Regala and Zarelli

Gubernatorial Appointment No. 9004, Mike Amos, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9042, Judy L. Hartman, as a member of the K-20 Educational Network Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF JUDY L. HARTMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9042, Judy L. Hartman as a member of the K-20 Educational Network Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9042, Judy L. Hartman as a member of the K-20 Educational Network Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Carrell, Regala and Zarelli

Gubernatorial Appointment No. 9042, Judy L. Hartman, having received the constitutional majority was declared confirmed as a member of the K-20 Educational Network Board.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1221, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson)

Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1221 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Carrell and Zarelli

SUBSTITUTE HOUSE BILL NO. 1221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1280, by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta, Chandler, Crouse, Kretz, Kristiansen and Armstrong)

Regarding the expiration of explosives licenses issued under chapter 70.74 RCW. Revised for 1st Substitute: Regarding explosives licenses.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1280.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Carrell and Zarelli

SUBSTITUTE HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on Local Government & Housing (originally sponsored by Representatives Maxwell, Simpson, Green, Rodne, Clibborn, Hasegawa, Ormsby, Orwall, Lias, Hudgins, Johnson, Sullivan and Hunter)

Changing library district annexation provisions.

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1291.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1291 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton and Zarelli

SUBSTITUTE HOUSE BILL NO. 1291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1433, by Representatives Lias, Sells, Eddy and Clibborn

Addressing liability for damages to state property resulting from the illegal operation of a vehicle.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.44.110 and 1984 c 7 s 59 are each amended to read as follows:

Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, ~~((or))~~ elevated structure, or other state property may sustain as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law. This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, ~~((or))~~ elevated structure, or other state property sustained as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally

liable for any such damage. Such damage to any state highway ~~((or))~~ structure, or other state property may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation or other affected state agency. Any measure of damage ~~((to any public highway))~~ determined by the department of transportation ((by reason of)) to its highway, bridge, elevated structure, or other property under this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor. The damages available under this section include the incident response costs, including traffic control, incurred by the department of transportation."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1433.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "and amending RCW 46.44.110."

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1433 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1433 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1433 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

HOUSE BILL NO. 1433 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1580, by House Committee on General Government Appropriations (originally sponsored by Representatives Kessler, Walsh, Santos, Morris, Blake, Takko, Chandler, McCoy, Newhouse, Kretz, Linville, Jacks, Ormsby, Van De Wege, Hurst, Warnick, Nelson, Hinkle, Springer and Kenney)

Establishing a pilot local water management program in one qualified jurisdiction.

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Hewitt be adopted.

On page 3, line 2, after "enhance" strike "instream" and insert "stream"

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and Hewitt on page 3, line 2 to Second Substitute House Bill No. 1580.

The motion by Senator Rockefeller carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Second Substitute House Bill No. 1580 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1580 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1580 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SECOND SUBSTITUTE HOUSE BILL NO. 1580 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Capital Budget (originally sponsored by Representatives Jacks, Warnick and Van De Wege)

Identifying qualified applicants and procedures within the Washington wildlife and recreation program.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.15.010 and 2007 c 241 s 26 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Board" means the recreation and conservation funding board.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as "farm and agricultural land" in RCW 84.34.020(2).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(7) "Nonprofit nature conservancy corporation or association" means an organization as defined in RCW 84.34.250.

(8) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

~~((8))~~ (9) "Special needs populations" means physically restricted people or people of limited means.

~~((9))~~ (10) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

~~((10))~~ (11) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

~~((11))~~ (12) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

~~((12))~~ (13) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

Sec. 2. RCW 79A.15.030 and 2007 c 241 s 28 are each amended to read as follows:

(1) Moneys appropriated for this chapter shall be divided as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Ten percent to the habitat conservation account; (B) ten percent to the outdoor recreation account; (C) forty percent to the riparian protection account; and (D) forty percent to the farmlands preservation account; and (iii) any amounts over fifty million dollars must be allocated as follows: (A) Thirty percent to the habitat conservation account; (B) thirty percent to the outdoor recreation account; (C) thirty percent to the riparian protection account; and (D) ten percent to the farmlands preservation account.

(2) Except as otherwise provided in chapter 303, Laws of 2005, moneys deposited in these accounts shall be invested as

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation, outdoor recreation, riparian protection, and farmlands preservation accounts shall be allocated as provided under RCW 79A.15.040, 79A.15.050, 79A.15.120, and 79A.15.130 as grants to state or local agencies or nonprofit nature conservancy organizations or associations for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The board may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter. Moneys appropriated to these accounts that are not obligated to a specific project may be used to fund projects from lists of alternate projects from the same account in biennia succeeding the biennium in which the moneys were originally appropriated.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public.

(5) The board may make grants to an eligible project from the habitat conservation, outdoor recreation, riparian protection, and farmlands preservation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040, 79A.15.050, 79A.15.120, and 79A.15.130.

(6) The board may accept private donations to the habitat conservation account, the outdoor recreation account, the riparian protection account, and the farmlands preservation account for the purposes specified in this chapter.

(7) The board may apply up to three percent of the funds appropriated for this chapter for its office for the administration of the programs and purposes specified in this chapter.

(8) Habitat and recreation land and facilities acquired or developed with moneys appropriated for this chapter may not, without prior approval of the board, be converted to a use other than that for which funds were originally approved. The board shall adopt rules and procedures governing the approval of such a conversion.

Sec. 3. RCW 79A.15.060 and 2007 c 241 s 31 are each amended to read as follows:

(1) The board may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

~~(4) ((Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of critical habitat and urban wildlife habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (5) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where critical habitat or urban wildlife habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.~~

~~—(5))~~ The board may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

~~((7))~~ (5) In determining acquisition priorities with respect to the habitat conservation account, the board shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support for the project;

(ii) The project proposal's ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(iii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;

(iv) Immediacy of threat to the site;

(v) Uniqueness of the site;

(vi) Diversity of species using the site;

(vii) Quality of the habitat;

(viii) Long-term viability of the site;

(ix) Presence of endangered, threatened, or sensitive species;

(x) Enhancement of existing public property;

(xi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(xii) Educational and scientific value of the site;

(xiii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiv) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

~~((7))~~ (6) Before November 1st of each even-numbered year, the board shall recommend to the governor a prioritized list of all state agency and local projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 4. RCW 79A.15.120 and 2007 c 241 s 37 are each amended to read as follows:

(1) The riparian protection account is established in the state treasury. The board must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection ~~((10))~~ (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW, nonprofit nature conservancy organizations or associations, and the conservation commission may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

(4) The board may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

~~(7) (Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of riparian habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (8) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where riparian habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.~~

~~(8))~~ The board may not approve a local project where the local agency or nonprofit nature conservancy organization or association share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's or nonprofit nature conservancy organization's or association's share.

~~((9))~~ (8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

~~((10))~~ (9) In determining acquisition priorities with respect to the riparian protection account, the board must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local

comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

~~((11))~~ (10) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the board and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 5. RCW 79A.15.130 and 2007 c 241 s 38 are each amended to read as follows:

(1) The farmlands preservation account is established in the state treasury. The board will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2)(a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

(b) If a city ~~((or))~~₂ county, nonprofit nature conservancy organization or association, or the conservation commission acquires a property through this program in fee simple, the city ~~((or))~~₂ county, nonprofit nature conservancy organization or association, or the conservation commission shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city ~~((or))~~₂ county, nonprofit nature conservancy organization or association, or the conservation commission shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities ~~((and))~~₂ counties, nonprofit nature conservancy organizations or associations, and the conservation commission may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The board may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) The acquisition of a property right in a project under this section by a county ~~((or))~~₂ city, nonprofit nature conservancy organization or association, or the conservation commission does not provide a right of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

(6) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a city ~~((or))~~₂ county, nonprofit nature conservancy organization or

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

association, or the conservation commission to fund operation or maintenance of areas acquired under this chapter.

(7) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) The board may not approve a local project where the local agency's or nonprofit nature conservancy organization's or association's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's or nonprofit nature conservancy organization's or association's share.

(9) In determining the acquisition priorities, the board must consider, at a minimum, the following criteria:

- (a) Community support for the project;
- (b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;
- (c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;
- (d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;
- (e) Benefits to salmonids;
- (f) Benefits to other fish and wildlife habitat;
- (g) Integration with recovery efforts for endangered, threatened, or sensitive species;
- (h) The viability of the site for continued agricultural production, including, but not limited to:
 - (i) Soil types;
 - (ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;
 - (iii) Suitability for producing different types or varieties of crops;
 - (iv) Farm-to-market access;
 - (v) Water availability; and
- (i) Other community values provided by the property when used as agricultural land, including, but not limited to:
 - (i) Viewshed;
 - (ii) Aquifer recharge;
 - (iii) Occasional or periodic collector for storm water runoff;
 - (iv) Agricultural sector job creation;
 - (v) Migratory bird habitat and forage area; and
 - (vi) Educational and curriculum potential.

(10) In allotting funds for environmental enhancement or restoration projects, the board will require the projects to meet the following criteria:

- (a) Enhancement or restoration projects must further the ecological functions of the farmlands;
- (b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;
- (c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and
- (d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the board and must submit this amended list in the capital budget request to

the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 6. RCW 84.34.250 and 1975-'76 2nd ex.s. c 22 s 4 are each amended to read as follows:

As used in RCW 84.34.210, as now or hereafter amended, ~~((and))~~ RCW 84.34.220, as now or hereafter amended, and RCW 79A.15.010, "nonprofit nature conservancy corporation or association" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c) (of the Internal Revenue Code) as it exists on June 25, 1976 and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public.

NEW SECTION. Sec. 7. (1) Within existing funds, the recreation and conservation office must evaluate the use of land preservation mechanisms such as fee simple acquisitions, conservation easements, term conservation easements, and leases and the ability of each to respond to future economic, social, and environmental changes. The recreation and conservation office must compare the relative advantages and disadvantages and costs of each of these land preservation mechanisms. The recreation and conservation office must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

(2) This section expires June 30, 2010."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1957.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1957 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1957 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1957 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoeler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Pflug, Roach and Stevens

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 1957 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2160, by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Bailey, Kelley, Wood and Morrell)

Concerning health carrier payment of wellness incentives.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.30.140 and 2008 c 217 s 35 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, insurance producer, or title insurance agent shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed insurance producer, or title insurance agent for insurance placed on that person's own property or risks.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance producer, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the insurance producer's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, insurance producers, or title insurance agents whereby prizes, goods, wares, or merchandise, not exceeding twenty-five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

(5) This section does not apply to an offset or reimbursement of all or part of a fee paid to an insurance producer as provided in RCW 48.17.270.

(6)(a) Subsection (1) of this section shall not be construed to prohibit a health carrier or disability insurer from including as part of a group or individual health benefit plan or contract containing health benefits, a wellness program which meets the requirements for an exception from the prohibition against discrimination based on a health factor under the health

insurance portability and accountability act (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that act.

(b) For purposes of this subsection: (i) "Health carrier" and "health benefit plan" have the same meaning as provided in RCW 48.43.005; and (ii) "wellness program" has the same meaning as provided in 45 CFR 146.121(f).

Sec. 2. RCW 48.30.150 and 2008 c 217 s 36 are each amended to read as follows:

(1) No insurer, insurance producer, title insurance agent, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, or sell, buy, or offer or promise to buy or give, or promise, or allow to, or on behalf of, the insured or prospective insured in any manner whatsoever:

~~((+))~~ (a) Any shares of stock or other securities issued or at any time to be issued on any interest therein or rights thereto; or

~~((2))~~ (b) Any special advisory board contract, or other contract, agreement, or understanding of any kind, offering, providing for, or promising any profits or special returns or special dividends; or

~~((3))~~ (c) Any prizes, goods, wares, or merchandise of an aggregate value in excess of twenty-five dollars.

(2) Subsection (1) of this section shall not be deemed to prohibit the sale or purchase of securities as a condition to or in connection with surety insurance insuring the performance of an obligation as part of a plan of financing found by the commissioner to be designed and operated in good faith primarily for the purpose of such financing, nor shall it be deemed to prohibit the sale of redeemable securities of a registered investment company in the same transaction in which life insurance is sold.

(3)(a) Subsection (1) of this section shall not be deemed to prohibit a health carrier or disability insurer from including as part of a group or individual health benefit plan or contract providing health benefits, a wellness program which meets the requirements for an exception from the prohibition against discrimination based on a health factor under the health insurance portability and accountability act (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that act.

(b) For purposes of this subsection: (i) "Health carrier" and "health benefit plan" have the same meaning as provided in RCW 48.43.005; and (ii) "wellness program" has the same meaning as provided in 45 CFR 146.121(f).

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

Upon the renewal date of an individual or group health benefit plan or contract containing health benefits, the modification of a wellness program, as defined in 45 CFR 146.121(f), included in such a plan or contract shall not be considered a cancellation or nonrenewal of such plan or contract."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2160.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "amending RCW 48.30.140 and 48.30.150; and adding a new section to chapter 48.43 RCW."

MOTION

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

SECOND READING

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2160 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2160 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2160 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 2160 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Kessler, DeBolt and Orcutt

Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, House Joint Memorial No. 4014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4014.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

HOUSE JOINT MEMORIAL NO. 4014, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1049, by Representatives Rolfes, Angel, Kelley, Smith, Conway, Hope, Hunt, Dammeier, Dunshee, Herrera, Seaquist, Armstrong, Moeller, Parker, Van De Wege, Johnson, Simpson, Rodne, Orwall, Haler, Lias, Short, Kirby, Green, Kenney, Goodman, Williams, Dickerson, McCoy, Appleton, Chase, Morrell, Sullivan, Sells, Newhouse, Upthegrove, Kessler, Roach, Wallace, Bailey, Maxwell, McCune, Kretz, Condotta and Campbell

Concerning veterans' relief.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed House Bill No. 1049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1049.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

ENGROSSED HOUSE BILL NO. 1049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1055, by House Committee on Commerce & Labor (originally sponsored by Representatives Moeller, Williams, Conway, Wood and Simpson)

Requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1055.

ROLL CALL

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 1055 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 1055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1218, by Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams

Changing the requirement that contempt of court sanctions be served in the county jail.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1218.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1322, by Representatives Green, Morrell, Hinkle, Kirby, Kelley, Moeller, Blake, Seaquist, Rolfes, Cody and Simpson

Repealing scoliosis screening in schools.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1322.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist and Roach

Excused: Senator Benton

HOUSE BILL NO. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1414, by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Moeller, Hinkle, Cody, Sullivan, Nelson and Ormsby)

Concerning health care assistants.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1414.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1414 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 1414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SEVENTY-NINTH DAY, MARCH 31, 2009
SECOND READING

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1749, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Bailey and Kirby)

Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.146.010 and 2008 c 78 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Application" means the same as in Regulation X, Real Estate Settlement Procedures, 24 C.F.R. Sec. 3500.

(3) "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

(4) "Computer loan information systems" or "CLI system" means a real estate mortgage financing information system that facilitates the provision of information to consumers by a mortgage broker, loan originator, lender, real estate agent, or other person regarding interest rates and other loan terms available from different lenders.

(5) "Department" means the department of financial institutions.

(6) "Designated broker" means a natural person designated as the person responsible for activities of the licensed mortgage broker in conducting the business of a mortgage broker under this chapter and who meets the experience and examination requirements set forth in RCW 19.146.210(1)(e).

(7) "Director" means the director of financial institutions.

(8) "Employee" means an individual who has an employment relationship with a mortgage broker, and the individual is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

(9) "Federal banking agencies" means the board of governors of the federal reserve system, comptroller of the currency, director of the office of thrift supervision, national credit union administration, and federal deposit insurance corporation.

(10) "Independent contractor" or "person who independently contracts" means any person that expressly or impliedly contracts to perform mortgage brokering services for another and that with respect to its manner or means of performing the services is not subject to the other's right of control, and that is not treated as an employee by the other for purposes of compliance with federal income tax laws.

~~((+0))~~ (11)(a) "Loan originator" means a natural person who ~~((+))~~ for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain (i) takes a residential mortgage loan application for a mortgage broker, or ~~((+))~~ (ii) offers or negotiates terms of a mortgage loan ~~(-for direct or indirect compensation or gain, or in the expectation of~~

~~direct or indirect compensation or gain~~). "Loan originator" also includes a person who holds themselves out to the public as able to perform any of these activities. "Loan originator" does not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a borrower to obtain information necessary for the processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.

~~((+))~~ (b) "Loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such a lender, mortgage broker, or other mortgage loan originator. For purposes of this chapter, the term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(i) Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to such a transaction;

(iv) Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) Offering to engage in any activity, or act in any capacity, described in (b)(i) through (iv) of this subsection.

(c) "Loan originator" does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of Title 11, United States Code.

(12) "Loan processor" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 19.146 RCW.

(13) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

~~((+2))~~ (14) "Mortgage broker" means any person who for compensation or gain, or in the expectation of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to obtain a residential mortgage loan.

~~((+3))~~ (15) "Mortgage loan originator" has the same meaning as "loan originator."

(16) "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage loan originators.

(17) "Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

~~((+4))~~ (18) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, or alone or in concert with others, a ten percent or greater interest in a partnership, company, association, or corporation, and the owner of a sole proprietorship.

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

~~((15))~~ (19) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

~~((16))~~ (20) "S.A.F.E. act" means the secure and fair enforcement for mortgage licensing act of 2008, or Title V of the housing and economic recovery act of 2008 ("HERA"), P.L. 110-289, effective July 30, 2008.

(21) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

(22) "Unique identifier" means a number or other identifier assigned by protocols established by the nationwide mortgage licensing system and registry.

Sec. 2. RCW 19.146.020 and 2006 c 19 s 3 are each amended to read as follows:

(1) ~~(Except as provided under subsections (2) through (4) of this section;)~~ The following are exempt from all provisions of this chapter:

(a) ~~((1))~~ Any person doing business under the laws of the state of Washington or the United States, and any federally insured depository institution doing business under the laws of any other state, relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof ~~(; and~~

~~(ii) Subject to the director's written approval, the exclusive agents of an affiliate of a bank that is wholly owned by the bank holding company that owns the bank);~~

(b) Any person doing business under the consumer loan act is exempt from this chapter only for that business conducted under the authority and coverage of the consumer loan act;

(c) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(d) Any person doing any act under order of any court, except for a person subject to an injunction to comply with any provision of this chapter or any order of the director issued under this chapter;

~~(e) ((Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;~~

~~(f))~~ A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((g) Any mortgage broker approved and subject to auditing by the federal national mortgage association or the federal home loan mortgage corporation;~~

~~(h))~~ (f) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection (1) ~~((1))~~ (f); ~~((and~~

~~(i))~~ (g) A real estate broker who provides only information regarding rates, terms, and lenders in connection with a CLI system, who receives a fee for providing such information, who conforms to all rules of the director with respect to the providing of such service, and who discloses on a form approved by the director that to obtain a loan the borrower must deal directly

with a mortgage broker or lender. However, a real estate broker shall not be exempt if he or she does any of the following:

(i) Holds himself or herself out as able to obtain a loan from a lender;

(ii) Accepts a loan application, or submits a loan application to a lender;

(iii) Accepts any deposit for third-party services or any loan fees from a borrower, whether such fees are paid before, upon, or after the closing of the loan;

(iv) Negotiates rates or terms with a lender on behalf of a borrower; or

(v) Provides the disclosure required by RCW 19.146.030(1);

~~(h) Registered mortgage loan originators, or any individual required to be registered; and~~

~~(i) A manufactured or modular home retailer employee who performs purely administrative or clerical tasks and who receives only the customary salary or commission from the employer in connection with the transaction.~~

(2) ~~((Those persons and their loan originators otherwise exempt under subsection (1)(c), (g), or (4) of this section must comply with RCW 19.146.0201 through 19.146.080. For violations of RCW 19.146.0201 through 19.146.080, the director has authority to issue a cease and desist order as provided in RCW 19.146.220 and 19.146.227, to impose penalties as provided in RCW 19.146.220, and to obtain and review books and records that are relevant to any allegation of such a violation as provided in RCW 19.146.235.~~

~~(3))~~ Any person otherwise exempted from the licensing provisions of this chapter may voluntarily submit an application to the director for a mortgage broker's license. The director shall review such application and may grant or deny licenses to such applicants upon the same grounds and with the same fees as may be applicable to persons required to be licensed under this chapter.

(a) Upon receipt of a license under this subsection, the licensee is required to continue to maintain a valid license, is subject to all provisions of this chapter, and has no further right to claim exemption from the provisions of this chapter except as provided in (b) of this subsection.

(b) Any licensee under this subsection who would otherwise be exempted from the requirements of licensing by this section may apply to the director for exemption from licensing. The director shall adopt rules for reviewing such applications and shall grant exemptions from licensing to applications which are consistent with those rules and consistent with the other provisions of this chapter.

~~((4) The director may exempt an exclusive agent under subsection (1)(a) of this section provided that the affiliate in subsection (1)(a) of this section:~~

~~(a) Applies for and maintains a license as provided by subsection (3) of this section;~~

~~(b) Has on file with the director a binding written agreement under which the affiliate assumes responsibility for the exclusive agent's violations of this chapter or rules adopted under this chapter; and~~

~~(c) Maintains a bond or other security in an amount required by the director that runs to the benefit of the state and any person who suffers loss by reason of the exclusive agent's violation of this chapter or rules adopted under this chapter.))~~

Sec. 3. RCW 19.146.0201 and 2006 c 19 s 4 are each amended to read as follows:

It is a violation of this chapter for a loan originator ~~(;)~~ or mortgage broker required to be licensed under this chapter ~~(; or mortgage broker otherwise exempted from this chapter under RCW 19.146.020(1)(c), (g), or (4))~~ to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

(2) Engage in any unfair or deceptive practice toward any person;

(3) Obtain property by fraud or misrepresentation;

(4) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting from a person exempt from licensing under RCW 19.146.020(1) (~~((g) or (h))~~) (f) or a lender with whom the mortgage broker maintains a written correspondent or loan broker agreement under RCW 19.146.040;

(6) Fail to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law;

(7) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising;

(8) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any reports filed by a mortgage broker or in connection with any investigation conducted by the department;

(9) Make any payment, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(10) Advertise any rate of interest without conspicuously disclosing the annual percentage rate implied by such rate of interest;

(11) Fail to comply with any requirement of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226; the real estate settlement procedures act, 12 U.S.C. Sec. 2601 and Regulation X, 24 C.F.R. Sec. 3500; the equal credit opportunity act, 15 U.S.C. Sec. 1691 and Regulation B, Sec. 202.9, 202.11, and 202.12; Title V, Subtitle A of the financial modernization act of 1999 (known as the "Gramm-Leach-Bliley act"), 12 U.S.C. Secs. 6801-6809; the federal trade commission's privacy rules, 16 C.F.R. Parts 313-314, mandated by the Gramm-Leach-Bliley act; the home mortgage disclosure act, 12 U.S.C. Sec. 2801 et seq. and Regulation C, home mortgage disclosure; the federal trade commission act, 12 C.F.R. Part 203, 15 U.S.C. Sec. 45(a); the telemarketing and consumer fraud and abuse act, 15 U.S.C. Secs. 6101 to 6108; and the federal trade commission telephone sales rule, 16 C.F.R. Part 310, as these acts existed on January 1, 2007, or such subsequent date as may be provided by the department by rule, in any advertising of residential mortgage loans, or any other applicable mortgage broker or loan originator activities covered by the acts. The department may adopt by rule requirements that mortgage brokers and loan originators comply with other applicable federal statutes and regulations in any advertising of residential mortgage loans, or any other mortgage broker or loan originator activity;

(12) Fail to pay third-party providers no later than thirty days after the recording of the loan closing documents or ninety days after completion of the third-party service, whichever comes first, unless otherwise agreed or unless the third-party service provider has been notified in writing that a bona fide dispute exists regarding the performance or quality of the third-party service;

(13) Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by RCW 19.146.030 or 19.146.070;

(14)(a) Except when complying with (b) and (c) of this subsection, act as a loan originator in any transaction (i) in

which the loan originator acts or has acted as a real estate broker or salesperson or (ii) in which another person doing business under the same licensed real estate broker acts or has acted as a real estate broker or salesperson;

(b) Prior to providing mortgage services to the borrower, a loan originator, in addition to other disclosures required by this chapter and other laws, shall provide to the borrower the following written disclosure:

THIS IS TO GIVE YOU NOTICE THAT I OR ONE OF MY ASSOCIATES HAVE/HAS ACTED AS A REAL ESTATE BROKER OR SALESPERSON REPRESENTING THE BUYER/SELLER IN THE SALE OF THIS PROPERTY TO YOU. I AM ALSO A LOAN ORIGINATOR, AND WOULD LIKE TO PROVIDE MORTGAGE SERVICES TO YOU IN CONNECTION WITH YOUR LOAN TO PURCHASE THE PROPERTY.

YOU ARE NOT REQUIRED TO USE ME AS A LOAN ORIGINATOR IN CONNECTION WITH THIS TRANSACTION. YOU ARE FREE TO COMPARISON SHOP WITH OTHER MORTGAGE BROKERS AND LENDERS, AND TO SELECT ANY MORTGAGE BROKER OR LENDER OF YOUR CHOOSING; and

(c) A real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker shall carry on such mortgage broker business activities and shall maintain such person's mortgage broker business records separate and apart from the real estate broker activities conducted pursuant to chapter 18.85 RCW. Such activities shall be deemed separate and apart even if they are conducted at an office location with a common entrance and mailing address, so long as each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the broker business firms results. This subsection (14)(c) shall not require a real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker to maintain a physical separation within the office facility for the conduct of its real estate and mortgage broker activities where the director determines that maintaining such physical separation would constitute an undue financial hardship upon the mortgage broker and is unnecessary for the protection of the public; or

(15) Fail to comply with any provision of RCW 19.146.030 through 19.146.080 or any rule adopted under those sections.

Sec. 4. RCW 19.146.205 and 2006 c 19 s 10 are each amended to read as follows:

(1) Application for a mortgage broker license under this chapter (~~shall~~) must be ((in writing)) made to the nationwide mortgage licensing system and registry and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the applicant, and any other names, dates of birth, or social security numbers previously used by the applicant, unless waived by the director;

(b) If the applicant is a partnership or association, the name, address, date of birth, and social security number of each general partner or principal of the association, and any other names, dates of birth, or social security numbers previously used by the members, unless waived by the director;

(c) If the applicant is a corporation, the name, address, date of birth, and social security number of each officer, director, registered agent, and each principal stockholder, and any other names, dates of birth, or social security numbers previously used by the officers, directors, registered agents, and principal stockholders unless waived by the director;

(d) The street address, county, and municipality where the principal business office is to be located;

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

(e) The name, address, date of birth, and social security number of the applicant's designated broker, and any other names, dates of birth, or social security numbers previously used by the designated broker and a complete set of the designated broker's fingerprints taken by an authorized law enforcement officer; and

(f) Such other information regarding the applicant's or designated broker's background, financial responsibility, experience, character, and general fitness as the director may require by rule.

(2) As a part of or in connection with an application for any license under this section, or periodically upon license renewal, the applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, ~~((and)) the nationwide mortgage licensing system and registry,~~ or any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(3) In order to reduce the points of contact which the federal bureau of investigation may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(4) In order to reduce the points of contact which the director may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the director.

(5) At the time of filing an application for a license under this chapter, each applicant shall pay to the director through the nationwide mortgage licensing system and registry the appropriate application fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to cover, but not exceed, the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case the director shall deposit the moneys in the consumer services account.

~~((4))~~ (6)(a) Except as provided in (b) of this subsection, each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount ((of not greater than sixty thousand dollars nor less than twenty thousand dollars)) which the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bonding requirement as established by the director ((may)) shall take the form of a ((uniform bond amount for all licensees or the director may establish by rule a schedule establishing a)) range of bond amounts which shall vary according to the annual ((average number of loan originators of a)) loan origination volume of the licensee. The bond shall run to the state of Washington as obligee, and shall run first to the benefit of the borrower and then to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its loan originator's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by

this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. Borrowers shall be given priority over the state and other persons. The state and other third parties shall be allowed to receive distribution pursuant to a valid claim against the remainder of the bond. In the case of claims made by any person or entity who is not a borrower, no final judgment may be entered prior to one hundred eighty days following the date the claim is filed. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

~~(b) ((Subsection (4)(b) and (c) of this section applies only to applications received on or before January 1, 2007. Before January 1, 2007, in lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.~~

~~(c) Before January 1, 2007, in lieu of the surety bond or compliance with (b) of this subsection, an applicant may obtain insurance or coverage from an association comprised of mortgage brokers that is organized as a mutual corporation for the sole purpose of insuring or self-insuring claims that may arise from a violation of this chapter. An applicant may only substitute coverage under this subsection for the requirements of (a) or (b) of this subsection if the director, with the consent of the insurance commissioner, has authorized such association to organize a mutual corporation under such terms and conditions as may be imposed by the director to ensure that the corporation is operated in a financially responsible manner to pay any claims within the financial responsibility limits specified in (a) of this subsection)) If the director determines that the bond required in (a) of this subsection is not reasonably available, the director shall waive the requirements for such a bond. The mortgage recovery fund account is created in the custody of the state treasurer. The director is authorized to charge fees to fund the account. All fees charged under this section, except those retained by the director for administration of the fund, must be deposited into the mortgage recovery fund account. Expenditures from the account may be used only for the same purposes as the surety bond as described in (a) of this subsection. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. A person entitled to receive payment from the mortgage recovery fund may only receive reimbursement after a court of competent jurisdiction has determined the actual damages caused by the licensee. The director may determine by rule the procedure for recovery; the amount each mortgage broker must pay through the nationwide mortgage licensing system and registry for deposit in the~~

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

mortgage recovery fund; and the amount necessary to administer the fund.

Sec. 5. RCW 19.146.228 and 2006 c 19 s 15 are each amended to read as follows:

The director shall establish fees ~~((by rule in accordance with the policy established in RCW 43.24.086 and fees shall be))~~ sufficient to cover, but not exceed, the costs of administering this chapter. These fees may include:

- (1) An annual assessment paid by each licensee on or before a date specified by rule;
- (2) An investigation fee to cover the costs of any investigation of the books and records of a licensee or other person subject to this chapter; and
- (3) An application fee to cover the costs of processing applications made to the director under this chapter.

Mortgage brokers and loan originators shall not be charged investigation fees for the processing of complaints when the investigation determines that no violation of this chapter occurred or when the mortgage broker or loan originator provides a remedy satisfactory to the complainant and the director and no order of the director is issued. All moneys, fees, and penalties collected under the authority of this chapter shall be deposited into the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case all moneys, fees, and penalties collected under this chapter shall be deposited in the consumer services account.

Sec. 6. RCW 19.146.235 and 2006 c 19 s 16 are each amended to read as follows:

The director or a designee has authority to conduct investigations and examinations as provided in this section.

(1) For the purposes of investigating violations or complaints arising under this chapter, the director or his or her designee may make an investigation of the operations of any mortgage broker or loan originator as often as necessary in order to carry out the purposes of this chapter.

(2) Every mortgage broker shall make available to the director or a designee its books and records relating to its operations.

(a) For the purpose of examinations, the director or his or her designee may have access to such books and records during normal business hours and interview the officers, principals, loan originators, employees, independent contractors, and agents of the licensee concerning their business.

(b) For the purposes of investigating violations or complaints arising under this chapter, the director may at any time, either personally or by a designee, investigate the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering, whether such a person acts or claims to act under, or without the authority of, this chapter.

(c) The director or designated person may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order such person to produce books, accounts, records, files, and any other documents the director or designated person deems relevant to the inquiry.

~~(3) ((Once during the first five years of licensing, including branch licensing.))~~ The director may visit, either personally or by designee, the licensee's place or places of business to conduct an examination. The scope of the examination is limited to documents and information necessary to determine compliance with this chapter and attendant rules. In general, the examination scope may include:

- (a) A review for trust accounting compliance;

(b) Loan file review to determine the mortgage broker's compliance with this chapter and applicable federal regulations covering the business of mortgage brokering and lending;

(c) Interviews for the purpose of understanding business and solicitation practices, transactional events, disclosure compliance, complaint resolution, or determining specific compliance with this chapter and the attendant rules; and

(d) A review of general business books and records, including employee records, for the purpose of determining specific compliance with this chapter and the attendant rules.

(4) The purpose of an examination is to make certain that licensees are conducting business in compliance with the law. Therefore, protocols for examination findings and corrective action directed from an examination must be established by rule of the director. To accomplish this purpose, these protocols must include the following:

(a) A reporting mechanism from the director to the licensee;

(b) A process for clear notification of violations and an opportunity for response by the licensee; and

(c) The criteria by which the frequency of examinations will be determined.

(5) If the examination findings clearly identify the need to expand the scope of the examination, the director or a designee, upon five days' written notification to the licensee with an explanation of the need, may:

(a) Expand the examination review to locations other than the examined location regardless of the number of years a location has held a license; or

(b) Expand the time period of the examination beyond the five-year period of licensing, provided the expansion of time does not exceed a date certain identified in the written notification in this subsection.

(6) The director or a designee may consider reports made by independent certified professionals for the mortgage broker covering the same general subject matter as the examination. The director or a designee may incorporate all or part of the report in the report of the examination.

(7) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations. The cost of these services for investigations only must be billed in accordance with RCW 19.146.228.

(8) The director may establish by rule travel costs for examination of out-of-state entities.

(9)(a) No person subject to examination or investigation under this chapter may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

(b) A person who commits an act under (a) of this subsection is guilty of a class B felony punishable under RCW 9A.20.021(1)(b) or punishable by a fine of not more than twenty thousand dollars, or both.

NEW SECTION. Sec. 7. A new section is added to chapter 19.146 RCW to read as follows:

(1) Each loan originator applicant shall complete at least twenty hours of prelicensing education approved by the nationwide mortgage licensing system and registry. The prelicensing education shall include at least three hours of federal law and regulations; three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; two hours of training related to lending standards for the nontraditional mortgage product marketplace; and at least two hours of training specifically related to Washington law.

(2) A loan originator applicant having successfully completed the prelicensing education requirements approved by the nationwide mortgage licensing system and registry for any state shall be accepted as credit towards completion of prelicensing education requirements in this state.

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

(3) This chapter does not preclude any prelicensing education course, as approved by the nationwide mortgage licensing system and registry, that is provided by the employer of the loan originator applicant or an entity which is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such an employer or entity. Prelicensing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 8. A new section is added to chapter 19.146 RCW to read as follows:

(1) To obtain a loan originator license, an individual must pass a test developed by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.

(2) An individual is not considered to have passed a test unless the individual achieves a test score of not less than seventy-five percent correct answers to questions.

(a) An individual may retake a test three consecutive times with each consecutive taking occurring at least thirty days after the preceding test.

(b) After failing three consecutive tests, an individual must wait at least six months before taking the test again.

(c) A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer must retake the test, not taking into account any time during which that individual is a registered mortgage loan originator.

(3) This section does not prohibit a test provider approved by the nationwide mortgage licensing system and registry from providing a test at the location of the employer of the loan originator applicant or any subsidiary or affiliate of the employer of the applicant, or any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

Sec. 9. RCW 19.146.300 and 2006 c 19 s 19 are each amended to read as follows:

(1) Application for a loan originator license under this chapter ~~((shall))~~ must be ((in writing)) made to the nationwide mortgage licensing system and registry and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the loan originator applicant, and any other names, dates of birth, or social security numbers previously used by the loan originator applicant, unless waived by the director; and

(b) Such other information regarding the loan originator applicant's background, experience, character, and general fitness as the director may require by rule.

(2)(a) As part of or in connection with an application for any license under this section, or periodically upon license renewal, the loan originator applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, ~~((and))~~ the nationwide mortgage licensing system and registry, or any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, or periodically upon license renewal, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(b) In order to reduce the points of contact which the federal bureau of investigation may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(c) In order to reduce the points of contact which the director may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the director.

(d) As part of or in connection with an application for a license under this section, the loan originator applicant must furnish to the nationwide mortgage licensing system and registry personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including the submission of authorization for the nationwide mortgage licensing system and registry and the director to obtain:

(i) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the federal fair credit reporting act; and

(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(3) At the time of filing an application for a license under this chapter, each loan originator applicant shall pay to the director the appropriate application fee in an amount determined by rule of the director in accordance with RCW 19.146.228 to cover the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund.

(4) The director must establish by rule procedures for accepting and processing incomplete applications.

Sec. 10. RCW 19.146.310 and 2006 c 19 s 20 are each amended to read as follows:

(1) The director shall issue and deliver a loan originator license if, after investigation, the director makes the following findings:

(a) The loan originator applicant has paid the required license fees;

(b) The loan originator applicant has met the requirements of RCW 19.146.300 ;

(c) The loan originator applicant has ~~((not))~~ never had a license issued under this chapter or any similar state statute ~~((suspended or))~~ revoked ((within five years of the filing of the present application)) except that, for the purposes of this subsection, a subsequent formal vacation of a revocation is not a revocation;

(d)(i) The loan originator applicant has not been convicted of a gross misdemeanor involving dishonesty or financial misconduct or ((a felony)) has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court within seven years of the filing of the present application; and

(ii) The loan originator applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court at any time preceding the date of application if the felony involved an act of fraud, dishonesty, breach of trust, or money laundering;

(e) The loan originator applicant has passed a written examination whose content shall be established by rule of the director;

(f) The loan originator applicant has not been found to be in violation of this chapter or rules;

(g) The loan originator applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of this chapter. For the purposes of this section, an applicant has not demonstrated financial responsibility when the applicant

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

shows disregard in the management of his or her financial condition. A determination that an individual has shown disregard in the management of his or her financial condition may include, but is not limited to, an assessment of: Current outstanding judgments, except judgments solely as a result of medical expenses; current outstanding tax liens or other government liens and filings; foreclosures within the last three years; or a pattern of seriously delinquent accounts within the past three years; and

(h) The loan originator licensee has completed, during the calendar year preceding a licensee's annual license renewal date, a minimum of eight hours of continuing education as established by rule of the director. ((The director shall establish standards in rule for approval of professional organizations offering continuing education to loan originators. The director may approve continuing education taken by loan originators in other states if the director is satisfied that such continuing education meets the requirements of the continuing education required by this chapter.))

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the loan originator license. The director shall notify the loan originator applicant of the denial and return to the loan originator applicant any remaining portion of the license fee that exceeds the department's actual cost to investigate the license.

(3) The director shall issue a new loan originator license under this chapter to any licensee that has a valid license and is otherwise in compliance with this chapter.

(4) A loan originator license issued under this section expires on the date one year from the date of issuance which, for license renewal purposes, is also the renewal date. The director shall establish rules regarding the loan originator license renewal process created under this chapter.

(5) A loan originator licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the loan originator licensee's civil or criminal liability or any administrative actions arising from acts or omissions occurring before such surrender.

(6) To prevent undue delay in the issuance of a loan originator license and to facilitate the business of a loan originator, an interim loan originator license with a fixed date of expiration may be issued when the director determines that the loan originator has substantially fulfilled the requirements for loan originator licensing as defined by rule.

NEW SECTION. Sec. 11. A new section is added to chapter 19.146 RCW to read as follows:

(1) A licensed mortgage loan originator must complete a minimum of eight hours of continuing education, eight of which is approved by the nationwide mortgage licensing system and registry which must include at least three hours of federal law and regulations; two hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues; and two hours of training related to lending standards for the nontraditional mortgage product marketplace. Additionally, the director may require at least one hour of continuing education on Washington law provided by and administered through an approved provider.

(2) The nationwide mortgage licensing system and registry must review and approve continuing education courses. Review and approval of a continuing education course must include review and approval of the course provider.

(3) A licensed mortgage loan originator may only receive credit for a continuing education course in the year in which the course is taken, and may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) A licensed mortgage loan originator who is an instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual

continuing education requirement at the rate of two hours credit for every one hour taught.

(5) A person having successfully completed the education requirements approved by the nationwide mortgage licensing system and registry for any state must have their credits accepted as credit towards completion of continuing education requirements in this state.

(6) This section does not preclude any education course, as approved by the nationwide mortgage licensing system and registry, that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity. Continuing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 12. A new section is added to chapter 19.146 RCW to read as follows:

The director shall establish a process whereby mortgage loan originators may challenge information entered into the nationwide mortgage licensing system and registry by the director.

NEW SECTION. Sec. 13. A new section is added to chapter 19.146 RCW to read as follows:

For the purposes of implementing an orderly and efficient licensing process, the director may establish licensing rules and interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the director may establish expedited review and licensing procedures.

NEW SECTION. Sec. 14. A new section is added to chapter 31.04 RCW to read as follows:

An individual defined as a mortgage loan originator shall not engage in the business of a mortgage loan originator without first obtaining and maintaining annually a license under this act. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 15. A new section is added to chapter 19.146 RCW to read as follows:

(1) Except as otherwise provided in section 1512 of the S.A.F.E. act, the requirements under any federal law or chapter 42.56 RCW regarding the privacy or confidentiality of any information or material provided to the nationwide mortgage licensing system and registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to that information or material, continues to apply to the information or material after the information or material has been disclosed to the nationwide mortgage licensing system and registry. Information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or state law.

(2) For the purposes under subsection (1) of this section, the director is authorized to enter agreements or sharing arrangements with other governmental agencies, the conference of state bank supervisors, the American association of residential mortgage regulators, or other associations representing governmental agencies as established by rule, regulation, or order of the director.

(3) Information or material that is subject to a privilege or confidentiality under subsection (1) of this section is not subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process unless, with respect to any privilege held by the nationwide mortgage licensing system and registry with respect to that information or

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

material, the person to whom the information or material pertains waives, in whole or in part, in the discretion of that person, that privilege.

(4) Chapter 42.56 RCW relating to the disclosure of confidential supervisory information or any information or material described in subsection (1) of this section that is inconsistent with subsection (1) of this section is superseded by the requirements of this section.

(5) This section does not apply to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the nationwide mortgage licensing system and registry for access by the public.

NEW SECTION. Sec. 16. A new section is added to chapter 19.146 RCW to read as follows:

In order to fulfill the purposes of this act, the director is authorized to establish relationships or contracts with the nationwide mortgage licensing system and registry or other entities designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

NEW SECTION. Sec. 17. A new section is added to chapter 19.146 RCW to read as follows:

Each mortgage broker licensee shall submit to the nationwide mortgage licensing system and registry reports of condition, which must be in the form and must contain the information as the nationwide mortgage licensing system and registry may require.

NEW SECTION. Sec. 18. A new section is added to chapter 19.146 RCW to read as follows:

The director is authorized to regularly report violations of this act, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 19. (1) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, sections 4, 6 through 9, 11, 12, 14, and 17 are effective January 1, 2010.

(2) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, mortgage loan originators who were previously exempt as exclusive agents under RCW 19.146.020(1)(a)(ii) must obtain a mortgage loan originator license under this chapter before July 1, 2010.

NEW SECTION. Sec. 20. The director of financial institutions or the director's designee may take the actions necessary to ensure this act is implemented on July 1, 2010."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Substitute House Bill No. 1749.

The motion by Senator Berkey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "2008;" strike the remainder of the title and insert "amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; adding a new section to chapter 31.04 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 1749 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1749 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1749 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 1749 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1843, by House Committee on Transportation (originally sponsored by Representatives Kagi, Rodne and Kenney)

Addressing motor carrier regulation and compliance review.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1843.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1843 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist, Honeyford, McCaslin, Morton and Schoesler

Excused: Senator Benton

SEVENTY-NINTH DAY, MARCH 31, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1878, by Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darneille, Moeller and Kenney

Authorizing the transfer of accumulated leave of employees of the state school for the blind and the school for the deaf.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1878.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1878 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

HOUSE BILL NO. 1878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:55 a.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, April 1, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 1, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Hobbs, Kohl-Welles and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Nicholas Landis and Ava Clarridge, presented the Colors. Pastor Betty Hatter of the City of Truth Ministries Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 30, 2009

ESHB 1445 Prime Sponsor, Committee on Ways & Means: Providing benefits to domestic partners under the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Passed to Committee on Rules for second reading.

March 30, 2009

HB 1448 Prime Sponsor, Representative Hurst: Granting tribal authorities limited control over speed limits on nonlimited access state highways within tribal reservation boundaries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5131,
ENGROSSED SENATE BILL NO. 5135,
SENATE BILL NO. 5156,
SENATE BILL NO. 5184,
SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5290,

MOTION

Senator Eide moved that Substitute House Bill No. 1283 be removed from the Consent Calendar and placed on the second and third reading calendar.

SECOND READING**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Kastama moved that Gubernatorial Appointment No. 9152, Bruce L. Lachney, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Kastama spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Fairley, Kohl-Welles, McAuliffe, Oemig and Prentice were excused.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

APPOINTMENT OF BRUCE L. LACHNEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9152, Bruce L. Lachney as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9152, Bruce L. Lachney as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hobbs

Excused: Senators Benton, Kohl-Welles and Prentice

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

Gubernatorial Appointment No. 9152, Bruce L. Lachney, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1254.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bruce L. Lachney and Dr. John Walstrum, President of Clover Park Technical College who were seated in the gallery.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9112, Kay Slonim, as a member of the Board of Tax Appeals, be confirmed.

Senator Jacobsen spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

On motion of Senator Kauffman, Senator Hobbs was excused.

APPOINTMENT OF KAY SLONIM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9112, Kay Slonim as a member of the Board of Tax Appeals.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9112, Kay Slonim as a member of the Board of Tax Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Hobbs, Kohl-Welles and Prentice

Gubernatorial Appointment No. 9112, Kay Slonim, having received the constitutional majority was declared confirmed as a member of the Board of Tax Appeals.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1254, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schmick, Blake, Ormsby, Walsh, Sullivan, Parker and Kretz)

Creating the Washington grain commission.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 1254 was advanced to third reading,

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1254 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Hobbs, Kohl-Welles and Prentice

SUBSTITUTE HOUSE BILL NO. 1254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I noticed that we have some very special guests today from the Evergreen State College. I'd like to note that this is the men's basketball team of the Evergreen State College accompanied by the Evergreen's President, Les Purce. As you know I represent the gooey duck district in our state, gooey ducks are the mascots of Evergreen State College and we actually have two members of the senate who are graduates, so we have two official gooey ducks here in the senate. Greeners, Senator Swecker and Senator Ranker and the men's basketball team at Evergreen State College is, really has had an extraordinarily successful year. They have extraordinarily talented players and they are also academic achievers. For the second year in a row and for the third time in it's history they have had a twenty-win season, two years in a row. How's that for good? The highlight was a dramatic come from behind win over Bluefield College of Virginia in a tournament where they were down by fifteen points and then rallied to win one-hundred one to eighty-six so that's plus fifteen points. A special recognition is one of their players is Nate Menefee who scored forty-eight points himself, a school record and the second most points in tournament history. I'm pleased to say that he also graduated from high school in my district. He's been, Nate Menefee has been named a Cascade Collegiate Conference player of the year and a first team All American. Also named an All American conference team player was Nicholas Moore who is from Graham in Pierce County and two other team mates were named Academic All Americans, John Levi from Tacoma who is also a House Intern this year and Aaron Schlund a senior from Bothell. So, we have people from all around our state who are attending Evergreen so it's wonderful, Mr. President, to have this very talented team here and to remind us that in the middle of 'March Madness' that the NCAA tournament isn't the only stage for great inspiring basketball."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Evergreen State College Basketball Team; Michael War; Tyrell Dixon; John Levi III; Amos Saffold; Scott Halasz; Nathan Menefee; Johnny Sarysz; Julio Feliciano; Aaron Schlund; Marcus Wright; Nicholas Moore; Anthony Gallagher; Steve

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

Trotter; Emmanuel Olekaibe and Jamaal Thomson and Head Coach, Jeff Drinkwine; Assistant Coaches, Leonard Barnes, Kaelen Moore and Lenny Roger and Athletic Trainer Rebecca Johnson; is the Evergreen State College President, Les Purce; Vice President for Student Affairs Art Costantino and Athletic Director Dave Weber who were seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Morrell, Ericksen, Green, Moeller and Kelley)

Concerning the standard health questionnaire.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Kohl-Welles and Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1510, by House Committee on Health Care & Wellness (originally sponsored by Representatives Ross, Klippert and Johnson)

Regarding disclosure of confidential information on birth certificates.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1510 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Kohl-Welles and Prentice

SUBSTITUTE HOUSE BILL NO. 1510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1569, by Representatives Liias, O'Brien, Hope, Sells, Dunshee, Kagi, McCoy, Morrell and Ormsby

Establishing local public works assistance funds.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1569 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1569.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1569 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Zarelli

Excused: Senators Benton, Kohl-Welles and Prentice

HOUSE BILL NO. 1569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:50 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:52 a.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 2040, by Representatives Conway and Condotta

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

Concerning the work of the joint select committee on beer and wine regulation.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Kohl-Welles be adopted.

On page 15, after line 3, insert the following:

"**NEW SECTION. Sec. 13** This act takes effect January 1, 2010."

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 15, after line 3 to Engrossed House Bill No. 2040.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "regulation;" strike the remainder of the title and insert "amending RCW 66.28.180; adding new sections to chapter 66.28 RCW; repealing RCW 66.28.010; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 2040 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2040 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2040 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator McAuliffe

Absent: Senator Tom

Excused: Senators Benton and Kohl-Welles

ENGROSSED HOUSE BILL NO. 2040 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1034, by Representatives Morrell, Moeller, Kelley, Hurst, Miloscia, Hunt, Appleton and Chase

Concerning rental or lease of armories.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1034.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Kohl-Welles

HOUSE BILL NO. 1034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Haugen and Marr

Making 2009-11 transportation appropriations.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Swecker moved that the following amendment by Senator Carrell be adopted.

On page 8, beginning on line 17, strike all material through "schedule." on line 29

Renumber subsections consecutively and correct internal references accordingly.

Senators Carrell, Roach and Pflug spoke in favor of adoption of the amendment.

Senators Haugen, Marr, Swecker and Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 8, line 17 to Substitute Senate Bill No. 5352.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

MOTION

Senator Jarrett moved that the following amendment by Senator Jarrett be adopted.

On page 26, after line 32, insert the following:

"(8) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency

EIGHTIETH DAY, APRIL 1, 2009

center program.”

Senator Jarrett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jarrett on page 26, after line 32 to Substitute Senate Bill No. 5352.

The motion by Senator Jarrett carried and the amendment was adopted by voice vote.

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer, Haugen and Swecker be adopted.

On page 27, after line 23, insert the following:

"(7) As a priority task, the Washington state ferries is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW."

Senator Kilmer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer, Haugen and Swecker on page 27, after line 23 to Substitute Senate Bill No. 5352.

The motion by Senator Kilmer carried and the amendment was adopted by voice vote.

MOTION

Senator Jarrett moved that the following amendment by Senator Jarrett be adopted.

On page 36, after line 6, insert the following:

"(29) The legislature is committed to the funding and construction of R8A in a timely manner, supporting the construction of Sound Transit's East Link. The department shall complete the process of negotiating the airspace lease with Sound Transit, including appropriate and independent facility asset assessments required to accommodate the use and funding of the I-90 center roadway for East Link in support of East Link project milestones."

Senators Jarrett, Haugen and Murray spoke in favor of adoption of the amendment.

Senators Swecker, Pflug and King spoke against adoption of the amendment.

Senator Pflug demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jarrett on page 36, after line 6 to Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Jarrett and the amendment was adopted by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kauffman, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Benton and Kohl-Welles

POINT OF ORDER

Senator Stevens: "I believe that this measure may require a super majority vote under provisions of law enacted last year by Initiative 960. This measure requires the Transportation Commission to oppose various tolls and rate changes without specifying their particular amount or use. This language is found in section 205 of the measure before us and I believe this language is problematic for two reasons; number one, I believe that the designation of open ended rate setting authority to an agency violates the plain language of Initiative 960 which requires the legislature to set and approve tax and fee rates. Simply delegating this authority to an unelected commission without any guidance is improper. Second, I note that in the past you have differentiated between taxes and fees for the purpose of Initiative 960, stating that a fee must be tightly drawn to match a specific charge for a narrow purpose. In this case, because there is no specific charge amount, let alone any specific language limiting the purpose for which the proceeds may be spent, I submit that this toll and rate setting authority in the bill is in fact a tax which requires two-thirds vote for final passage. My inquiry Mr. President, is as the application of the provision of I-960 to this matter and whether a super majority vote is needed for final passage. Thank you, Mr. President."

POINT OF ORDER

Senator Haugen: "I believe this does not....."

REMARKS BY THE PRESIDENT

President Owen: "Senator Haugen, are you raising to point of order?"

POINT OF ORDER

Senator Haugen: "Point of order Mr. President. Thank you Mr. President. This provision affirms the Transportation Commission already has the authority to set tolls on three public projects; the Tacoma Narrows Bridge, State Route 167 and the state ferries. This is not new. The commission already has this authority granted by the legislature. This bill simply confirms the commissions preexisting authority. No taxes or fees are raised because no revenue is increased. The bill is not subject to the provision of I-960. Even if the bill was subject to I-960 it only impacts the payment of fees and therefore a simple majority

EIGHTIETH DAY, APRIL 1, 2009

is sufficient. The payment of tolls is a payment explicitly connected to the use of public project. Here these projects are a bridge, a road and a state ferry. The payment of tolls allow the person use of the public facility to which it is connected. The nexus is strong and direct. Because of the close nexus between the person paying the tolls and the use of the facility, the toll is a fee. Payment of fees is not subject to super-majority requirements of I-960 but rather requires only a simple majority. The point of order is not well taken."

POINT OF ORDER

Senator Pflug: "In regards to the question of whether or not the tolls are related specifically to..."

REPLY BY THE PRESIDENT

President Owen: "Senator Pflug, the President allows only an argument, one of either side and that has been done. Thank you."

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 36, after line 6, insert the following:

"(29) \$13,977,496 of the transportation partnership account-state appropriation is a reappropriation provided solely for project 850901F, as identified in the LEAP transportation document in subsection (1) of this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief. However, this appropriation shall be reduced to reflect expenditures previously made during the 2007-09 fiscal biennium."

Senators Keiser and Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 36, after line 6 to Substitute Senate Bill No. 5352.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senators King and Marr be adopted.

On page 36, line 34, after "replacement", strike "must consist of a tug and barge" and insert "must consist of either a tug and barge or rehabilitation work to the existing vessel and dock facilities after discussions with members of the community and any affected tribal governments."

Senators King and Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Marr on page 36, line 34 to Substitute Senate Bill No. 5352.

The motion by Senator King carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others be adopted.

On page 40, line 23, strike "\$50,000,000" and insert "\$106,672,000"

On page 40, line 28, strike "\$76,226,000" and insert "\$132,898,000"

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

On page 40, beginning on line 33, after "in" strike all material through "2009" on line 35, and insert "LEAP Capital Projects System Senate Amendment, as developed April 1, 2009, Program - Rail Capital Program (Y), as it appears in subsection (7) of this section"

On page 44, after line 31, insert the following:

"(7)

LEAP Capital Projects System

Senate Amendment, as developed April 1, 2009
Program - Rail Capital Program (Y)

State Route	BIN	Project Title	Leg Dist	Prior	(\$ in Thousands)					Total	
					2009-11	2011-13	2013-15	2015-17	2017-19		2019 +
Rail Capital Program (Y)											
000	700100A	Palouse River and Coulee City RR - Rail Authority- Sponsored Rehabilitati	07, 09, 12	500	8,100	0	0	0	0	0	8,600
000		Construction		500	8,100	0	0	0	0	0	8,600
		State - TInA		500	8,100	0	0	0	0	0	
000	700610A	CW Line/Lincoln County - Grade Crossing Rehabilitation	07	0	371	0	0	0	0	0	371
		Construction		0	371	0	0	0	0	0	371
		State - MMA		0	371	0	0	0	0	0	
000	701301A	Statewide - Washington Produce Rail Car Pool	99	1,100	731	143	0	0	0	0	1,974
		Construction		1,100	731	143	0	0	0	0	1,974
000		Ded Fed Rail - MMA		1,100	731	143	0	0	0	0	
000	710110A	Clark Co.-owned RR/Vancouver - Track Rehabilitation	17, 18, 49	0	367	0	0	0	0	0	367
		Construction		0	367	0	0	0	0	0	367
		State - MMA		0	367	0	0	0	0	0	
000	710510A	Lincoln Co. PDA/Creston - New Rail Spur	07	0	338	0	0	0	0	0	338
		Construction		0	338	0	0	0	0	0	338
		State - MMA		0	338	0	0	0	0	0	
000	711010A	Tacoma Rail/Tacoma - New Refinery Spur Tracks	27	0	420	0	0	0	0	0	420
		Construction		0	420	0	0	0	0	0	420
		State - MMA		0	420	0	0	0	0	0	
000	711010B	Tacoma Rail/Tacoma - Improved Locomotive Facility	27	0	367	0	0	0	0	0	367
		Construction		0	367	0	0	0	0	0	367
		State - MMA		0	367	0	0	0	0	0	
000	711310A	Tacoma Rail/Roy - New Connection to BNSF and Yelm-owned Spur	02	0	525	0	0	0	0	0	525
		Construction		0	525	0	0	0	0	0	525
		State - ERAA		0	500	0	0	0	0	0	
		State - MMA		0	25	0	0	0	0	0	
000	722710A	Port of Ephrata/Ephrata - Additional Spur Rehabilitation	13	0	363	0	0	0	0	0	363
		Construction		0	363	0	0	0	0	0	363
		State - ERAA		0	175	0	0	0	0	0	
		State - MMA		0	188	0	0	0	0	0	
000	730210A	Tacoma - New D St-M St. Rail Connection	27, 29	0	6,000	0	0	0	0	0	6,000
		Preliminary Engineering		0	1,200	0	0	0	0	0	1,200
		Ded Fed Rail - MMA		0	1,200	0	0	0	0	0	

JOURNAL OF THE SENATE

869

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

				0	4,800	0	0	0	0	0	0	4,800
000	F01000A	Statewide - Freight Rail Investment Bank	99	1,080	1,316	8,684	5,000	5,000	5,000	16,000	42,080	
		Construction		1,080	1,316	8,684	5,000	5,000	5,000	16,000	42,080	
		Federal Oth - TInA		0	0	0	0	0	0	1,000		
000	F01001A	Statewide - Emergent Freight Rail Assistance Projects	99	0	0	2,750	2,750	2,750	2,750	8,250	19,250	
		Construction		0	0	2,750	2,750	2,750	2,750	8,250	19,250	
		State - ERAA		0	0	150	125	88	0	0		
		State - MMA		0	0	2,600	2,625	2,662	2,750	8,250		
000	F01001E	New Creston Livestock Feed Mill Spur Track	07	22	8	0	0	0	0	0	30	
		Construction		22	8	0	0	0	0	0	30	
		State - MMA		22	8	0	0	0	0	0		
000	F01001O	Port of Moses Lake/Northern Columbia Basin - RR Engineering and Environm Preliminary Engineering	13	1,950	50	0	0	0	0	0	2,000	
		State - MMA		1,950	50	0	0	0	0	0		
000	F01010A	Port of Pasco - Intermodal Facility Improvements, Phase 4	16	510	372	0	0	0	0	0	882	
		Construction		510	372	0	0	0	0	0	882	
000	F01021A	Port of Columbia/Wallula to Dayton - Track Rehabilitation	16	270	252	0	0	0	0	0	522	
		Construction		270	252	0	0	0	0	0	522	
		State - MMA		270	252	0	0	0	0	0		
000	F01030C	Bellingham - Waterfront Restoration	42	495	0	5,000	0	0	0	0	5,495	
		Preliminary Engineering		495	0	0	0	0	0	0	495	
		Ded Fed Rail - MMA		495	0	0	0	0	0	0		
		Construction		0	0	5,000	0	0	0	0	5,000	
		State - MMA		0	0	5,000	0	0	0	0		
000	F01113A	Geiger - New Transloader	07, 09	70	0	0	0	0	0	790	860	
		Preliminary Engineering		70	0	0	0	0	0	0	70	
		State - MMA		70	0	0	0	0	0	0		
		Right of Way		0	0	0	0	0	0	790	790	
		State - ERAA		0	0	0	0	0	0	500		
		State - MMA		0	0	0	0	0	0	290		
000	F01130C	Tacoma Rail and Puget Sound and Pacific RR/Centralia - Reconfigure Rail	20	337	0	0	0	0	0	7,063	7,400	
		Preliminary Engineering		337	0	0	0	0	0	363	700	
		State - MMA		337	0	0	0	0	0	363		
		Construction		0	0	0	0	0	0	6,700	6,700	
		State - MMA		0	0	0	0	0	0	6,700		
000	F01130D	Tacoma Rail and Puget Sound and Pacific RR - Reconfig Rail Phase 1B	20	0	0	0	0	0	0	5,415	5,415	
		Right of Way		0	0	0	0	0	0	400	400	
		State - MMA		0	0	0	0	0	0	400		

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

		Construction		0	0	0	0	0	0	5,015	5,015
		Ded Fed Rail - MMA		0	0	0	0	0	0	3,915	
		State - MMA		0	0	0	0	0	0	1,100	
000	F01160G	Tacoma Rail/Fredrickson to Morton - Track Rehab	02, 20	400	1,085	0	0	0	0	0	1,485
		Construction		400	1,085	0	0	0	0	0	1,485
		Ded Fed Rail - MMA		400	1,085	0	0	0	0	0	
000	F01160H	Tacoma Rail/Tacoma to Morton and Yelm - Track Rehab	02, 20	0	755	0	0	0	0	0	755
		Construction		0	755	0	0	0	0	0	755
		Ded Fed Rail - MMA		0	755	0	0	0	0	0	
000	F01170A	Port of Quincy - Short Haul Intermodal Pilot Project	13	634	350	0	0	0	0	0	984
		Construction		634	350	0	0	0	0	0	984
		Ded Fed Rail - MMA		634	350	0	0	0	0	0	
000	F11001A	Intermodal Infrastructure Enhancement Project, Port of Olympia	22	707	283	0	0	0	0	0	990
		Construction		707	283	0	0	0	0	0	990
		Ded Fed Rail - MMA		707	283	0	0	0	0	0	
000	F11001B	Intermodal Infrastructure Enhancement Project, Port of Olympia	22	707	283	0	0	0	0	0	990
		Construction		707	283	0	0	0	0	0	990
		Ded Fed Rail - MMA		707	283	0	0	0	0	0	
000	L2000024	Port of Moses Lake/Northern Columbia Basin RR -- Segment 2 & 3	13	0	2,000	0	0	0	0	0	2,000
		Construction		0	2,000	0	0	0	0	0	2,000
		State - MMA		0	2,000	0	0	0	0	0	
000	P01000B	PNWRC - Safety Improvements	99	3,998	695	695	695	695	695	2,085	9,558
		Construction		3,998	695	695	695	695	695	2,085	9,558
		Federal Oth - MMA		3,998	695	695	695	695	695	2,085	
000	P01005A	Vancouver - Rail Bypass and W 39th Street Bridge	18, 49	55,072	68,942	26,349	0	0	0	0	150,363
		Preliminary Engineering		10,420	0	0	0	0	0	0	10,420
		State - MMA		7,193	0	0	0	0	0	0	
		State - MMA		3,227	0	0	0	0	0	0	
		Right of Way		10,216	3,200	0	0	0	0	0	13,416
		Ded Fed Rail - MMA		2,000	0	0	0	0	0	0	
		State - MMA		8,216	3,200	0	0	0	0	0	
		Construction		34,436	65,742	26,349	0	0	0	0	126,527
		Federal Oth - MMA		5,500	5,500	0	0	0	0	0	
		Local - MMA		0	81	919	0	0	0	0	
		State - MMA		28,936	60,161	25,430	0	0	0	0	
000	P01006A	Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks	18	3,598	0	0	2,443	47,027	0	0	53,068
		Preliminary Engineering		3,598	0	0	2,443	0	0	0	6,041
		State - MMA		3,598	0	0	2,443	0	0	0	
		Construction		0	0	0	0	47,027	0	0	47,027
		State - MMA		0	0	0	0	47,027	0	0	
000	P01008C	Tacoma - Bypass of Pt. Defiance	02, 27, 28, 29	17,579	11,059	24,891	46,376	0	0	0	99,905
		Preliminary Engineering		6,287	500	223	0	0	0	0	7,010

JOURNAL OF THE SENATE

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

			State - MMA	4,740	0	0	0	0	0	0	0
			State - MMA	1,547	500	223	0	0	0	0	0
			Right of Way	2,000	0	0	0	0	0	0	2,000
			State - MMA	40	0	0	0	0	0	0	0
			State - MMA	1,960	0	0	0	0	0	0	0
			Construction	9,292	10,559	24,668	46,376	0	0	0	90,895
			Ded Fed Rail - MMA	1,500	0	850	850	0	0	0	0
			State - MMA	2,292	0	0	0	0	0	0	0
			State - MMA	5,500	10,559	23,818	45,526	0	0	0	0
000	P01010A	Chehalis Jct - High Speed Crossovers		20	0	0	0	0	0	0	3,900 3,900
			Preliminary Engineering		0	0	0	0	0	0	400 400
			State - MMA		0	0	0	0	0	0	400 400
			Construction		0	0	0	0	0	0	3,500 3,500
			State - MMA		0	0	0	0	0	0	3,500 3,500
000	P01010B	Newaukum River - High Speed Crossovers		18, 20	0	0	0	0	0	0	3,490 3,490
			Preliminary Engineering		0	0	0	0	0	0	390 390
			State - MMA		0	0	0	0	0	0	390 390
			Construction		0	0	0	0	0	0	3,100 3,100
			State - MMA		0	0	0	0	0	0	3,100 3,100
000	P01100A	Bellingham - GP Area Upgrades		42	20	0	0	0	0	0	180 200
			Preliminary Engineering		20	0	0	0	0	0	180 200
			State - MMA		20	0	0	0	0	0	180 180
000	P01101A	Mt Vernon - Siding Upgrade		10	1,736	440	1,624	0	0	0	0 3,800
			Preliminary Engineering		860	40	0	0	0	0	0 900
			State - MMA		860	40	0	0	0	0	0 0
			Construction		876	400	1,624	0	0	0	0 2,900
			State - MMA		876	400	1,624	0	0	0	0 0
000	P01102A	Everett - Curve Realignments and Storage Tracks		38	12,181	3,019	0	0	0	0	0 15,200
			Preliminary Engineering		1,031	0	0	0	0	0	0 1,031
			State - MMA		1,031	0	0	0	0	0	0 0
			Right of Way		250	0	0	0	0	0	0 250
			State - MMA		250	0	0	0	0	0	0 0
			Construction		10,900	3,019	0	0	0	0	0 13,919
			State - MMA		10,900	3,019	0	0	0	0	0 0
000	P01104A	Stanwood - Siding Upgrades		10	4,500	11,450	0	0	0	0	0 15,950
			Preliminary Engineering		250	0	0	0	0	0	0 250
			State - MMA		250	0	0	0	0	0	0 0
			Construction		4,250	11,450	0	0	0	0	0 15,700
			State - MMA		4,250	11,450	0	0	0	0	0 0
000	P01105A	Blaine - Customs Facility Siding		42	4,000	2,000	0	0	0	0	0 6,000
			Preliminary Engineering		400	0	0	0	0	0	0 400
			Ded Fed Rail - MMA		400	0	0	0	0	0	0 0
			Right of Way		10	0	0	0	0	0	0 10
			Ded Fed Rail - MMA		10	0	0	0	0	0	0 0
			Construction		3,590	2,000	0	0	0	0	0 5,590
			Ded Fed Rail - MMA		2,590	0	0	0	0	0	0 0
			State - MMA		1,000	2,000	0	0	0	0	0 0
000	P01201A	King Street Station - Track Improvements		11	9,142	5,858	0	0	0	0	0 15,000
			Preliminary Engineering		800	0	0	0	0	0	0 800
			State - MMA		800	0	0	0	0	0	0 0
			Right of Way		2,200	0	0	0	0	0	0 2,200
			State - MMA		2,200	0	0	0	0	0	0 0

EIGHTIETH DAY, APRIL 1, 2009

2009 REGULAR SESSION

		Construction	6,142	5,858	0	0	0	0	0	12,000	
		State - MMA	6,142	5,858	0	0	0	0	0		
000	P02001A	Cascades Train Sets - Overhaul	99	4,000	4,000	1,000	0	0	0	1,000	10,000
		Preliminary Engineering	500	250	0	0	0	0	0	0	750
		State - MMA	500	250	0	0	0	0	0	0	
		Construction	3,500	3,750	1,000	0	0	0	0	1,000	9,250
		State - MMA	3,500	3,750	1,000	0	0	0	0	1,000	
000	P20000A	Stanwood - New Station	10	3,900	1,100	0	0	0	0	0	5,000
		Preliminary Engineering	376	0	0	0	0	0	0	0	376
		State - MMA	376	0	0	0	0	0	0	0	
		Right of Way	200	0	0	0	0	0	0	0	200
		State - MMA	200	0	0	0	0	0	0	0	
		Construction	3,324	1,100	0	0	0	0	0	0	4,424
		State - MMA	3,324	1,100	0	0	0	0	0	0	
			128,508	132,899	71,136	57,264	55,472	8,445	48,173	501,897	
		Total	128,508	132,899	71,136	57,264	55,472	8,445	48,173	501,897"	

Senators Holmquist and Schoesler spoke in favor of adoption of the amendment.

Senators Marr, Fraser and Haugen spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 40, line 23 to Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and others and the amendment was not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senators Benton and Kohl-Welles

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Stevens as to the application of Initiative Number 960 to Substitute Senate Bill 5352, the President finds and rules as follows: Senator Stevens argues that this bill improperly delegates toll and ferry rate setting authority to the Transportation Commission. Her argument seems to be first, that this open-ended grant of authority amounts to a tax requiring a super-majority vote; and second, that the actual delegation of this authority to an agency is improper under I-960.

The President begins by noting that it is not clear that this

measure, in fact, directly sets any tolls or ferry rates. Assuming for the sake of argument that it does, the President would then apply the traditional analysis in determining whether or not proposed revenue is a tax or a fee. Chiefly, the test is whether there is a nexus between the charge to be paid and the purpose for which the proceeds may be spent. The President believes that, in general, a fairly tight connection between tolls being paid by those using the tolled facility is present. Likewise, there is a direct connection between those paying ferry fares and their use of ferries. Thus, even were this measure presumed to directly set those charges—and the President is not convinced that it does—these charges would likely still need only a simple majority vote to enact.

As to whether the Legislature may delegate rate-setting authority to an agency in the first place, the President again notes that the language in I-960 is far from a model of clarity, and Senator Stevens is correct that the initiative does seem to include language meant to limit the delegation of revenue-setting authority to agencies. The language in the initiative is, however, imprecise as to its application or enforcement, stating only, in its Section 14, "No fee may be imposed or increased in any fiscal year without prior legislative approval..." Whether this prevents any delegation of fee-setting authority in the first place, or whether his section means only that the Legislature must ultimately approve a fee set by an agency, is unclear. The President need not decide this question, however, as ambiguities within an initiative are more properly decided by a court of law. Simply put, this is a legal question, not a parliamentary one, and therefore the President does not issue an opinion on this matter.

For these reasons, Senator Stevens' point is not well-taken, and this measure will take only a constitutional majority for final passage."

Senators Haugen, Swecker, King spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

Senator Franklin assumed the chair.

Senators Zarelli and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 and the bill passed

EIGHTIETH DAY, APRIL 1, 2009

the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Holmquist, Pflug, Roach and Stevens

Excused: Senators Benton and Kohl-Welles

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5976, by Senator Haugen

Extending tire replacement fees.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5976.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5976 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Roach, Schoesler and Stevens

Excused: Senators Benton and Kohl-Welles

SENATE BILL NO. 5976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:22 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, April 2, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 2, 2009

The Senate was called to order at 9:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brandland, Brown, Fairley, Kilmer and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Meghan Fewins and Asa Wolfe, presented the Colors. Mary Lynn Reiner of Temple Beth Hatfiloh of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 1, 2009

2SHB 1481 Prime Sponsor, Committee on Finance: Regarding electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Eide; Jacobsen; Jarrett; Kauffman and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King and Becker.

Passed to Committee on Ways & Means.

March 31, 2009

ESHB 2072 Prime Sponsor, Committee on Transportation: Concerning transportation for persons with special transportation needs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2072 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the

fourth order of business.

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The House has passed the following bills: ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The House has passed the following bills: SUBSTITUTE SENATE BILL NO. 5009, SUBSTITUTE SENATE BILL NO. 5136, SUBSTITUTE SENATE BILL NO. 5369, SUBSTITUTE SENATE BILL NO. 5380, SUBSTITUTE SENATE BILL NO. 5388, ENGROSSED SENATE BILL NO. 5423, ENGROSSED SUBSTITUTE SENATE BILL NO. 5437, SUBSTITUTE SENATE BILL NO. 5481, SENATE BILL NO. 5487, SENATE BILL NO. 5680, SENATE BILL NO. 5739, SENATE BILL NO. 5832, SENATE BILL NO. 5903, SUBSTITUTE SENATE BILL NO. 5904, SENATE BILL NO. 5944,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The Speaker has signed the following: SENATE BILL NO. 5156, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The Speaker has signed the following: SUBSTITUTE SENATE BILL NO. 5012, SUBSTITUTE SENATE BILL NO. 5030, SUBSTITUTE SENATE BILL NO. 5035, SUBSTITUTE SENATE BILL NO. 5043, SUBSTITUTE SENATE BILL NO. 5055, SUBSTITUTE SENATE BILL NO. 5131, ENGROSSED SENATE BILL NO. 5135, SENATE BILL NO. 5184, SUBSTITUTE SENATE BILL NO. 5190, ENGROSSED SUBSTITUTE SENATE BILL NO. 5228, ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, SUBSTITUTE SENATE BILL NO. 5261, SUBSTITUTE SENATE BILL NO. 5290,

and the same are herewith transmitted.

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The Speaker has signed the following:

- HOUSE BILL NO. 1034,
- ENGROSSED HOUSE BILL NO. 1049,
- SUBSTITUTE HOUSE BILL NO. 1055,
- HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1221,
- SUBSTITUTE HOUSE BILL NO. 1254,
- SUBSTITUTE HOUSE BILL NO. 1280,
- SUBSTITUTE HOUSE BILL NO. 1291,
- HOUSE BILL NO. 1322,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
- SUBSTITUTE HOUSE BILL NO. 1414,
- SUBSTITUTE HOUSE BILL NO. 1510,
- HOUSE BILL NO. 1569,
- SUBSTITUTE HOUSE BILL NO. 1843,
- HOUSE BILL NO. 1878,
- HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6147 by Senators Kohl-Welles, Regala, McDermott, Murray, Kline, Fraser and Jacobsen

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION
8629

By Senators Roach, McAuliffe, Prentice, Jacobsen, Shin, Tom, Marr, Delvin, Kauffman, Benton, Berkey, Oemig, Hatfield, Franklin, Keiser, Murray, Fraser, Jarrett, Kline, McDermott,

Haugen, Rockefeller, Hobbs, Kastama, Sheldon, Kilmer, Brown, Eide, Kohl-Welles, and Holmquist

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest growing developmental disability, affecting 1 million to 1.5 million Americans, 1 in 150 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senators Roach, Keiser, Prentice and Rockefeller spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Roach carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Honeyford moved that Gubernatorial Appointment No. 9108, Honna Sheffield, as a member of the Columbia River Gorge Commission, be confirmed.

Senator Honeyford spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Fairley and Kilmer were excused.

MOTION

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

On motion of Senator Delvin, Senators Benton and Brandland were excused.

APPOINTMENT OF HONNA SHEFFIELD

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9108, Honna Sheffield as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9108, Honna Sheffield as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Pflug

Excused: Senators Benton, Brandland, Brown, Fairley and Kilmer

Gubernatorial Appointment No. 9108, Honna Sheffield, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Warnick, O'Brien, McCune, Liias, Kagi, Kenney and Wallace)

Authorizing the purchase, storage, and administration of medications by occupational therapists.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Pflug was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1041.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland, Brown, Fairley and Pflug

SUBSTITUTE HOUSE BILL NO. 1041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1201, by House Committee on Human Services (originally sponsored by Representatives O'Brien, Dickerson, Hurst and Appleton)

Establishing the community integration assistance program.

The measure was read the second time.

MOTION

Senator Regala moved that the following amendment by Senators Hargrove and Stevens be adopted.

On page 4, beginning on line 5, after "9.94A.612" strike "or 72.09.712"

Senator Regala spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 4, line 5 to Substitute House Bill No. 1201.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1201 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1201 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1201 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Fairley

SUBSTITUTE HOUSE BILL NO. 1201 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1812, by House Committee on Commerce & Labor (originally sponsored by Representatives Newhouse, Conway, Chandler, Moeller and Sullivan)

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

Concerning wine labels.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted.

On page 2, after line 22, insert the following:

"**NEW SECTION. Sec. 21.** This act applies to wine made from grapes harvested after December 31, 2009."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 2, after line 22 to Substitute House Bill No. 1812.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "labels;" strike the remainder of the title and insert "amending RCW 66.28.110; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1812 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette, Honeyford and Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Marr was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1812 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1812 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Marr

SUBSTITUTE HOUSE BILL NO. 1812 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "I forgot to add when I was talking about the autism DVD you can call my office if there's anyone of you need it for a neighbor or you need it for a relative. My office can direct you to the right place to get it. Thank you."

MOTION

At 9:51 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:38 a.m. by the President Pro Tempore.

MOTION TO LIMIT DEBATE

Senator Eide: "Madam President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 26, 2009."

PARLIAMENTARY INQUIRY

Senator McCaslin: "I'd like to amend that motion to make it two minutes."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 26, 2009 by voice vote.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Was that vote on my amendment for...why wasn't it? I made an honest motion to make it two minutes, are you ignoring Senators on the floor especially this one? Listen, you guys, two minutes is plenty, if you can't explain it in two minutes you don't know the English language."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator McCaslin, the rule cannot be reduced to less than three minutes."

POINT OF ORDER

Senator McCaslin: "Who said that?"

REPLY BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "The rule."

POINT OF ORDER

Senator McCaslin: "The majority has the power to change the rule if they wish. So, I would ask the majority to change the rule to two minutes. Even Senator Sheldon can explain himself in two minutes. Now Kline can't, it takes him ten minutes to explain a two minute rule."

POINT OF ORDER

Senator McDermott: "I'd like to know for timing how long it's taken Senator McCaslin to make this point."

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "I yield to Senator McDermott, about a minute and half."

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Madam President. Just for this point in time I request that we continue for the three minutes. We'll look at changing the rule the next time to two but right now I'm going to stick with three."

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "I agree with the majority."

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: "It's always good to have some fun."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1011, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Hasegawa, Kagi, Darneille, Upthegrove, Hudgins and Moeller)

Regulating the use of identification devices by governmental and business entities.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 1011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1011 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Morton, Oemig, Schoesler and Stevens

Absent: Senator Roach

Excused: Senators Benton, Brown and Fairley

SUBSTITUTE HOUSE BILL NO. 1011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, by House Committee on General Government Appropriations (originally sponsored by Representatives Kelley, Roach, Kirby, Warnick, Bailey and Sells)

Concerning exchange facilitators.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Second Substitute House Bill No. 1078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1078 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kohl-Welles

Excused: Senators Benton, Fairley and Roach

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1127, by Representatives Hurst and Hinkle

Securing credit and debit card information.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.200.010 and 2000 c 163 s 1 are each amended to read as follows:

(1) The legislature finds that credit ~~((is an))~~ and debit cards are important tools for consumers in today's economy (~~(particularly the use of credit cards))~~). The legislature also finds that unscrupulous persons often fraudulently use the ~~((credit))~~ card accounts of others by stealing the ~~((credit))~~ card itself or by obtaining the necessary information to fraudulently charge the purchase of goods and services to another person's ~~((credit card))~~ account. The legislature intends to provide some protection for consumers from the latter by limiting the information that can appear on a ~~((credit))~~ card receipt.

(2) No person that accepts credit or debit cards for the transaction of business shall print more than the last five digits of the ~~((credit))~~ card account number or print the ~~((credit))~~ card

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

expiration date on a credit or debit card receipt. This includes all receipts kept by the person or provided to the cardholder.

(3) This section shall apply only to receipts that are electronically printed and shall not apply to transactions in which the sole means of recording the ((credit)) card number is by handwriting or by an imprint or copy of the credit or debit card.

(4) ~~((For purposes of chapter 163, Laws of 2000;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

~~((5) This section applies on July 1, 2001, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service on or after July 1, 2001, and on July 1, 2004, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service prior to July 1, 2001-))~~ (b) "Debit card" means a card or device used to obtain money, property, labor, or services by a transaction that debits a cardholder's account, rather than extending credit.

Sec. 2. RCW 63.14.123 and 2000 c 163 s 2 are each amended to read as follows:

(1) A retailer shall not print more than the last five digits of the ((credit)) card account number or print the ((credit)) card expiration date on a credit or debit card receipt. This includes all receipts kept by the person or provided to the cardholder.

(2) This section shall apply only to receipts that are electronically printed and shall not apply to transactions in which the:

(a) Sole means of recording the ((credit)) card number is by handwriting or by an imprint or copy of the credit or debit card; or

(b) Retailer processes the transaction electronically but also takes additional manual measures for the purpose of ensuring that the card is not being used fraudulently, including measures the retailer is contractually obligated to take in connection with its acceptance of credit or debit cards.

(3) ~~((This section applies on July 1, 2001, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service on or after July 1, 2001, and on July 1, 2004, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service prior to July 1, 2001))~~ For the purposes of this section:

(a) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(b) "Debit card" means a card or device used to obtain money, property, labor, or services by a transaction that debits a cardholder's account, rather than extending credit."

Senator Berkey spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to House Bill No. 1127.

The motion by Senator Berkey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 19.200.010 and 63.14.123."

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1127 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1127 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1127 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Fairley and Roach

HOUSE BILL NO. 1127 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1166, by Representatives Hasegawa, Kenney, Simpson, Chase, Ormsby and Santos

Allowing loans to community development financial institutions under the linked deposit program.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

On page 3, after line 11, insert the following:

"Sec. 2. RCW 43.86A.030 and 2008 c 187 s 2 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits, as provided in RCW 43.86A.020 and ~~((43.86A.030))~~ this section, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) Of all funds available under this section, the state treasurer may use up to one hundred seventy-five million dollars per year for the purposes of RCW 43.86A.060(2)(c) (i) and (iii) and up to fifteen million dollars per year for the purposes of RCW 43.86A.060(2)(c)(ii). The amounts made available to

EIGHTY-FIRST DAY, APRIL 2, 2009

these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly."

Senator Berkey spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Financial Institutions, Housing & Insurance to House Bill No. 1166.

The motion by Senator Berkey carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "43.86A.060" insert "and 43.86A.030"

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1166 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Hatfield and Prentice were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1166 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1166 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler and Stevens

Excused: Senators Benton, Fairley, Hatfield and Prentice

HOUSE BILL NO. 1166 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1227, by Representatives Springer, Warnick, Johnson, Lias, McCune, Ormsby and Morrell

Concerning recreational vehicles used as primary residences in manufactured/mobile home communities.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed House Bill No. 1227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1227.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1227 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Benton, Fairley, Hatfield and Prentice

ENGROSSED HOUSE BILL NO. 1227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1328, by House Committee on Higher Education (originally sponsored by Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, Van De Wege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Lias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos and Roberts)

Allowing public technical colleges to offer associate transfer degrees. Revised for 1st Substitute: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute House Bill No. 1328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1328 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley, Hatfield and Prentice

SUBSTITUTE HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1464, by Representatives Springer, Ormsby, Orwall, Eddy, Ericks, Nelson, Kagi, Dickerson, Morrell, Wood and Goodman

Concerning affordable housing incentive programs.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed House Bill No. 1464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1464.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1464 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Eide, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Hatfield

ENGROSSED HOUSE BILL NO. 1464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1824, by Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell

Requiring the adoption of policies for the management of concussion and head injury in youth sports.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.660 and 1999 c 316 s 3 are each amended to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

(a) The action or inaction takes place on school property and during the delivery of services of the youth program;

(b) The private nonprofit group provides proof of being insured, under an accident and liability policy issued by an insurance company authorized to do business in this state, that covers any injury or damage arising from delivery of its services. Coverage for a policy meeting the requirements of this section must be at least fifty thousand dollars due to bodily injury or death of one person, or at least one hundred thousand dollars due to bodily injury or death of two or more persons in any incident. The private nonprofit shall also provide a statement of compliance with the policies for the management of concussion and head injury in youth sports as set forth in section 2 of this act; and

(c) The group provides proof of such insurance before the first use of the school facilities. The immunity granted shall last only as long as the insurance remains in effect.

(2) Immunity under this section does not apply to any school district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or service, offered by a private nonprofit group, that is operated primarily to provide persons under the age of eighteen with opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any person to recover damages for harm done by: (a) Any contractor or employee of a school district acting in his or her capacity as a contractor or employee; or (b) the existence of unsafe facilities or structures or programs of any school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1)(a) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(b) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

(2) Each school district's board of directors shall work in concert with the Washington interscholastic activities association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition.

(3) A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

(4) A youth athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(5) This section may be known and cited as the Zackery Lystedt law."

Senator King spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed House Bill No. 1824.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "sports;" strike the remainder of the title and insert "amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW."

MOTION

On motion of Senator King, the rules were suspended, Engrossed House Bill No. 1824 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 1824 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1824 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,

Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Hatfield

ENGROSSED HOUSE BILL NO. 1824 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1076, by Representatives Rolfes, Eddy, Kelley, Pearson, Simpson, Moeller, Orcutt, Morrell and Uptegrove

Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1076.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1076 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Hatfield

HOUSE BILL NO. 1076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1217, by Representatives Simpson, Alexander, Conway and Wood

Providing the gambling commission with authority to determine locations where amusement games may be conducted.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1217 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Delvin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1217.

ROLL CALL

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of House Bill No. 1217 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Hargrove

Excused: Senators Benton, Brown, Fairley and Hatfield

HOUSE BILL NO. 1217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1295, by Representatives Warnick and Uthegrove

Annexing areas used for agricultural fairs.

The measure was read the second time.

MOTION

Senator Ranker moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that agricultural fairs serve valuable educational, vocational, and recreational purposes that promote the public good and serve as showcases for an important sector of Washington's economy. The legislature also recognizes that counties provide territory for agricultural fairs and supporting services, thereby creating locales for economic and other beneficial activities. Washington's increasing population can, however, create significant annexation pressures that impact fairgrounds and surrounding lands.

In recognition of the many benefits of agricultural fairs and the importance of promoting effective annexation laws, the legislature intends to establish clear and logical procedures for the annexation of county-owned fairgrounds that are consistent with the longstanding requirement that these grounds may only be annexed with the consent of a majority of the county legislative authority.

Sec. 2. RCW 35.13.010 and 1965 c 7 s 35.13.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation(~~PROVIDED, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners~~). An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW to read as follows:

(1) Territory owned by a county and used for an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be annexed to a city or town through the method prescribed in this section.

(a) The legislative body of the city or town proposing the

annexation must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

(b) Upon receipt of the request and description, the county legislative authority has thirty days to review the proposal and determine if the annexation proceedings will continue. As a condition of approval, the county legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the proceedings may continue, it must, within thirty days of the determination, fix a date for a public hearing on the proposal, and cause notice of the hearing to be published at least once a week for two weeks prior to the hearing in one or more newspapers of general circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city or town proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection; and (ii) must not exclude territory approved for annexation in the resolution adopted under (d) of this subsection. Upon passage of the annexation ordinance, a certified copy must be filed with the applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance.

Sec. 4. RCW 35A.14.010 and 1967 ex.s. c 119 s 35A.14.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous to a code city may become a part of the charter code city or noncharter code city by annexation(~~PROVIDED, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners~~). An area proposed to be annexed to a charter code city or noncharter code city shall be deemed contiguous thereto even though separated by water or tide or shore lands and, upon annexation of such area, any such intervening water and/or tide or shore lands shall become a part of such annexing city.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.14 RCW to read as follows:

(1) Territory owned by a county and used for an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be annexed to a code city through the method prescribed in this section.

(a) The legislative body of the city proposing the annexation must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

(b) Upon receipt of the request and description, the county legislative authority has thirty days to review the proposal and

EIGHTY-FIRST DAY, APRIL 2, 2009

2009 REGULAR SESSION

determine if the annexation proceedings will continue. As a condition of approval, the county legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the proceedings may continue, it must, within thirty days of the determination, fix a date for a public hearing on the proposal, and cause notice of the hearing to be published at least once a week for two weeks prior to the hearing in one or more newspapers of general circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection; and (ii) must not exclude territory approved for annexation in the resolution adopted under (d) of this subsection. Upon passage of the annexation ordinance, a certified copy must be filed with the applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this section is annexed and becomes a part of the code city upon the date fixed in the ordinance."

Senator Ranker spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to House Bill No. 1295.

The motion by Senator Ranker carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fairs;" strike the remainder of the title and insert "amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section."

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 1295 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1295 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1295 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Hatfield

HOUSE BILL NO. 1295 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794, by House Committee on Judiciary (originally sponsored by Representative Moeller)

Concerning the calculation of child support.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Carrell spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1794.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1794 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Fairley and Hatfield

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced former Senator Steve Johnson, who was present in the rear of the chamber.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2071, by House Committee on Early Learning & Children's Services (originally

EIGHTY-FIRST DAY, APRIL 2, 2009

sponsored by Representatives Green, Kagi, Miloscia, Pettigrew, Nelson, Haler, Priest, Goodman, Conway, Ormsby, Santos and Kenney)

Concerning education for parents of needy families.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 2071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Murray was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2071.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2071 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Fairley, Hatfield and Murray

SUBSTITUTE HOUSE BILL NO. 2071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1869, by House Committee on Health Care & Wellness (originally sponsored by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley)

Concerning the transparency of health care cost information.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.01 RCW to read as follows:

(1) Health care providers licensed under Title 18 RCW and health care facilities licensed under Title 70 RCW, shall provide the following to a patient upon request:

(a) An estimate of fees and charges related to a specific service, visit, or stay; and

2009 REGULAR SESSION

(b) Information regarding other types of fees or charges a patient may receive in conjunction with their visit to the provider or facility.

(2) Providers and facilities listed in subsection (1) of this section may, after disclosing estimated charges and fees to a patient, refer the patient to the patient's insurer, if applicable, for specific information on the insurer's negotiated charges and fees, and any cost-sharing responsibilities required of the patient.

(3) Providers and facilities listed in subsection (1) of this section must post a notice in a location visible to all patients that says, "You have the right to know the estimated cost of your health services before you consent to the services. Please do not hesitate to ask for information.""

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Becker to the committee striking amendment be adopted.

On page 1, line 12 of the amendment, after "facility," insert "Hospitals licensed under chapter 70.41 RCW may fulfill this requirement by providing a statement and contact information as described in RCW 70.41.400."

On page 1, line 16 of the amendment, after "insurer's" strike "negotiated"

On page 1, line 18 of the amendment, after "(3)" strike "providers" and insert "Except for hospitals licensed under chapter 70.41 RCW, providers"

On page 1, after line 22 of the amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall provide notice to patients undergoing scheduled elective procedures containing at least the following language: "You may request information about the estimated charges of your hospital services. Please do not hesitate to ask for information.""

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Becker on page 1, line 12 to the committee striking amendment to Substitute House Bill No. 1869.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser to the committee striking amendment be adopted.

On page 1, line 16, after "fees," strike "and"

On page 1, line 17, after "patient", insert ", and the network status of ancillary providers who may or may not share the same network status as the provider or facility"

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 1, line 16 to the committee striking amendment to Substitute House Bill No. 1869.

The motion by Senator Pflug carried and the amendment to the committee striking amendment was adopted by voice vote.

Senator Keiser spoke in favor of adoption of the committee striking amendment as amended.

EIGHTY-FIRST DAY, APRIL 2, 2009

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Substitute House Bill No. 1869.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and adding a new section to chapter 70.01 RCW."

On page 2, line 2 of the title amendment, after "insert" strike the remainder of the title amendment and insert "adding a new section to chapter 70.01 RCW; and adding a new section to chapter 70.41 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1869 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1869 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1869 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Fairley and Hatfield

SUBSTITUTE HOUSE BILL NO. 1869 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:15 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, April 3, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 3, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Murray, Pflug and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Chirag Ved and Kelly Walla, presented the Colors. Pastor Chuck Harris of Good Shepherd Lutheran Church of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 1, 2009

SB 6109 Prime Sponsor, Senator Haugen: Concerning ferries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6109 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Berkey; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

HB 1000 Prime Sponsor, Representative Haler: Extending state route number 397 to Interstate 82. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

2SHB 1081 Prime Sponsor, Committee on Transportation: Authorizing local improvement district financing of railroad crossing protection devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

ESHB 1512 Prime Sponsor, Committee on Transportation: Authorizing the funding of rail freight service through grants. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

HB 1717 Prime Sponsor, Representative Clibborn: Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor. (REVISED FOR PASSED LEGISLATURE: Concerning a rail line over the Milwaukee Road corridor.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

SHB 1793 Prime Sponsor, Committee on Transportation: Addressing alternative student transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

April 1, 2009

HB 2313 Prime Sponsor, Representative Grant-Herriot: Extending the length of commercial and farm vehicle permits. (REVISED FOR PASSED LEGISLATURE: Extending the length of farm vehicle permits.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 1, 2009

EIGHTY-SECOND DAY, APRIL 3, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROGERS WEED, appointed March 17, 2009, for the term ending at the governor's pleasure, as a Director of the Department of Community, Trade and Economic Development.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6148 by Senators Prentice and Tom

AN ACT Relating to reducing the administrative cost of state government; amending 2009 c 5 ss 6, 7, 8, 9, and 10 (uncodified); adding a new section to 2009 c 5 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6149 by Senators Regala and Tom

AN ACT Relating to eliminating or reducing the frequency of reports prepared by state agencies; amending RCW 19.146.280, 43.320.1401, 43.88.110, 13.60.110, 74.13.031, 74.13.036, 74.08A.130, 70.56.040, 43.70.690, 77.85.140, 43.320.100, 39.102.140, 43.336.060, 43.365.040, 43.330.082, 43.155.070, 43.185C.040, 43.63A.068, 39.86.190, 43.325.050, 43.79.460, 18.130.310, and 43.20.100; repealing RCW 43.88.067, 46.48.180, 43.44.100, 74.14C.080, 80.36.475, 74.08A.430, 70.114A.085, 43.70.518, 43.215.080, 43.215.435, and 79A.15.100; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

Senator Eide moved that the rules be suspended and Engrossed Second Substitute House Bill No. 1961, implementing the federal fostering connections to success and increasing adoptions act of 2008, be referred from the Committee on Rules to the Committee on Ways and Means.

MOTION

Senator Eide moved that Second Substitute House Bill No. 1252, lowering wage requirements in qualifying for a CERB grant/loan, be referred from the second Reading Calendar to the Committee on Ways and Means.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Pflug and Roach were excused.

MOTION

On motion of Senator Marr, Senators Brown, Prentice and Tom were excused.

SECOND READING

HOUSE BILL NO. 1640, by Representatives Kessler, Armstrong, Hunt, Sells, Alexander, Appleton and Kenney

Modifying disclosure requirements for private investment information received by the University of Washington consolidated endowment fund.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of this act is to clarify provisions governing disclosure of information related to University of Washington endowment investments, and thereby improve the university's ability to maximize the performance of its endowment portfolio. For endowment investments in privately managed funds, this act requires disclosure of the names of the funds, the amounts invested in the funds, and quarterly performance results for the endowment's portfolio of investments in such funds. These disclosures are intended to provide the public with information about the overall performance of the privately managed endowment investments, while prohibiting disclosure of proprietary information that could result in loss to the endowment or to persons who provide the proprietary information.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

The University of Washington must disclose: (1) The names and commitment amounts of the private funds in which it is invested; and (2) the aggregate quarterly performance results for its portfolio of investments in such funds. The University of Washington shall have formal policies addressing conflicts of interest in regard to the private funds in which the endowment is invested, in compliance with RCW 42.52.190, and shall post these policies on their public web site.

Sec. 3. RCW 42.56.270 and 2008 c 306 s 1 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in

(a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information; ~~((and))~~

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business; ~~and~~

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under section 2 of this act, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information."

Senator Kilmer spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to House Bill No. 1640.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 42.56.270;

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

adding a new section to chapter 28B.20 RCW; and creating a new section."

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1640 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1640 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1640 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Murray

Excused: Senators Benton, Brown, Pflug and Prentice

HOUSE BILL NO. 1640 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1394, by Representatives White, Kenney, Wallace, Orwall, Carlyle, Anderson, Sells, Chase and Sullivan

Changing the timeline for the state comprehensive plan for workforce training and education.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1394.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1394 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,

Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Pflug and Prentice

HOUSE BILL NO. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1366, by Representatives Wood, Conway, Condotta, Chandler and Ormsby

Making technical changes to boiler and unfired pressure vessel statutes.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1366.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

HOUSE BILL NO. 1366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1308, by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Sells, Wood, Morrell, Kelley, Clibborn, Moeller, Pedersen, Hudgins, Ormsby, Parker, Chase, Kenney, Goodman, Bailey, Simpson, Herrera and Nelson)

Reducing organ transplant benefit waiting periods based upon prior creditable coverage.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1308.

jurisdiction act.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1308 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

SUBSTITUTE HOUSE BILL NO. 1308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1205, by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege, Rolfes, Haigh and Williams)

Adding one judge to division two of the court of appeals.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1205.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1205 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

SUBSTITUTE HOUSE BILL NO. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Moeller, Green, Williams, Pedersen, Appleton, Morrell and Ormsby)

Enacting the adult guardianship and protective proceedings

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

SUBSTITUTE HOUSE BILL NO. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

- HOUSE BILL NO. 1034,
- ENGROSSED HOUSE BILL NO. 1049,
- SUBSTITUTE HOUSE BILL NO. 1055,
- HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1221,
- SUBSTITUTE HOUSE BILL NO. 1254,
- SUBSTITUTE HOUSE BILL NO. 1280,
- SUBSTITUTE HOUSE BILL NO. 1291,
- HOUSE BILL NO. 1322,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
- SUBSTITUTE HOUSE BILL NO. 1414,
- SUBSTITUTE HOUSE BILL NO. 1510,
- HOUSE BILL NO. 1569,
- SUBSTITUTE HOUSE BILL NO. 1843,
- HOUSE BILL NO. 1878,
- HOUSE JOINT MEMORIAL NO. 4014,

SIGNED BY THE PRESIDENT

The President signed:

- SUBSTITUTE SENATE BILL NO. 5009,
- SUBSTITUTE SENATE BILL NO. 5136
- SUBSTITUTE SENATE BILL NO. 5369,
- SUBSTITUTE SENATE BILL NO. 5380,
- SUBSTITUTE SENATE BILL NO. 5388,
- ENGROSSED SENATE BILL NO. 5423,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5437,
- SUBSTITUTE SENATE BILL NO. 5481,
- SENATE BILL NO. 5487,
- SENATE BILL NO. 5680,
- SENATE BILL NO. 5739,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,
- SENATE BILL NO. 5832,
- SENATE BILL NO. 5903,
- SUBSTITUTE SENATE BILL NO. 5904,

EIGHTY-SECOND DAY, APRIL 3, 2009
SENATE BILL NO. 5944,

2009 REGULAR SESSION

SECOND READING

HOUSE BILL NO. 1030, by Representatives Appleton, Chandler, Hunt, Lias, Angel, Hope, Dammeier and Moeller

Concerning the exemption of the special commitment center under the public records act.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1030.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1030 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

HOUSE BILL NO. 1030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1121, by Representatives Rodne, Bailey, Kelley, Moeller, Ross, Simpson, McCoy, Hope, Green, Ormsby, Johnson, Morrell, Smith, Campbell, Armstrong and Conway

Creating the Washington state flag account.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1121.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1121 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

HOUSE BILL NO. 1121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1155, by Representatives Hinkle, Green, Cody and Wallace

Concerning billing for medical services provided through special education programs.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Ranker and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1155.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1155 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown and Pflug

HOUSE BILL NO. 1155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1158, by Representatives Goodman, Rodne, Pedersen, Warnick and Klippert

Allowing electronic signatures on juror questionnaires. (REVISED FOR PASSED LEGISLATURE:) (REVISED FOR PASSED LEGISLATURE: Allowing electronic signatures on juror declarations.)

The measure was read the second time.

MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.

On page 1, line 1 of the title, after "juror" strike

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

"questionnaires" and insert "declarations"

Senator Kline spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to House Bill No. 1158.

The motion by Senator Kline carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1158 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1158 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1158 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brown, Pflug, Ranker and Rockefeller

HOUSE BILL NO. 1158 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:01 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:19 a.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1128, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Bailey, Pettigrew, Chase, Hudgins, Haler, Hasegawa, Darneille, Kelley and Sullivan)

Changing innovation partnership zone provisions.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hargrove and Jacobsen

Excused: Senators Benton, Brown and Pflug

SUBSTITUTE HOUSE BILL NO. 1128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Hargrove and Jacobsen were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Pettigrew, Haler, Ericks, Bailey, Liias, Hasegawa, Hudgins, Darneille, Chase, Dunshee, Kelley, Sullivan and Nelson)

Concerning the Washington state economic development commission.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.162.010 and 2007 c 232 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established ~~((to oversee the economic development strategies and policies of the department of community, trade, and economic development))~~ as an independent agency of the state to provide the governor and legislature with policy analysis, strategic planning, program evaluation, and monitoring of the state's economic development system.

(2)(a) The Washington state economic development commission shall consist of eleven voting members appointed by the governor as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of four-year state public higher education, one representative for state community or technical colleges, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Private sector members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for not more than two consecutive three-year terms, except that, as determined by the governor, the terms of four of the appointees on the commission on the effective date of this section will expire in 2010, the terms of four of the appointees on the commission on the effective date of this section will expire in 2011, and the terms of three of the appointees on the commission on the effective date of this section will expire in 2012. Thereafter all terms shall be for three years. Vacancies shall be filled in the same manner as the original appointments.

(4) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The salary of the executive director shall be set by the governor with the consent of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.

(6) The commission may adopt rules for its own governance.

(7) Members are eligible to receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(8) A majority of members currently appointed constitutes a quorum for the purpose of conducting business.

Sec. 2. RCW 43.162.020 and 2007 c 232 s 4 are each amended to read as follows:

(1) The Washington state economic development commission shall:

~~((1))~~ (a) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

~~((2))~~ (b) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic

development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

~~((3))~~ (c) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; ~~((and~~
~~((4))~~ (d) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination;

(e) Consult, collaborate, and coordinate with other state agencies and local organizations when developing plans, inventories, and assessments so as to avoid duplication of effort; and

(f) Have the authority to accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source and expend the same for any purpose consistent with the provisions of this chapter.

(2) The commission may delegate to the executive director any of the functions of this section.

(3) The executive director must present a fiscal report to the commission quarterly for its review and approval.

(4) To maintain its leadership and concentration on strategic planning, coordination, and assessment of the economic development system as a whole, the commission shall not take an administrative role in the delivery of services.

Sec. 3. 2007 c 232 s 6 (uncodified) is amended to read as follows:

(1) ~~((The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.~~

~~((2))~~ Using the information from ~~((the))~~ its initial inventory of economic development programs, public input, and such other information as it deems appropriate, the commission shall, by ~~((September 1, 2008))~~ November 1, 2009, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

~~((3))~~ (2) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

Sec. 4. RCW 43.330.280 and 2007 c 227 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an annual innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to be updated annually to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December ~~((31, 2007))~~ 31st of each year. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ~~((ten))~~ one significant entrepreneurial researcher ~~((s over the next ten years))~~ per year to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance

and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by ~~((December 31, 2008))~~ September 30, 2009, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones.

The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.162 RCW to read as follows:

(1) The Washington state economic development commission fund is created in the state treasury. All receipts from gifts, grants, donations, sponsorships, or contributions under RCW 43.162.020 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the Washington state economic development commission only for purposes related to carrying out the mission, roles, and responsibilities of the commission.

(2) Whenever any money, from the federal government or from other sources, that was not anticipated in the budget approved by the legislature, has actually been received and is designated to be spent for a specific purpose, the executive director shall use the unanticipated receipts process as provided in RCW 43.79.270 to request authority to spend the money.

(3) The commission shall use the small agency client services within the office of financial management for accounting, budgeting, and payroll services.

(4) The commission is subject to audits by the state auditor as provided under chapter 43.09 RCW."

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Innovation to Engrossed Substitute House Bill No. 1131.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 43.162.010, 43.162.020, and 43.330.280; amending 2007 c 232 s 6 (unmodified); and adding a new section to chapter 43.162 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1131 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin, Morton and Schoesler

Excused: Senators Benton, Brown, Hargrove, Jacobsen and Pflug

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1730, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Linville, Kretz, Ericks, Hunt, Armstrong and Short)

Regarding the office of regulatory assistance.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1730.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1730 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senators Benton, Hargrove, Jacobsen and Pflug

SUBSTITUTE HOUSE BILL NO. 1730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, by House Committee on Capital Budget (originally sponsored by Representatives Morris, Chase, Morrell, Liias, Anderson, Upthegrove, Seaquist, Hudgins and Moeller)

Creating a sustainable energy trust.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute House Bill No. 1007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1007.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1007 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin and Schoesler

Excused: Senators Benton, Hargrove, Jacobsen and Pflug

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1765, by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Campbell and Morrell)

Concerning the license surcharge for the impaired physician program.

EIGHTY-SECOND DAY, APRIL 3, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Parlette and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1765 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Holmquist, McCaslin, Morton, Roach and Stevens

Excused: Senators Benton, Hargrove, Jacobsen and Pflug

SUBSTITUTE HOUSE BILL NO. 1765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1682, by Representatives Newhouse, Kretz, Chandler, Uptegrove, Johnson and Ross

Concerning horticultural pest and disease boards.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1682.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1682 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Hargrove, Jacobsen and Pflug

HOUSE BILL NO. 1682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Ericksen, Appleton, Pettigrew, Kenney, Moeller and Ormsby)

Exempting certain hospice agencies from certificate of need requirements.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1926.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1926 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Hargrove, Jacobsen and Pflug

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, April 6, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-FIFTH DAY

 NOON SESSION

Senate Chamber, Olympia, Monday, April 6, 2009

The Senate was called to order at 12:00 noon by the President Pro Tempore. No roll call was taken.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 2, 2009

SHB 1919 Prime Sponsor, Committee on Human Services: Operating and administering a drug court program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 1, 2009

SHB 2010 Prime Sponsor, Committee on Capital Budget: Concerning state funding for local projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 2, 2009

SHB 2106 Prime Sponsor, Committee on Ways & Means: Improving child welfare outcomes through the phased

implementation of strategic and proven reforms. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Honeyford; Kline; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Pridemore.

Passed to Committee on Rules for second reading.

April 2, 2009

SHB 2196 Prime Sponsor, Committee on Ways & Means: Including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 2, 2009

ESHB 2254 Prime Sponsor, Committee on Capital Budget: Concerning construction financing for colleges and universities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

EIGHTY-FIFTH DAY, APRIL 6, 2009
MESSAGE FROM THE HOUSE

2009 REGULAR SESSION

April 3, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5388,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5437,
SUBSTITUTE SENATE BILL NO. 5481,
SENATE BILL NO. 5487,
SENATE BILL NO. 5680,
SENATE BILL NO. 5739,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,
SENATE BILL NO. 5832,
SENATE BILL NO. 5903,
SUBSTITUTE SENATE BILL NO. 5904,
SENATE BILL NO. 5944,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 3, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1076,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1227
SUBSTITUTE HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1464,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 2071,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6150 by Senator Keiser

AN ACT Relating to the health technology assessment program; amending RCW 70.14.090 and 70.14.110; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6151 by Senators Keiser and Kohl-Welles

AN ACT Relating to taxation of moist snuff; amending RCW 82.26.010, 82.26.020, and 82.26.030; adding new sections to chapter 82.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:42 p.m. by Senator Eide.

MOTION

On motion of Senator Pridemore, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 6, 2009

SB 5869 Prime Sponsor, Senator Prentice: Clarifying public employees' benefits board eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5869 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 6, 2009

SB 6126 Prime Sponsor, Senator Prentice: Concerning boxing, martial arts, and wrestling events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

EHB 1167 Prime Sponsor, Representative Hasegawa: Studying the linked deposit program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions, Housing & Insurance. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1300 Prime Sponsor, Committee on Human Services: Accessing mental health information. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1329 Prime Sponsor, Committee on Ways & Means: Providing collective bargaining for child care center directors and workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1347 Prime Sponsor, Committee on Ways & Means: Regarding financial education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

2SHB 1355 Prime Sponsor, Committee on Ways & Means: Establishing the opportunity internship program for high school students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

2SHB 1373 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning children's mental health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

E2SHB 1393 Prime Sponsor, Committee on Ways & Means: Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

HB 1487 Prime Sponsor, Representative Hunter: Regarding resident student classification. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Honeyford; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

HB 1548 Prime Sponsor, Representative Bailey: Addressing interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system. Reported by Committee on Ways & Means

EIGHTY-FIFTH DAY, APRIL 6, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1555 Prime Sponsor, Committee on Commerce & Labor: Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

ESHB 1619 Prime Sponsor, Committee on Capital Budget: Concerning the use of capital projects funds by school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pflug; Pridemore; Regala and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 6, 2009

E2SHB 1701 Prime Sponsor, Committee on Ways & Means: Authorizing the department of information services to engage in high-speed internet activities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1776 Prime Sponsor, Committee on Education Appropriations: Changing school levy provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser;

Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 1778 Prime Sponsor, Committee on Agriculture & Natural Resources: Modifying various provisions of Title 77 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

EHB 1836 Prime Sponsor, Representative Ormsby: Regarding public works involving off-site prefabrication. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce & Consumer Protection. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

2SHB 1938 Prime Sponsor, Committee on Health & Human Services Appropriations: Concerning postadoption contact with siblings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

2SHB 1946 Prime Sponsor, Committee on Education Appropriations: Regarding higher education online technology. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

EIGHTY-FIFTH DAY, APRIL 6, 2009

2009 REGULAR SESSION

Passed to Committee on Rules for second reading.

April 6, 2009

E2SHB 1961 Prime Sponsor, Committee on Ways & Means: Implementing the federal fostering connections to success and increasing adoptions act of 2008. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 6, 2009

EHB 1986 Prime Sponsor, Representative Hasegawa: Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

E2SHB 2021 Prime Sponsor, Committee on Education Appropriations: Revitalizing student financial aid. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Zarelli.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Rockefeller.

Passed to Committee on Rules for second reading.

April 6, 2009

ESHB 2072 Prime Sponsor, Committee on Transportation: Concerning transportation for persons with special transportation needs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

2SHB 2119 Prime Sponsor, Committee on Ways & Means: Expanding dual credit opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 6, 2009

ESHB 2128 Prime Sponsor, Committee on Health Care & Wellness: Concerning health care coverage for children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

SHB 2223 Prime Sponsor, Committee on Transportation: Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Delvin; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King and Sheldon.

Passed to Committee on Rules for second reading.

April 6, 2009

ESHB 2261 Prime Sponsor, Committee on Education Appropriations: Concerning the state's education system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Schoesler.

EIGHTY-FIFTH DAY, APRIL 6, 2009

2009 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pflug.

Passed to Committee on Rules for second reading.

April 6, 2009

ESHB 2289 Prime Sponsor, Committee on Capital Budget: Expanding the energy freedom program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Environment, Water & Energy. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli and Brandland.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Pridemore, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

MOTION

At 8:44 p.m., on motion of Senator Pridemore, the Senate adjourned until 9:00 a.m. Tuesday, April 7, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 7, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Berkey, Brown, Fairley, Haugen, Parlette, Pflug and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Alyssa Brienne Brandland and TaiShaeng Yeager, presented the Colors. Pastor Rusty Carlson of Rainier View Christian Church of Parkland offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed the following bills:

- SENATE BILL NO. 5102,
- SENATE BILL NO. 5125,
- SENATE BILL NO. 5147,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6152 by Senator Prentice

AN ACT Relating to clarifying the definition of gambling for the purpose of assisting in the regulation and control of gambling; and amending RCW 9.46.010 and 9.46.0237.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

**SENATE RESOLUTION
8659**

By Senators Kohl-Welles, Kline, Pflug, Keiser, McDermott, Regala, Hobbs, Prentice, Schoesler, Parlette, Zarelli, Tom, Rockefeller, and Murray

WHEREAS, The State of Washington considers science, mathematics, and technology education to be the highest priority in preparing students for the workforce of tomorrow; and

WHEREAS, The State of Washington has developed science and mathematics essential learnings that will prepare all students to live and thrive in a science and technology-based society; and

WHEREAS, Dennis Schatz, Senior Vice President for Strategic Programs at the Pacific Science Center, has been awarded the prestigious 2009 Faraday Science Communicator Award at the National Science Teachers Association's conference in New Orleans; and

WHEREAS, Dennis Schatz received this award for his lifelong efforts to inspire public interest in and appreciation of the sciences through piloting educational programs, authoring children's books on scientific topics, service at the Pacific Science Center, and many other endeavors; and

WHEREAS, This is Dennis Schatz's fourth award from the National Science Teachers Association. In the past, he received the 1996 Distinguished Informal Science Educator Award; NSTA's lifetime achievement award in 2005; and, in 2006, NSTA made him an Association of Science Technology Centers Fellow; and

WHEREAS, Dennis Schatz has authored 21 science books for children, which have sold almost 2 million copies and have been translated into 23 different languages; and

WHEREAS, As Senior Vice President for Strategic Programs at the Pacific Science Center, Dennis works with the Portal to Public program and the Washington State Leadership and Science Education Reform. As codirector of LASER, he coleads an effort to implement an inquiry-based science program in every school district in our state; and

WHEREAS, More than one hundred eighty school districts in the state are using the LASER process to implement a standards/inquiry-based K-8 science program; and

WHEREAS, Dennis Schatz has served the Pacific Science Center since 1977 promoting the sciences through numerous exhibits, education programs, and community-based organizations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend Dennis Schatz for his outstanding efforts in making science accessible to all by his ability to communicate the scientific method effectively and helping the public understand current science research by face-to-face interactions with scientists; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dennis Schatz and the Pacific Science Center.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dennis Schatz,

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Faraday Science Communicator, Award recipient; wife Leilas Schatz; Bruce Seidl, Pacific Science Center, President/Executive Director; Kevin Hughes, Pacific Science Center, Vice President of Public Affairs and Maria Chiechi, Chiechi & Associates who were seated in the gallery.

Thomas W. McLane as a member of the Public Employment Relations Commission.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5102,
SENATE BILL NO. 5125,
SENATE BILL NO. 5147,

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1076,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1227,
SUBSTITUTE HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1464,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 2071,

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Morton moved that Gubernatorial Appointment No. 9082, Thomas W. McLane, as a member of the Public Employment Relations Commission, be confirmed.
Senator Morton spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Berkey, Fairley, Haugen and Sheldon were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, Parlette and Pflug were excused.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

MOTION

On motion of Senator McDermott, Senator Kline was excused.

APPOINTMENT OF THOMAS W. MCLANE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9082,

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9082, Thomas W. McLane as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Benton, Berkey, Fairley, Haugen, Parlette, Pflug and Sheldon

Gubernatorial Appointment No. 9082, Thomas W. McLane, having received the constitutional majority was declared confirmed as a member of the Public Employment Relations Commission.

SECOND READING

HOUSE BILL NO. 1338, by Representatives Conway, Condotta, Wood, Armstrong, Hunt, Green, Williams, Crouse, Moeller, Chandler, Chase, Simpson and Kelley

Qualifying for good cause for late filing of reports, contributions, penalties, or interest.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Oemig were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1338.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1338 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley, Haugen, Pflug and Sheldon

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

HOUSE BILL NO. 1338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1120, by Representatives Pedersen, Rodne, Goodman and Morrell

Concerning uniform laws.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.56.010 and 1965 c 8 s 43.56.010 are each amended to read as follows:

(1) The governor shall appoint three ~~((suitable))~~ qualified persons ((as a board of commissioners)) to serve on the Washington state uniform law commission for the promotion of uniformity of legislation in the United States. ((Any vacancy on the board shall be filled by appointment by the governor.)) A qualified person is a resident of the state of Washington and a member of the state bar association of this or another state, who is or has been a judge, law professor, legislator, or practicing attorney.

(2) In addition to the members of the commission appointed pursuant to subsection (1) of this section, the governor may appoint to the commission any person who has served at least twenty years on the commission and who is a life member in the national conference of commissioners on uniform state laws or its successor.

(3) In addition to the members of the commission appointed pursuant to subsections (1) and (2) of this section, the code reviser shall serve as a member of the commission.

Sec. 2. RCW 43.56.020 and 1965 c 8 s 43.56.020 are each amended to read as follows:

(1) ~~The ((board)) commission shall ((examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States)) identify areas of the law in which (a) uniformity in the laws among the states and other jurisdictions is desirable and practicable and (b)(i) the congress of the United States lacks jurisdiction to act or (ii) it is preferable that the several states enact the laws.~~

~~((#)) (2) The commissioners, at the national conference of commissioners on uniform state laws or its successor, shall confer upon these matters with the commissioners appointed by other states for the same purpose and shall consider and draft uniform laws to be submitted for approval and adoption by the several states(;;).~~

(3) The commission shall propose to the legislature for approval and adoption the uniform acts developed with the other commissioners and generally devise and recommend such other and further courses of action as shall accomplish such uniformity.

Sec. 3. RCW 43.56.040 and 1975-'76 2nd ex.s. c 34 s 118 are each amended to read as follows:

No member of the ~~((board))~~ commission shall receive any compensation for ~~((his))~~ services, but each member shall be paid travel expenses incurred in the discharge of official duty in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~, after the account thereof has been audited by the ~~((board))~~ commission.

The ~~((board))~~ commission shall keep a full account of its expenditures and shall report it in each report. ~~((There shall be allowed such))~~ The commission shall allow expenses for only one ((annual)) meeting of the ((board)) commission within this state each year, and shall allow expenses for the members ((in attendance, not oftener)) to attend, no more than once in each year, ((at)) any conference of the national conference of commissioners on uniform state laws, or its successor, outside of this state.

NEW SECTION. Sec. 4. RCW 43.56.050 (Membership--Code reviser) and 2001 c 205 s 1 are each repealed."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1120.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 43.56.010, 43.56.020, and 43.56.040; and repealing RCW 43.56.050."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1120 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1120 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1120 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli
Excused: Senators Benton, Berkey, Brown, Fairley, Pflug and Sheldon

HOUSE BILL NO. 1120 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1388, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Jacks, McCoy, Crouse and Morris)

Changing the date for setting the amount of pipeline safety fees.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1388.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley, Pflug and Sheldon

SUBSTITUTE HOUSE BILL NO. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1789, by Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille

Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a

correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. **Sec. 2.** This act takes effect August 1, 2009."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1789.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.728; and providing an effective date."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1789 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1789 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1789 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Becker, Brandland, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Carrell

Excused: Senators Benton, Berkey, Brown, Fairley, Pflug and Sheldon

HOUSE BILL NO. 1789 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1997, by Representatives Finn, Rolfes, Smith, Dunshee, Upthegrove, Kretz, Chase, Dickerson, Liias, Kagi, Nelson, Kessler, Hunt and Blake

Regarding Puget Sound scientific research.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 1997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1997.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1997 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli
Excused: Senators Benton, Berkey, Brown, Fairley and Sheldon

HOUSE BILL NO. 1997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, by House Committee on Commerce & Labor (originally sponsored by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Liias and Kenney)

Consolidating the cemetery board and the board of funeral directors and embalmers.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute House Bill No. 2126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2126 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2165, by Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick and Morrell

Authorizing the department of natural resources to conduct a forest biomass energy demonstration project.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that forest biomass is an abundant and renewable byproduct of Washington's forest land management. Forest biomass can be utilized to generate clean renewable energy.

In some Washington forests, residual forest biomass is burned on site or left to decompose. The lack of forest products markets in some areas means that standing forest biomass removed for forest health and wildfire risk reduction treatments must occur at substantial cost. Utilizing forest biomass to generate energy can reduce the greenhouse gases emitted by burning forest biomass.

The legislature further finds that the emerging forest biomass energy economy is challenged by: Not having a reliable supply of predictably priced forest biomass feedstock; shipping and processing costs; insufficient forest biomass processing infrastructure; and feedstock demand.

The legislature finds that making use of the state's forest biomass resources for energy production may generate new revenues or increase asset values of state lands and state forest lands, protect forest land of all ownerships from severe forest health problems, stimulate Washington's economy, create green jobs, and reduce Washington's dependence on foreign oil.

It is the intent of the legislature to support forest biomass demonstration projects that employ promising processing technologies. The demonstration projects must emphasize public and private forest biomass feedstocks that are generated as byproducts of current forest practices. The project must reveal ways to overcome the current impediments to the developing forest biomass energy economy, and ways to realize ecologically sustainable outcomes from that development.

NEW SECTION. Sec. 2. (1) The department may develop and implement forest biomass energy demonstration projects, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains. The demonstration projects must be designed to:

- (a) Reveal the utility of Washington's public and private forest biomass feedstock;
- (b) Create green jobs and generate renewable energy;
- (c) Generate revenues or improve asset values for beneficiaries of state lands and state forest lands;
- (d) Improve forest health, reduce pollution, and restore ecological function; and
- (e) Avoid interfering with the current working area for forest biomass collection surrounding an existing fixed location biomass energy production site.

(2) To develop and implement the forest biomass energy demonstration projects, the department may form forest biomass energy partnerships or cooperatives.

(3) The forest biomass energy partnerships or cooperatives are encouraged to be public-private partnerships focused on convening the entities necessary to grow, harvest, process, transport, and utilize forest biomass to generate renewable energy. Particular focus must be given to recruiting and employing emerging technologies that can locally process forest biomass feedstock to create local green jobs and reduce transportation costs.

(4) The forest biomass energy partnerships or cooperatives may include, but are not limited to: Entrepreneurs or

organizations developing and operating emerging technology to process forest biomass; industrial electricity producers; contractors capable of providing the local labor needed to collect, process, and transport forest biomass feedstocks; tribes; federal land management agencies; county, city, and other local governments; the department of community, trade, and economic development; state trust land managers; an organization dedicated to protecting and strengthening the jobs, rights, and working conditions of Washington's working families; accredited research institution representatives; an industrial timber land manager; a small forest landowner; and a not-for-profit conservation organization.

NEW SECTION. Sec. 3. By December 2010, the department shall provide a progress report to the legislature regarding its efforts to develop, implement, and evaluate forest biomass energy demonstration projects and any other department initiatives related to forest biomass. The report may include an evaluation of:

- (1) The status of the department's abilities to secure funding, partners, and other resources for the forest biomass energy demonstration projects;
- (2) The status of the biomass energy demonstration projects resulting from the department's efforts;
- (3) The status and, if applicable, additional needs of forest landowners within the demonstration project areas for estimating sustainable forest biomass yields and availability;
- (4) Forest biomass feedstock supply and forest biomass market demand barriers, and how they can best be overcome including actions by the legislature and United States congress; and

(5) Sustainability measures that may be instituted by the state to ensure that an increasing demand for forest biomass feedstocks does not impair public resources or the ecological conditions of forests.

NEW SECTION. Sec. 4. For the purposes of implementing this act, the department may seek grants or financing from the federal government, industry, or philanthropists.

Sec. 5. RCW 76.06.150 and 2004 c 218 s 2 are each amended to read as follows:

(1) The commissioner of public lands is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner of public lands shall strive to promote communications between the state and the federal government regarding forest land management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington; ~~(and)~~

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331); and

(d) Pursuing agreements with federal agencies in the service of forest biomass energy partnerships and cooperatives authorized under sections 2 through 4 of this act.

(3) The commissioner of public lands shall report to the chairs of the appropriate standing committees of the legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

Sec. 6. RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to read as follows:

((For the purpose of this chapter, except where a different interpretation is required by the context:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of natural resources(§);.

(2) "Board" means the board of natural resources(§);.

(3) "Administrator" means the administrator of the department of natural resources(§);.

(4) "Supervisor" means the supervisor of natural resources(§);.

(5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted(§);.

(6) "Commissioner" means the commissioner of public lands.

(7) "Forest biomass" means the byproducts of: Current forest practices prescribed or permitted under chapter 76.09 RCW; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the byproducts of forest health treatments prescribed or permitted under chapter 76.06 RCW. "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests, except wood removed for forest health treatments under chapter 76.06 RCW and RCW 79.15.540; wood required by chapter 76.09 RCW for large woody debris recruitment; or municipal solid waste.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each added to chapter 43.30 RCW under the subchapter heading "duties and powers--forested lands.""

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to House Bill No. 2165.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "project;" strike the remainder of the title and insert "amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2165 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2165 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2165 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley and Sheldon

HOUSE BILL NO. 2165 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1678, by Representatives Van De Wege, Simpson, Ericks, Williams, Kelley, Sells, Ross, Hope and Conway

Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1678.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1678 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Excused: Senators Benton, Berkey, Brown, Fairley and Sheldon

HOUSE BILL NO. 1678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1475, by Representatives Orcutt, Probst, McCune, Eddy, Herrera, Johnson, Short and Kelley

Requiring state agency rule-making information to be posted on each state agency's web site.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1475.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1475 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley and Sheldon

HOUSE BILL NO. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Morrell, Dickerson and Kenney)

Concerning advanced registered nurse practitioners.

The measure was read the second time.

MOTION

Senator Franklin moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.210 and 2000 c 94 s 6 are each amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility (1) shall, within twenty-four hours of his or her admission or acceptance at the facility,

be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW or a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.340, or ~~((71.05.370))~~ 71.05.217, the individual may refuse psychiatric medications, but may not refuse: ~~((1))~~ (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or ~~((2))~~ (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician ~~((and mental health professional))~~ or psychiatric advanced registered nurse practitioner determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the ~~((county))~~ designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 2. RCW 71.05.230 and 2006 c 333 s 302 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

restrictive alternative with the court. The petition must be signed either by:

- (a) Two physicians (~~or by~~);
- (b) One physician and a mental health professional(~~who~~);
- (c) Two psychiatric advanced registered nurse practitioners;
- (d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 3. RCW 71.05.290 and 2008 c 213 s 7 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by:

- (a) Two examining physicians(~~or by~~);
- (b) One examining physician and examining mental health professional;
- (c) Two psychiatric advanced registered nurse practitioners;
- (d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) An examining physician and an examining psychiatric advanced registered nurse practitioner. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are

available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 4. RCW 71.05.300 and 2008 c 213 s 8 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 5. RCW 71.05.360 and 2007 c 375 s 14 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) ~~((The physician-patient privilege or the psychologist-client privilege shall be))~~ Privileges between patients and physicians, psychologists, or nursing staff are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, psychiatric advanced registered nurse practitioner, or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 6. RCW 71.05.390 and 2007 c 375 s 15 are each amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

- (i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;
- (ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable

duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.56 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(18) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 7. RCW 71.05.420 and 2005 c 504 s 110 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390, the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 8. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities,

alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(m) For purposes of coordinating health care, the department may release without informed written consent of the

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 9. RCW 71.05.660 and 2005 c 504 s 114 are each amended to read as follows:

Nothing in this chapter or chapter 70.96A, 71.05, 71.34, or 70.96B RCW shall be construed to interfere with communications between physicians, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

Sec. 10. RCW 71.06.040 and 1959 c 25 s 71.06.040 are each amended to read as follows:

At a preliminary hearing upon the charge of sexual psychopathy, the court may require the testimony of two duly licensed physicians or psychiatric advanced registered nurse practitioners who have examined the defendant. If the court finds that there are reasonable grounds to believe the defendant is a sexual psychopath, the court shall order said defendant confined at the nearest state hospital for observation as to the existence of sexual psychopathy. Such observation shall be for a period of not to exceed ninety days. The defendant shall be detained in the county jail or other county facilities pending execution of such observation order by the department.

Sec. 11. RCW 71.12.540 and 1989 1st ex.s. c 9 s 233 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of health as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician or psychiatric advanced registered nurse practitioner, diagnosis, and date of discharge.

Sec. 12. RCW 71.32.140 and 2004 c 39 s 2 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted, may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a ((physician)) member of the treating facility's professional staff

who is a physician or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter 70.96A, 71.05, or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 70.96A, 71.05, or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 13. RCW 71.32.250 and 2003 c 283 s 25 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient mental health treatment pursuant to his or her directive, the principal shall be allowed to be

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient mental health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, psychiatric advanced registered nurse practitioner, or ((by)) a mental health professional and either (i) a physician or (ii) psychiatric advanced registered nurse practitioner; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient mental health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 14. RCW 71.32.260 and 2003 c 283 s 26 are each amended to read as follows:

The directive shall be in substantially the following form: Mental Health Advance Directive

**NOTICE TO PERSONS
CREATING A MENTAL HEALTH ADVANCE
DIRECTIVE**

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS
FORM.
IF YOU DO NOT SIGN THIS FORM, IT WILL NOT
TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become

effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

**YOU MAY NOT REVOKE THIS DIRECTIVE WHEN
YOU HAVE BEEN FOUND TO BE
INCAPACITATED UNLESS YOU HAVE SPECIFICALLY
STATED IN THIS DIRECTIVE THAT
YOU WANT IT TO BE REVOCABLE WHEN YOU ARE
INCAPACITATED.**

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

(9) You should discuss any treatment decisions in your directive with your provider.

(10) You may ask the court to rule on the validity of your directive.

**PART I.
STATEMENT OF INTENT TO CREATE A
MENTAL HEALTH ADVANCE DIRECTIVE**

I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

**PART II.
WHEN THIS DIRECTIVE IS EFFECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

- Immediately upon my signing of this directive.
- If I become incapacitated.
- When the following circumstances, symptoms, or behaviors occur:.....

**PART III.
DURATION OF THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

- Remain valid and in effect for an indefinite period of time.
- Automatically expire years from the date it was created.

**PART IV.
WHEN I MAY REVOKE THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

- Only when I have capacity.
- I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.
- Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive, treatment that I specify in this directive, even if I want the treatment.

**PART V.
PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS**

A. Preferences and Instructions About Physician(s) or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s) or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr. or PARNP..... Contact information:

Dr. or PARNP..... Contact information:

I do not wish to be treated by Dr. or PARNP.....

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name Profession

..... Contact information.....

Name Profession

..... Contact information.....

C. Preferences and Instructions About Medications for Psychiatric Treatment (initial and complete all that apply)

..... I consent, and authorize my agent (if appointed) to consent, to the following medications:.....

..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:.....

..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include.....

and these side effects can be eliminated by dosage adjustment or other means

..... I am willing to try any other medication the hospital doctor or psychiatric advanced registered nurse practitioner recommends

..... I am willing to try any other medications my outpatient doctor or psychiatric advanced registered nurse practitioner recommends

..... I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

..... I have the following other preferences or instructions about medications.....

D. Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed.

,Name: ,Telephone:

..... Staying overnight with someone

,Name: ,Telephone:

..... Having a mental health service provider come to see me

..... Going to a crisis triage center or emergency room

..... Staying overnight at a crisis respite (temporary) bed

..... Seeing a service provider for help with psychiatric medications

..... Other, specify:

Authority to Consent to Inpatient Treatment

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for days (*not to exceed 14 days*)

(Sign one):

. If deemed appropriate by my agent (if appointed) and treating physician or psychiatric advanced registered nurse practitioner

.....

.(Signature),

or

. Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

.....

.(Signature),

. I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

.....

.(Signature),

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals: ..

I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered

(*initial all that apply*):

. "Talk me down" one-on-one

. More medication

. Time out/privacy

. Show of authority/force

. Shift my attention to something else

. Set firm limits on my behavior

. Help me to discuss/vent feelings

. Decrease stimulation

. Offer to have neutral person settle dispute

. Other, specify ,

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

. Seclusion

. Seclusion and physical restraint (combined)

. Medication by injection

. Medication in pill or liquid form

In the event that my attending physician or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy

(ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (*sign one*):

. I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....

.....

.(Signature),

. I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....

.(Signature),

. I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

.....

.(Signature),

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name: ,

Name: ,

Name: ,

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

.....

In case of emergency, please contact:

Name: ,Address:

Work telephone: ,Home telephone:

Physician or Psychiatric Advanced Registered

Nurse Practitioner: ,Address:

Telephone:

The following may help me to avoid a hospitalization:

.....

I generally react to being hospitalized as follows:

.....

Staff of the hospital or crisis unit can help me by doing the following:

.....

.....

J. Refusal of Treatment

I do not consent to any mental health treatment.

.....

.(Signature),

PART VI.

DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(*Fill out this part only if you wish to appoint an agent or nominate a guardian.*)

,I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

,I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this

EIGHTY-SIXTH DAY, APRIL 7, 2009

document and request that this person be notified immediately when this directive becomes effective:

Name: ,Address:
Work telephone: ,Home telephone:
Relationship:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: ,Address:
Work telephone: ,Home telephone:
Relationship:

C. When My Spouse is My Agent (initial if desired)

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

.....
.....

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

.....
.....

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate the following person as my guardian:

Name: ,Address:
Work telephone: ,Home telephone:
Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

.....
(Signature required if nomination is made),

PART VII. OTHER DOCUMENTS

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

..... Health care power of attorney (chapter 11.94 RCW)
..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

.....

PART VIII. NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: ,Address:
Day telephone: ,Evening telephone:
Name: ,Address:
Day telephone: ,Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

.....
.....

C. Additional Preferences and Instructions:

.....
.....
.....

PART IX. SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

,Signature: ,Date:
,Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- (A) A person designated to make medical decisions on the principal's behalf;
(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;
(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;
(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;
(E) An incapacitated person;
(F) A person who would benefit financially if the principal undergoes mental health treatment; or
(G) A minor.

Witness 1: Signature: ,Date:
,Printed Name:

,Telephone: ,Address:
Witness 2: Signature: ,Date:

,Printed Name: ,
,Telephone: ,Address:

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

**PART X.
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons: .
.....
DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE
THIS DIRECTIVE IN PART OR IN WHOLE

**PART XI.
REVOCAION OF THIS DIRECTIVE**

(Initial any that apply):
..... I am revoking the following part(s) of this directive
(specify):
..... I am revoking all of this directive.
By signing here, I indicate that I understand the purpose and
effect of my revocation and that no person is bound by any
revoked provision(s). I intend this revocation to be interpreted
as if I had never completed the revoked provision(s).
,Signature: ,Date:
,Printed Name:

**DO NOT SIGN THIS PART UNLESS YOU INTEND TO
REVOKE THIS DIRECTIVE IN PART OR IN WHOLE**

Sec. 15. RCW 71.34.355 and 1985 c 354 s 16 are each
amended to read as follows:

Absent a risk to self or others, minors treated under this
chapter have the following rights, which shall be prominently
posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (3) To have individual storage space for private use;
- (4) To have visitors at reasonable times;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
- (7) To discuss treatment plans and decisions with mental health professionals;
- (8) To have the right to adequate care and individualized treatment;
- (9) Not to consent to the performance of electro-convulsive treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have electro-convulsive treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;
- (10) Not to have psychosurgery performed on him or her under any circumstances.

Sec. 16. RCW 71.34.720 and 1991 c 364 s 12 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by

a physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 17. RCW 71.34.730 and 1995 c 312 s 54 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed ~~((either))~~ by (i) two physicians ~~((or by one physician and))~~, (ii) two psychiatric advanced registered nurse practitioners, (iii) a mental health professional ~~((who))~~ and either a physician or a psychiatric advanced registered nurse practitioner, or (iv) a physician and a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and ~~((shall))~~ the petition must contain the following:

- ~~((+))~~ (A) The name and address of the petitioner;
- ~~((+))~~ (B) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- ~~((+))~~ (C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

((iv)) (D) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

((v)) (E) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

((vi)) (F) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

((vii)) (G) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

Sec. 18. RCW 71.34.750 and 1985 c 354 s 9 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, ~~((or by one examining physician and))~~ or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day

commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed for further inpatient treatment to the custody of the secretary or to a private treatment and evaluation facility if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 19. RCW 71.34.770 and 1985 c 354 s 12 are each amended to read as follows:

(1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to RCW 71.34.780 if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician, psychiatric advanced registered nurse practitioner, or professional person in charge concludes that the minor no longer meets commitment criteria.

Sec. 20. RCW 71.05.020 and 2008 c 156 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts

committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(23) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(24) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(25) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(26) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(27) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(28) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

(29) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(30) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(31) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(32) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(33) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(34) "Release" means legal termination of the commitment under the provisions of this chapter;

(35) "Resource management services" has the meaning given in chapter 71.24 RCW;

(36) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(37) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(38) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(39) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property."

MOTION

Senator Franklin moved that the following amendment by Senators Keiser and Pflug to the committee striking amendment be adopted.

On page 1, line 9 of the amendment, after "18.71A RCW" strike "or" and insert "~~((or))~~ and"

On page 7, line 38 of the amendment, after "or" strike "nursing staff" and insert "psychiatric advanced registered nurse practitioners"

Senator Franklin spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Pflug on page 1, line 9 to the committee striking amendment to Substitute House Bill No. 1071.

The motion by Senator Franklin carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Substitute House Bill No. 1071.

The motion by Senator Franklin carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "practitioners;" strike the remainder of the title and insert "and amending RCW 71.05.210, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.05.390, 71.05.420, 71.05.630, 71.05.660, 71.06.040, 71.12.540, 71.32.140, 71.32.250, 71.32.260, 71.34.355, 71.34.720, 71.34.730, 71.34.750, 71.34.770, and 71.05.020."

MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 1071 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Hobbs and Kastama were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1071 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1071 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Berkey, Brown, Fairley, Kastama and Sheldon

SUBSTITUTE HOUSE BILL NO. 1071 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Amanda Emerson, the 2009 Omak Stampede Queen, who was seated at the rostrum.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

SECOND READING

HOUSE BILL NO. 1137, by Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, Van De Wege, Sullivan and Herrera

Protecting landowners' investments in Christmas trees.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.02.300 and 2004 c 199 s 207 are each amended to read as follows:

(1) Every person who, without authorization, uses or occupies public lands, removes any valuable material as defined in RCW 79.02.010 from public lands, or causes waste or damage to public lands, or injures publicly owned personal property or publicly owned improvements to real property on public lands, is liable to the state for treble the amount of the damages. However, liability shall be for single damages if the department determines, or the person proves upon trial, that the person, at time of the unauthorized act or acts, did not know, or have reason to know, that he or she lacked authorization. Damages recoverable under this section include, but are not limited to, the market value of the use, occupancy, or things removed, had the use, occupancy, or removal been authorized; and any damages caused by injury to the land, publicly owned personal property or publicly owned improvement, including the costs of restoration. In addition, the person is liable for reimbursing the state for its reasonable costs(;) including, but not limited to, its administrative costs, survey costs to the extent they are not included in damages awarded for restoration costs, and its reasonable attorneys' fees and other legal costs.

(2) This section does not apply in any case where liability for damages is provided under RCW ((64.12.030,)) 4.24.630, 64.12.030, or 79.02.320((-or 79.02.340)).

(3) The department is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of the same, to be commenced as ((is)) provided by law.

Sec. 2. RCW 79.02.310 and 2003 c 53 s 379 are each amended to read as follows:

Every person who willfully commits any trespass upon any public lands of the state and cuts down, destroys, or injures any timber, or any tree, including a Christmas tree as defined in RCW 76.48.020, standing or growing thereon, or takes, or removes, or causes to be taken, or removed, therefrom any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom any earth, soil, stone, mineral, clay, sand, gravel, or any valuable materials, is guilty of theft under chapter 9A.56 RCW.

Sec. 3. RCW 79.02.320 and 1927 c 255 s 199 are each amended to read as follows:

Every person who shall cut or remove, or cause to be cut or removed, any timber growing or being upon any public lands of the state, including a Christmas tree as defined in RCW 76.48.020, or who shall manufacture the same into logs, bolts, shingles, lumber or other articles of use or commerce, unless

expressly authorized so to do by a bill of sale from the state, or by a lease or contract from the state under which he or she holds possession of such lands, or by ((the)) provisions of law under ((and by virtue of)) which ((such)) the bill of sale, lease or contract was issued, shall be liable to the state ((im)) for treble the value of the timber or other articles ((so)) cut, removed, or manufactured, to be recovered in a civil action, and shall forfeit to the state all interest in ((and to)) any article into which ((said)) the timber is manufactured.

Sec. 4. RCW 64.12.030 and Code 1881 s 602 are each amended to read as follows:

Whenever any person shall cut down, girdle, or otherwise injure, or carry off any tree, including a Christmas tree as defined in RCW 76.48.020, timber, or shrub on the land of another person, or on the street or highway in front of any person's house, ((village, town or)) city or town lot, or cultivated grounds, or on the commons or public grounds of any ((village, town or)) city or town, or on the street or highway in front thereof, without lawful authority, in an action by ((such)) the person, ((village, town or)) city, or town against the person committing ((such)) the trespasses or any of them, ((if)) any judgment ((be given)) for the plaintiff((-it)) shall be ((given)) for treble the amount of damages claimed or assessed ((therefor, as the case may be)).

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

1. RCW 79.02.340 (Removal of Christmas trees-- Compensation) and 2004 c 199 s 208, 2003 c 334 s 504, 1988 c 128 s 66, 1955 c 225 s 1, & 1937 c 87 s 1; and

2. RCW 79.02.350 (Intent of RCW 79.02.340) and 2003 c 334 s 505 & 1937 c 87 s 2."

Senator Hatfield spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to House Bill No. 1137.

The motion by Senator Hatfield carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "trees:" strike the remainder of the title and insert "amending RCW 79.02.300, 79.02.310, 79.02.320, and 64.12.030; and repealing RCW 79.02.340 and 79.02.350."

MOTION

On motion of Senator Hatfield, the rules were suspended, House Bill No. 1137 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1137 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1137 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0;

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Fairley, Kastama and Sheldon

HOUSE BILL NO. 1137 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Nigeria a delegation from the Republic of Nigeria; His Excellency Deputy Governor of Delta State, Professor Amos Utuama; Special Assistant to the Deputy Governor, Ms. Vivienne Wemambu and Special Advisor of the Governor on Environmental Affairs, Barrister Fred Majemite who were seated in the gallery.

Senator Franklin assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1202, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Hurst, Bailey, Kelley, Roach, Kirby and Parker)

Allowing noninsurance benefits as part of life insurance policies.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1202 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Fairley, Kastama and Sheldon

SUBSTITUTE HOUSE BILL NO. 1202, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1536, by Representatives Clibborn, Roach, Eddy, Morris and Simpson

Concerning permits for and advertising by household goods carriers.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1536.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1536 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist and Stevens

Excused: Senators Berkey, Brown, Fairley, Kastama and Sheldon

HOUSE BILL NO. 1536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:31 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:44 a.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1197, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Regarding alternative public works contracting procedures.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of House Bill No. 1197.

The Senate was called to order at 1:30 p.m. by President Owen.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1196, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Increasing the dollar limit for small works roster projects.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1196.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1196 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Honeyford, McCaslin and Morton

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:53 a.m., on motion of Senator Eide, the Senate is recessed until 1:30 p.m.

AFTERNOON SESSION

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Gubernatorial Appointment No. 9081, Enriqueta Mayuga, as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown and Prentice were excused.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

APPOINTMENT OF ENRIQUETA MAYUGA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9081, Enriqueta Mayuga as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9081, Enriqueta Mayuga as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators McCaslin, Pflug and Rockefeller

Excused: Senators Berkey, Brown and Fairley

Gubernatorial Appointment No. 9081, Enriqueta Mayuga, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1323, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Liias, Haler, Sullivan, Sells, Hasegawa, Maxwell, Chase, Ormsby, Conway, Goodman, Morrell, Driscoll, Simpson and Orwall)

Providing for coordination of workforce and economic development.

The measure was read the second time.

MOTION

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

On motion of Senator Kilmer, the rules were suspended, Substitute House Bill No. 1323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1323.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1323 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown and Fairley

SUBSTITUTE HOUSE BILL NO. 1323, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1324, by Representatives O'Brien, Ericks, Goodman, Crouse and Wood

Modifying the requirements of psychological examinations for peace officer certification.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1324.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1324 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1380, by Representatives Liias, Sells, O'Brien, Dunshee, Kirby and Kagi

Changing the county population requirement in order for a county to lease space with an option to purchase.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1380.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1380 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1518, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Green, Kelley and Wood)

Regarding prohibited practices in accountancy.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1518 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield,

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1568.

Excused: Senators Berkey and Fairley

ROLL CALL

SUBSTITUTE HOUSE BILL NO. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of Engrossed House Bill No. 1568 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1435, by House Committee on Commerce & Labor (originally sponsored by Representatives Condotta and Conway)

Modifying licensing provisions for cigarettes and tobacco products.

Excused: Senators Berkey and Fairley

The measure was read the second time.

ENGROSSED HOUSE BILL NO. 1568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1435.

SECOND READING

HOUSE BILL NO. 1567, by Representatives Bailey, Kirby and Roach

Addressing insurance, generally.

The measure was read the second time.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute House Bill No. 1435 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1567.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Fairley

SUBSTITUTE HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1567 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SECOND READING

ENGROSSED HOUSE BILL NO. 1568, by Representatives Bailey, Kirby, Rodne, Roach, Kelley and Simpson

Regulating persons selling, soliciting, or negotiating insurance.

Excused: Senators Berkey and Fairley

The measure was read the second time.

HOUSE BILL NO. 1567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1568 was advanced to third reading,

SUBSTITUTE HOUSE BILL NO. 1036, by House Committee on Judiciary (originally sponsored by

EIGHTY-SIXTH DAY, APRIL 7, 2009

Representatives Kelley, Morrell, Moeller, Rodne, Seaquist, McCoy, Green, Goodman, Kirby, McCune, Hurst, Miloscia, Hunt, Appleton, Chase, Conway, Williams, Campbell, Ross and Bailey)

Concerning the Washington code of military justice.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 38.32.010 and 1989 c 19 s 39 are each amended to read as follows:

Any member of the organized militia committing nonmilitary offenses under chapter 38.38 RCW while on duty status ((as provided in RCW 38.38.624,)) or within state armories((, committing offenses against the laws of the state,)) shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Sec. 2. RCW 38.32.020 and 1989 c 19 s 40 are each amended to read as follows:

(1) Military offenses under chapter 38.38 RCW committed ((while on inactive duty or active state service as defined in RCW 38.04.010)) by members of the organized militia may be tried and punished as provided under chapter 38.38 RCW ((after this duty or service has terminated, and if found guilty the accused shall be punished accordingly. Any member of the organized militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial)).

(2) Primary jurisdiction over military offenses enumerated in chapter 38.38 RCW is with military authorities. Primary jurisdiction over nonmilitary offenses is with civilian authorities. If an offense may be both military and nonmilitary, the military authorities may proceed only after the civilian authorities have declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by whether the underlying offense is a military or nonmilitary offense.

(3) Any member of the organized militia ((on "inactive duty" or "active state service," as defined in RCW 38.04.010,)) committing any offense under chapter 38.38 RCW((;)) may, if such offense is committed ((upon)) on a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

Sec. 3. RCW 38.38.004 and 1989 c 48 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Organized militia" means the national guard of the state, as defined in section 101(3) of title 32, United States Code, and any other military force organized under the laws of the state of Washington.

(2) "Officer" means commissioned or warrant officer.

(3) "Commissioned officer" includes a commissioned warrant officer.

2009 REGULAR SESSION

(4) "Commanding officer" includes only commissioned officers in command of a unit.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(6) "Enlisted member" means a person in an enlisted grade.

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) "Rank" means the order of precedence among members of the organized militia.

~~(9) ((The term "active state service" or "active training duty" shall be construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States.~~

~~The term "inactive duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty.~~

~~((+0)) "Military court" means a court-martial or a court of inquiry.~~

~~((++)) (10) "Military judge" means the presiding officer of a general or special court-martial detailed in accordance with RCW 38.38.256.~~

~~((+2)) (11) "State judge advocate" means the commissioned judge advocate officer responsible for supervising the administration of the military justice in the organized militia.~~

~~((+3)) (12) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.~~

~~((+4)) (13) "Military" refers to any or all of the armed forces.~~

~~((+5)) (14) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.~~

~~((+6)) (15) "May" is used in a permissive sense. The words "no person may. . ." mean that no person is required, authorized, or permitted to do the act prescribed.~~

~~((+7)) (16) "Shall" is used in an imperative sense.~~

~~((+8)) (17) "Code" means this chapter.~~

~~((+9)) (18) "A month's pay" or fraction thereof shall be calculated based upon a member's basic pay entitlement as if the member were serving for a thirty-day period.~~

(19) "Judge advocate" means an officer of the army or air national guard designated as a judge advocate by the judge advocate general of the army or the judge advocate general of the air force.

(20) "Military offense" means those offenses listed in RCW 38.38.644 through 38.38.800 and sections 25 and 26 of this act.

(21) "Nonmilitary offense" means any offense other than those listed in Title 38 RCW.

Sec. 4. RCW 38.38.008 and 1989 c 48 s 2 are each amended to read as follows:

This code applies to all members of the organized militia who are not in federal service pursuant to Title 10 U.S.C.

Sec. 5. RCW 38.38.024 and 1989 c 48 s 6 are each amended to read as follows:

(1) The governor, on the recommendation of the adjutant general, shall appoint ~~((am))~~ a judge advocate officer of the ~~((organized militia))~~ army or air national guard as state judge

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

advocate. To be eligible for appointment, an officer must be a member of the bar of the highest court of the state and must have been a member of the bar of the state for at least five years.

(2) The adjutant general may appoint as many assistant state judge advocates as he or she considers necessary. To be eligible for appointment, assistant state judge advocates must be officers of the organized militia and members of the bar of the highest court of the state.

(3) The state judge advocate or assistants shall make frequent inspections in the field in supervision of the administration of military justice.

(4) Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate.

(5) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate to any reviewing authority upon the same case.

(6) No judge advocate may be assigned nonlegal duties unless authorized by the state judge advocate.

NEW SECTION. Sec. 6. A new section is added to chapter 38.38 RCW to read as follows:

A military judge must be a judge advocate. The adjutant general shall prescribe procedures for certifying, appointing, detailing, and removing military judges.

Sec. 7. RCW 38.38.080 and 1989 c 48 s 11 are each amended to read as follows:

Persons confined other than in a guard house, whether before, during, or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons designated by the governor or ~~((by such person as the governor may authorize to act))~~ the adjutant general.

Sec. 8. RCW 38.38.092 and 1989 c 48 s 14 are each amended to read as follows:

(1) Under such regulations as may be prescribed ~~((under this code))~~ by the adjutant general, a person subject to this code ~~((who is on active state service or inactive duty))~~ who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to military custody for the completion of the sentence.

Sec. 9. RCW 38.38.132 and 1991 c 43 s 5 are each amended to read as follows:

(1) Under such regulations as the governor may prescribe, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the organized militia under this section if the member has, before

the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the governor, a commanding officer exercising general court-martial jurisdiction or an officer of general rank in command may delegate powers under this section to a principal assistant.

(2) Subject to subsection (1) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his or her command:

(i) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive duty or drill days;

(ii) If imposed by an officer exercising general court-martial jurisdiction or an officer of general rank in command:

(A) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(B) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive drill or duty days;

(C) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month;

(b) Upon other personnel of his or her command:

(i) If imposed upon a person attached to or embarked in a vessel, confinement for not more than three consecutive days;

(ii) Forfeiture of not more than seven days' pay;

(iii) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(iv) Extra duties, including fatigue or other duties for not more than fourteen duty or drill days, which need not be consecutive, and for not more than two hours per day, holidays included;

(v) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(vi) Detention of not more than fourteen days' pay;

(vii) If imposed by ~~((an))~~ a commanding officer of the grade of major or above:

(A) The punishment authorized in subsection (2)(b)(i) of this section;

(B) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(C) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(D) Extra duties, including fatigue or other duties, for not more than fourteen drill or duty days, which need not be consecutive, and for not more than two hours per day, holidays included;

(E) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(F) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. Extra duties and

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

restriction may not be combined to run consecutively in the maximum amount imposable for each. Whenever any such punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment.

(3) An officer in charge may impose upon enlisted members assigned to the unit of which the officer is in charge such of the punishment authorized under subsection (2)(b) of this section as the governor may specifically prescribe by regulation.

(4) The officer who imposes the punishment authorized in subsection (2) of this section, or a successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (2) of this section, whether or not executed. In addition, the officer may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating extra duties to restriction, the restriction shall not be longer than the number of hours of extra duty that may have been imposed. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(5) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

- (a) Forfeiture of more than seven days' pay;
- (b) Reduction of one or more pay grades from the fourth or a higher pay grade;
- (c) Extra duties for more than ten days;
- (d) Restriction for more than ten days; or
- (e) Detention of more than fourteen days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2) of this section.

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The governor may by regulation prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

Sec. 10. RCW 38.38.180 and 1963 c 220 s 18 are each amended to read as follows:

Subject to RCW 38.38.176, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as

the governor may prescribe, adjudge any of the following punishments:

- (1) A fine of not more than ~~((two))~~ three hundred dollars;
- (2) Forfeiture of pay and allowances;
- (3) A reprimand;
- (4) Dismissal or dishonorable discharge;
- (5) Reduction of a noncommissioned officer to the ranks; or
- (6) Any combination of these punishments.

Sec. 11. RCW 38.38.188 and 1989 c 48 s 19 are each amended to read as follows:

(1) Subject to RCW 38.38.176, summary courts-martial have jurisdiction to try persons subject to this code, except officers for any offense made punishable by this code.

(2) No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if the person objects thereto, unless under RCW 38.38.132 the person has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court-martial is made by an accused who has been permitted to refuse punishment under RCW 38.38.132, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) A summary court-martial may sentence to a fine of not more than twenty-five dollars for a single offense, to forfeiture of ~~((pay and allowances))~~ not more than one-half month's pay for two months, to reduction in rank of enlisted soldiers, and to reduction of a noncommissioned officer to the ranks.

Sec. 12. RCW 38.38.240 and 1989 c 48 s 22 are each amended to read as follows:

In the organized militia not in federal service pursuant to Title 10 U.S.C., general courts-martial may be convened by the president or by the governor, or by the ~~((commanding general of the national guard of the District of Columbia))~~ adjutant general.

Sec. 13. RCW 38.38.244 and 1989 c 48 s 23 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a general court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command((:)) may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

(2) A special court-martial may not try a commissioned officer.

Sec. 14. RCW 38.38.248 and 1989 c 48 s 24 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a special court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment((:)) may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(2) When only one commissioned officer is present with a command or detachment the commissioned officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him or her. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Sec. 15. RCW 38.38.312 and 1989 c 48 s 30 are each amended to read as follows:

(1) No person subject to this code may compel a person((s)) to incriminate ~~((themselves))~~ himself or herself or to answer any question the answer to which may tend to incriminate ~~((them))~~ himself or herself.

(2) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising that the person does not have to make any statement regarding the offense of which he or she is accused or suspected and that any statement made by the person may be used as evidence against him or her in a trial by court-martial.

(3) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

Sec. 16. RCW 38.38.316 and 1989 c 48 s 31 are each amended to read as follows:

(1) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him or her and of the right to be represented at that investigation by counsel. The accused has a right to be represented at that investigation as provided in RCW 38.38.376 and in regulations prescribed under that section.

At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him or her if they are available and to present anything the person may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) ~~((hereof))~~ of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after being informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his or her own behalf.

(4) If evidence adduced in an investigation under this chapter indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

- (a) Is present at the investigation;
- (b) Is informed of the nature of each uncharged offense investigated; and

(c) Is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) of this section.

(5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

Sec. 17. RCW 38.38.376 and 1989 c 48 s 37 are each amended to read as follows:

(1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

(2) ~~((The accused has the right to be represented in his or her defense before a general or special court-martial by civilian counsel if provided by the accused, or by military counsel of his or her own selection if reasonably available as defined in regulations of the governor, or by the defense counsel detailed under RCW 38.38.260. Should the accused have civilian counsel of his or her own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as associate counsel; otherwise they shall be excused by the military judge or president of a special court-martial.~~

~~— (3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate and assist the accused in the submission of any matter under RCW 38.38.536.~~

~~— (4)) The accused has the right to be represented in his or her defense before a general or special court-martial or at an investigation under RCW 38.38.316 as provided in this subsection.~~

(a) The accused may be represented by civilian counsel if provided at his or her own expense.

(b) The accused may be represented by:

(i) Military counsel detailed under RCW 38.38.260; or

(ii) Military counsel of his or her own selection if that counsel is reasonably available, as determined under regulations prescribed under subsection (3) of this section.

(c) If the accused is represented by civilian counsel, military counsel detailed or selected under (b) of this subsection shall act as associate counsel unless excused at the request of the accused.

(d) Except as provided under (e) of this subsection, if the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, any military counsel detailed under (b)(i) of this subsection shall be excused.

(e) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under RCW 38.38.260 to detail counsel in his or her sole discretion:

(i) May detail additional military counsel as assistant defense counsel; and

(ii) If the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, may approve a request from the accused that military counsel detailed under (b)(i) of this subsection act as associate defense counsel.

(3) The state judge advocate shall, by regulation, define "reasonably available" for the purpose of subsection (2) of this section and establish procedures for determining whether the military counsel selected by an accused under subsection (2) of this section is reasonably available.

(4) In any court-martial proceeding resulting in a conviction, the defense counsel:

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

(a) May forward for attachment to the record of proceedings a brief of such matters as he or she determines should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate;

(b) Shall assist the accused in the submission of any matter under RCW 38.38.536; and

(c) May take other action authorized by this chapter.

(5) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when qualified to be a trial counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

~~(5)~~ (6) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when qualified to be the defense counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

Sec. 18. RCW 38.38.388 and 1989 c 48 s 40 are each amended to read as follows:

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or, if none, the court shall determine the relevance and validity of challenges for cause and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by RCW 38.38.172, all parties shall, notwithstanding RCW 38.38.268, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.

(3) Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

(4) If exercise of a peremptory challenge reduces the court below the minimum number of members required by RCW 38.38.172, the parties shall, notwithstanding RCW 38.38.268, either exercise or waive any remaining peremptory challenge, that has not been previously waived, against the remaining members of the court before additional members are detailed to the court.

(5) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Sec. 19. RCW 38.38.396 and 1989 c 48 s 42 are each amended to read as follows:

(1) A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under RCW 38.38.784 is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under RCW 38.38.132 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under RCW 38.38.132.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(5) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

(a) Has expired; or

(b) Will expire within one hundred eighty days after the date of dismissal of the charges and specifications trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in subsection (6) of this section are met.

(6) The conditions referred to in subsection (5) of this section are that the new charges and specifications must:

(a) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty days after the dismissal of the charges or specifications; and

(b) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

Sec. 20. RCW 38.38.408 and 1989 c 48 s 45 are each amended to read as follows:

(1) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe.

(2) The president of a special court-martial, military judge, military magistrate, or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

(3) Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and shall be executed by civil officers as prescribed by the laws of the state.

Sec. 21. RCW 38.38.412 and 1989 c 48 s 46 are each amended to read as follows:

(1) Any person not subject to this code who:

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the superior court of the state; and

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; is guilty of an offense against the state.

(2) Any person who commits an offense named in subsection (1) of this section shall be tried before the superior court of this state having jurisdiction and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

(3) The prosecuting attorney in any such court, upon the certification of the facts by the military court, commission, court of inquiry, or board, shall prosecute any person violating this section.

Sec. 22. RCW 38.38.624 and 1963 c 220 s 75 are each amended to read as follows:

No person may be tried or punished for any offense provided for in RCW 38.38.628 through 38.38.800, unless ~~((# was committed while he was in a duty status))~~ he or she was a member of the organized militia at the time of the offense.

Sec. 23. RCW 38.38.752 and 1963 c 220 s 107 are each amended to read as follows:

Any person subject to this code who ~~(; while in a duty status;)~~ willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court-martial may direct.

Sec. 24. RCW 38.38.760 and 1963 c 220 s 109 are each amended to read as follows:

~~((Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court martial may direct.))~~

(1) Any person subject to this code who:

(a) Operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 25; or

(b) Operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (2) of this section; or

(c) Operates or is in actual physical control of any vehicle, aircraft, or vessel in a reckless or wanton manner shall be punished as a court-martial may direct.

(2) For purposes of subsection (1) of this section, the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.08 grams of alcohol per one hundred milliliters of blood and with respect to alcohol concentration in a person's breath is 0.08 grams of alcohol per two hundred ten liters of breath, as shown by chemical analysis.

(3) For purposes of this section, "blood alcohol content limit" means the amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

NEW SECTION. Sec. 25. A new section is added to chapter 38.38 RCW to read as follows:

(1) Any person subject to this code who wrongfully uses, possesses, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces or organized militia a substance described in subsection (2) of this section shall be punished as a court-martial may direct.

(2) The substances referred to in subsection (1) of this section are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(b) Any substance not specified in (a) of this subsection that is listed on a schedule of controlled substances prohibited by the United States army; or

(c) Any other substance not specified in this subsection that is listed in Schedules I through V of section 202 of the federal controlled substances act, 21 U.S.C. Sec. 812, as amended.

NEW SECTION. Sec. 26. A new section is added to chapter 38.38 RCW to read as follows:

Any person subject to this code who attempts or offers with unlawful force or violence to do bodily harm to another member of the organized militia, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

Sec. 27. RCW 38.38.800 and 1989 c 48 s 71 are each amended to read as follows:

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the organized militia, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault in the first degree, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.

Sec. 28. RCW 38.38.840 and 1989 c 48 s 72 are each amended to read as follows:

(1) Courts of inquiry to investigate any matter may be convened by the governor, the adjutant general, or by any other person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry: PROVIDED, That upon the request of the officer involved such an inquiry shall be instituted as hereinabove set forth.

(2) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(3) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the state military department, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(7) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 29. RCW 38.38.844 and 1989 c 48 s 73 are each amended to read as follows:

(1) The following members of the organized militia may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

(a) The state judge advocate and all assistant state judge advocates;

(b) All law specialists or paralegals;

(c) All summary courts-martial;

(d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(e) The military judge, president, trial counsel, and assistant trial counsel for all general and special courts-martial;

(f) The president and the counsel for the court of any court of inquiry;

(g) All officers designated to take a deposition;

(h) All commanding officers of units of the organized militia;

(i) All officers of the organized militia designated as recruiting officers;

(j) All persons detailed to conduct an investigation; and

((+)) (k) All other persons designated by regulations of the ((governor)) adjutant general.

~~(2) ((Officers of the organized militia may not be authorized to administer oaths as provided in this section unless they are on active state service or inactive duty for training in or with those forces under orders of the governor as prescribed in this code.~~

~~—(3)) The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of the person's authority.~~

Sec. 30. RCW 38.38.848 and 1989 c 48 s 74 are each amended to read as follows:

(1) RCW 38.38.008, 38.38.012, 38.38.064 through 38.38.132, 38.38.252, 38.38.260, 38.38.372, 38.38.480, 38.38.624 through 38.38.792, and 38.38.848 through 38.38.860 shall be carefully explained to every enlisted member:

(a) At the time of the member's enlistment or transfer or induction ((into, or));

(b) At the time of the member's order to duty in or with any of the organized militia; or

(c) Within ((thirty)) forty days thereafter. ((They))

(2) These sections shall also be explained ((annually to each unit of the organized militia)) again to each member of the organized militia each time a member of the organized militia reenlists or extends his or her enlistment.

(3) A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the organized militia, upon request, for personal examination."

Senator Hobbs spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1036.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW."

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1036 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1036 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1036 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Fairley

SUBSTITUTE HOUSE BILL NO. 1036 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1257, by Representatives Goodman, Rodne, O'Brien, Simpson and Moeller

Eliminating the requirement that courts segregate deferred prosecution files.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1257.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1257 and the bill passed the Senate by the following

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which House Bill No. 1257 passed the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1271, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Haigh, Finn, Crouse, Green, Lias, Springer, O'Brien, Goodman, Morris, Ormsby, Blake, Van De Wege, Moeller, Cody, Conway, Hurst, Walsh, McCune, Hinkle, Nelson and Kenney)

Regarding dispensing and administration of drugs to registered or licensed veterinary personnel. Revised for 1st Substitute: Regarding the preparing and administration of drugs by registered or licensed veterinary personnel.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 1271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Fairley and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1596, by Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson

Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1596.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1596 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator McAuliffe

Excused: Senators Berkey and Fairley

HOUSE BILL NO. 1596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1856, by House Committee on Judiciary (originally sponsored by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell)

Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking. Revised for 1st Substitute: Providing certain procedures for tenants who are victims of sexual assault, unlawful harassment, and stalking.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.570 and 2004 c 17 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 59.18.575 through 59.18.585 unless the context clearly requires otherwise.

(1) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.

(2) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(4) "Qualified third party" means any of the following people acting in their official capacity:

- (a) Law enforcement officers;
- (b) Persons subject to the provisions of chapter 18.120 RCW;
- (c) Employees of a court of the state;
- (d) Licensed mental health professionals or other licensed counselors;

(e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and

(f) Members of the clergy as defined in RCW 26.44.020.

(5) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.

(6) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.

(7) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).

(8) "Unlawful harassment" has the same meaning as in RCW 10.14.020 and also includes any request for sexual favors to a tenant or household member in return for a change in or performance of any or all terms of a lease or rental agreement.

(9) "Landlord" has the same meaning as in RCW 59.18.030 and includes the landlord's employees.

Sec. 2. RCW 59.18.575 and 2006 c 138 s 27 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.90, 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, unlawful harassment, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter ~~((59.12))~~ 59.18 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of

the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, unlawful harassment, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

.....
[Name of organization, agency, clinic, professional service provider] I and/or my (household member) am/is a victim of . . . domestic violence as defined by RCW 26.50.010. sexual assault as defined by RCW 70.125.030. stalking as defined by RCW 9A.46.110. unlawful harassment as defined by RCW 59.18.570.

Briefly describe the incident of domestic violence, sexual assault, unlawful harassment, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s):

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.
Dated at (city) . . ., Washington, this . . . day of . . . , 20. . .

Signature of Tenant or Household Member,

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this . . . day of . . . , 20.

Signature of authorized officer/employee of (Organization, agency, clinic, professional service provider),

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3)(a) Notwithstanding any other provision under this section, if a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter prior to making a copy of a valid order for protection or a written record of a report signed by a qualified third party available to the landlord, provided that:

(i) The tenant must deliver a copy of a valid order for protection or written record of a report signed by a qualified third party to the landlord by mail, fax, or personal delivery by a third party within seven days of quitting the tenant's dwelling unit; and

(ii) A written record of a report signed by the qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator of the act to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) A tenant who terminates his or her rental agreement under this subsection is discharged from the payment of rent for any period following the latter of: (i) The date the tenant vacates the unit; or (ii) the date the record of the report of the qualified third party and the written notice that the tenant has vacated are delivered to the landlord by mail, fax, or personal delivery by a third party. The tenant is entitled to a pro rata refund of any prepaid rent and must receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

(4) If a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may change or add locks to the tenant's dwelling unit at the tenant's expense. If a tenant exercises his or her rights to change or add locks, the following rules apply:

(a) Within seven days of changing or adding locks, the tenant must deliver to the landlord by mail, fax, or personal delivery by a third party: (i) Written notice that the tenant has changed or added locks; and (ii) a copy of a valid order for protection or a written record of a report signed by a qualified third party. A written record of a report signed by a qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) After the tenant provides notice to the landlord that the tenant has changed or added locks, the tenant's rental agreement shall terminate on the ninetieth day after providing such notice, unless:

(i) Within sixty days of providing notice that the tenant has changed or added locks, the tenant notifies the landlord in writing that the tenant does not wish to terminate his or her rental agreement. If the perpetrator has been identified by the

qualified third party and is no longer an employee or agent of the landlord or owner and does not reside at the property, the tenant shall provide the owner or owner's designated agent with a copy of the key to the new locks at the same time as providing notice that the tenant does not wish to terminate his or her rental agreement. A tenant who has a valid protection, antiharassment, or other protective order against the owner of the premises or against an employee or agent of the landlord or owner is not required to provide a key to the new locks until the protective order expires or the tenant vacates; or

(ii) The tenant exercises his or her rights to terminate the rental agreement under subsection (3) of this section within sixty days of providing notice that the tenant has changed or added locks.

(c) After a landlord receives notice that a tenant has changed or added locks to his or her dwelling unit under (a) of this subsection, the landlord may not enter the tenant's dwelling unit except as follows:

(i) In the case of an emergency, the landlord may enter the unit if accompanied by a law enforcement or fire official acting in his or her official capacity. If the landlord reasonably concludes that the circumstances require immediate entry into the unit, the landlord may, after notifying emergency services, use such force as necessary to enter the unit if the tenant is not present; or

(ii) The landlord complies with the requirements of RCW 59.18.150 and clearly specifies in writing the time and date that the landlord intends to enter the unit and the purpose for entering the unit. The tenant must make arrangements to permit access by the landlord.

(d) The exercise of rights to change or add locks under this subsection does not discharge the tenant from the payment of rent until the rental agreement is terminated and the tenant vacates the unit.

(e) The tenant may not change any locks to common areas and must make keys for new locks available to other household members.

(f) Upon vacating the dwelling unit, the tenant must deliver the key and all copies of the key to the landlord by mail or personal delivery by a third party.

(5) A tenant's remedies under this section do not preempt any other legal remedy available to the tenant.

(6) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1856.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

EIGHTY-SIXTH DAY, APRIL 7, 2009

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "stalking;" strike the remainder of the title and insert "and amending RCW 59.18.570 and 59.18.575."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1856 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1856 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1856 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Benton and McAuliffe

Excused: Senators Berkey and Fairley

SUBSTITUTE HOUSE BILL NO. 1856 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1692, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Driscoll, Wood, Crouse and Ormsby)

Addressing the authority of the board of directors of a public facilities district.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 1692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1692.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1692 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Fraser

Excused: Senators Berkey, Fairley and McAuliffe

SUBSTITUTE HOUSE BILL NO. 1692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2013, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Green, Roach, Kirby, Warnick and Morrell)

Allowing the owner of a self-service storage facility to offer self-service storage insurance.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2013.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2013 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, Pridemore and Stevens

Excused: Senators Berkey, Fairley and McAuliffe

SUBSTITUTE HOUSE BILL NO. 2013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Benton withdrew his notice to reconsider the vote on which House Bill No. 1257 passed the Senate.

SECOND READING

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2042, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Parker, Hasegawa, Chase and Ormsby)

Concerning the incentive in the motion picture competitiveness programs.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2042 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Kastama

Excused: Senators Berkey, Fairley and McAuliffe

SUBSTITUTE HOUSE BILL NO. 2042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2025, by Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney

Sharing health care information.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) Consistent with the requirements of the health information portability and accountability act, to a licensed mental health professional, as defined in RCW 71.05.020, or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes, as defined in 45 C.F.R. Sec. 164.501, may not be released without authorization of the person who is the subject of the request for release of information.

(j) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (i) of this subsection.

(k) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

~~((f))~~ (l) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except

EIGHTY-SIXTH DAY, APRIL 7, 2009

as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under ~~((f))~~ (l)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

~~((k))~~ (m) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

~~((h))~~ (n) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

~~((m))~~ (o) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 2025.

2009 REGULAR SESSION

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 71.05.630."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2025 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Regala and Tom were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2025 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2025 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Rockefeller

Excused: Senators Berkey, Fairley, McAuliffe and Regala

HOUSE BILL NO. 2025 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1808, by House Committee on Education Appropriations (originally sponsored by Representatives Hinkle, Morrell, Bailey, Green and Kelley)

Creating an interdisciplinary work group with faculty from a paramedic training program and an associate degree nursing program. Revised for 1st Substitute: Creating an interdisciplinary work group for paramedic and nursing training.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute House Bill No. 1808 was advanced to third reading,

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Kline, McAuliffe and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1808.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1808 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senators Jarrett and Tom

Excused: Senators Berkey, Fairley, Kline, McAuliffe, Regala and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:11 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:06 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1038, by House Committee on General Government Appropriations (originally sponsored by Representatives Orcutt, Blake, Kretz, Van De Wege, Warnick, McCune, Pearson, Kristiansen and Kessler)

Regarding specialized forest products.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the specialized forest products work group created pursuant to section 2, chapter 392, Laws of 2007 produced a number of consensus recommendations to the legislature as to how the permitting requirements of chapter 76.48 RCW can be improved. In making recommendations, the work group focused

on the goals enumerated in RCW 76.48.010 (as recodified by this act).

(2) It is the intent of the legislature to enact those recommendations contained in the report submitted to the legislature from the specialized forest products work group in December 2008 that require statutory modifications.

(3) It is also the intent of the legislature for the department of natural resources, along with other state and local agencies, to take those administrative actions necessary to execute the recommendations contained in the report that do not require statutory changes. When taking administrative actions regarding specialized forest products, those actions should, when appropriate, be conducted consistent with recommendations contained in the report submitted to the legislature from the specialized forest products work group.

Sec. 2. RCW 76.48.010 and 1967 ex.s. c 47 s 2 are each amended to read as follows:

(1) It is in the public interest of this state to protect ((a great)) an important natural resource and to provide ((a high degree of)) protection to the landowners of the state of Washington from the theft of specialized forest products.

(2) To satisfy this public interest, this chapter is intended to:

(a) Provide law enforcement with reasonable tools;

(b) Reasonably protect landowners from theft;

(c) Ensure that requirements are not unduly burdensome to those harvesting, transporting, possessing, and purchasing specialized forest products;

(d) Craft requirements that are clear and readily understandable; and

(e) Establish requirements that are able to be administered and enforced consistently statewide.

Sec. 3. RCW 76.48.020 and 2008 c 191 s 9 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Artistic cedar product" means a product made from the wood of a cedar tree, including western red cedar, that is not included in the definition of "cedar products" and has been carved, turned, or otherwise manipulated to more than an insignificant degree with the objective intent to be an artistic expression and that would be or is recognized by the applicable local market as having an economic value greater than the value of the raw materials used. Examples of artistic cedar products include, but are not limited to:

(a) Chainsaw carvings;

(b) Hand carvings;

(c) Decorative bowls and boxes.

(2) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees ((which contains the information required by)) prepared consistent with RCW 76.48.080((, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur)) (as recodified by this act).

((2)) (3) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product prepared consistent with RCW 76.48.080 (as recodified by this act).

((3)) (4) "Cascara bark" means the bark of a Cascara tree.

((4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.))

(5) ("Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

~~(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.)~~ (a) "Cedar products" means the following if made from the wood of a cedar tree, including western red cedar:

~~(i) Shake and shingle bolts;~~
~~(ii) Fence posts and fence rails;~~
~~(iii) Logs not covered by a valid approved forest practices application or notification under chapter 76.09 RCW; and~~
~~(iv) Other pieces measuring fifteen inches or longer.~~
 (b) "Cedar products" does not include those materials identified in the definition of "processed cedar products" or "artistic cedar products."

~~((7)) (6) "Christmas trees" means any evergreen trees (or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species) including fir, pine, spruce, cedar, and other coniferous species commonly known as Christmas trees. The definition of Christmas trees includes trees with or without the roots intact and the tops of the trees. The definition of Christmas trees does not include trees without limbs or branches.~~

~~((8)) (7) "Cut or picked evergreen foliage(," commonly known as brush,)" means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, ((scotch broom (Cytisus scoparius);)) and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not ((mean)) include cones, berries, any foliage that does not remain green year-round, ((or)) seeds, or any plant listed on the state noxious weed list under RCW 17.10.080.~~

~~((9)) (8) "Department" means the department of natural resources.~~

~~(9) "First specialized forest products buyer" means the first person that receives any specialized forest products after they leave the harvest site.~~

~~(10) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product ((a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land)). "Harvest" includes both removing a specialized forest product from its original physical connection with the land and collecting a specialized forest product that has been previously separated from the land.~~

~~((10)) (11) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.~~

~~((11)) (12) "Huckleberry" means the following species of edible berries, if they are not nursery grown: Big huckleberry (*Vaccinium membranaceum*), Cascade blueberry (*Vaccinium delicosum*), evergreen huckleberry (*Vaccinium ovatum*), red huckleberry (*Vaccinium parvifolium*), globe huckleberry (*Vaccinium globulare*), oval-leaf huckleberry (*Vaccinium ovalifolium*), Alaska huckleberry (*Vaccinium alaskaense*), dwarf huckleberry (*Vaccinium caespitosum*), western huckleberry (*Vaccinium occidentale*), bog blueberry (*Vaccinium uliginosum*), dwarf bilberry (*Vaccinium myrtillus*), and grouse whortleberry (*Vaccinium scoparium*).~~

~~((12)) (13) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell the specialized forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.~~

~~((13)) (14) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.~~

~~((14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites)) (15) "Permittee" means a person who is authorized by a permit issued consistent with this chapter to harvest, possess, and transport specialized forest products or to sell huckleberries.~~

~~((15)) (16) "Permitter" means the landowner of the land from where specialized forest products were, or are planned to be, harvested under a permit issued consistent with this chapter.~~

~~(17) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.~~

~~((16)) (18) "Processed cedar products" means ((cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length)) products made from the wood of a cedar tree, including western red cedar, that have undergone more than an insignificant degree of value-added processing and are not included in the definition of "cedar products." Examples of processed cedar products include, but are not limited to:~~

~~(a) Shakes;~~
~~(b) Shingles;~~
~~(c) Hop poles;~~
~~(d) Pickets; and~~
~~(e) Stakes.~~

~~((17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.~~

~~((18)) (19) "Sales invoice" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product prepared consistent with RCW 76.48.080 (as recodified by this act).~~

~~(20) "Secondary specialized forest products buyer" means any person who receives any specialized forest products after the transaction with the first specialized forest products buyer.~~

~~(21) "Specialized forest products" means ((Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark)) the following:~~

~~(a) Specialty wood;~~
~~(b) More than five Christmas trees;~~
~~(c) More than five native ornamental trees and shrubs;~~
~~(d) More than twenty pounds of cut or picked evergreen foliage;~~
~~(e) More than five pounds of Cascara bark; and~~
~~(f) More than five United States gallons of wild edible mushrooms.~~

~~((19)) (22) "Specialized forest products permit" or "permit" means a printed document ((in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permitters" and validated by the county sheriff and authorizes a designated~~

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permitter and that is located in the county where the permit is issued, or sell raw or unprocessed huckleberries)) and all attachments completed in compliance with the requirements of this chapter and includes both validated permits and verifiable permits.

~~((20))~~ (23) "Specialty wood" means ~~((wood))~~;

~~(a) A cedar product; or~~

~~(b) Englemann spruce, Sitka spruce, big leaf maple, or western red alder that ~~((is))~~;~~

~~((a)) (i) Is in logs ~~((less than eight feet in length))~~, chunks, slabs, stumps, or burls; ~~((and~~~~

~~(b) One or more of the following:~~

~~(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;))~~

~~(ii) Is capable of being cut into a segment that is without knots in a portion of the surface area at least ~~((twenty-one))~~ nineteen inches long and seven and a quarter inches wide when measured from the outer surface toward the center; ~~((or~~~~

~~(iii) Suitable for the purposes of making musical instruments or ornamental boxes))~~

~~(iii) Measures:~~

~~(A) Nineteen inches or longer;~~

~~(B) Greater than one and three-quarter inches thick; and~~

~~(C) Seven and one-quarter inches or greater in width; and~~

~~(iv) Is being harvested or transported from areas not associated with the concurrent logging of timber stands:~~

~~(A) Under a forest practices application approval or notification received by the department under chapter 76.09 RCW; or~~

~~(B) Under a contract or permit issued by an agency of the United States government.~~

~~((21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site:~~

~~((22)) (24) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood ~~((products or specialty wood salvage))~~ for later sale in the same or modified form following removal and delivery from the land where harvested.~~

~~((23)) (25) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.~~

~~((24)) (26) "True copy" means a replica of a ~~((validated))~~ specialized forest products permit ~~((as))~~ reproduced ~~((by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permitter signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permitter specify an earlier date. A permitter may require the actual signatures of both the permittee and permitter for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permitter, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof))~~ as provided in section 6 of this act.~~

~~((25)) (27) "Validated permit" means a permit that is validated as required under this chapter prior to the harvest, transportation, or possession of specialized forest products.~~

~~(28) "Verifiable permit" means a permit that contains the required information allowing a law enforcement officer to verify the validity of the information contained on the permit but that does not require validation prior to the harvest, transportation, or possession of specialized forest products.~~

~~(29) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by ~~((artificial))~~ domestic means.~~

Sec. 4. RCW 76.48.060 and 2008 c 191 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 (as recodified by this act), a completed specialized forest products permit ~~((validated by the county sheriff shall be obtained by a person prior to))~~ issued under this chapter is required prior to engaging in the following activities:

(a) Harvesting any specialized forest products from any lands, including his or her own ~~((more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than five United States gallons of a single species of wild edible mushroom; or~~

~~(b) Selling, or offering for sale, any amount of raw or unprocessed huckleberries:~~

~~(2) Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permitters in reasonable quantities. A permit form shall be completed in triplicate for each permitter's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested.~~

~~(3) Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of the information, the form shall be validated with the sheriff's validation stamp.~~

~~(4) Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession, or transportation of specialized forest products and the sale of huckleberries, subject to any other conditions or limitations which the permitter may specify. Two copies of the permit shall be given or mailed to the permitter, or one copy shall be given or mailed to the permitter and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit.~~

~~(5) In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county.~~

~~(6) While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.) land.~~

(b) Possessing or transporting any specialized forest products, unless the person has in his or her possession either of the following in lieu of a permit:

(i) A true copy of the permit;

(ii) If the person is transporting the specialized forest product from a location other than the harvest site or is a first or secondary specialized forest products buyer, a sales invoice, bill of lading, or, for the possession and transportation of Christmas trees only, an authorization if a copy of the authorization has

EIGHTY-SIXTH DAY, APRIL 7, 2009

been filed prior to the harvest of the Christmas trees with the sheriff's office for the county in which the Christmas trees are to be harvested;

(iii) A bill of lading or documentation issued in or by another state, a Canadian province, or the federal government indicating the true origin of the specialized forest products as being outside of Washington; or

(iv) If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number.

(c) Selling, or offering for sale, any amount of raw or unprocessed huckleberries, regardless if the huckleberries were harvested with the consent of the landowner, unless the possessor of the huckleberries being offered for sale is able to show that the huckleberries originated on land owned by the United States forest service and displays a valid permit from the United States forest service that lawfully entitles the possessor to harvest the huckleberries in question.

(2)(a) Unless otherwise designated by the permittor as provided in this subsection, a permit or true copy must be readily available for inspection at each harvest site.

(b) An individual permit or true copy must be carried and made readily available for inspection by each individual permittee at a harvest site if the permittor designated an individual permit or true copy as an additional condition or limitation specified on the permit under RCW 76.48.050 (as recodified by this act).

Sec. 5. RCW 76.48.080 and 1979 ex.s. c 94 s 7 are each amended to read as follows:

((The)) An authorization, sales invoice, or bill of lading ((required by RCW 76.48.070 shall)) must specify the following in order to satisfy the requirements of this chapter:

(1) The date of ((its execution)) the product's transportation.

(2) The ((number)) amount and type of specialized forest products ((sold or)) being transported.

(3) The name and address of the ((owner, vendor, or donor of the specialized forest products:

—(4) The name and address of the vendee, donee, or receiver of the) person receiving the specialized forest products.

((5) The location of origin of the specialized forest products:)) (4) The name and address of the first or secondary specialized forest products buyer, specialty wood processor, or other person from where the specialized forest products are being transported.

(5) The name of the driver transporting the specialized forest products.

(6) The license plate number of the vehicle transporting the specialized forest product.

NEW SECTION. Sec. 6. A new section is added to chapter 76.48 RCW to read as follows:

(1) A true copy of a specialized forest products permit is valid if:

(a) The copy is reproduced by a copy machine capable of effectively reproducing the permit information required under RCW 76.48.050 (as recodified by this act); and

(b)(i) The permittee has provided an original signature in the space provided on the face of the copy.

(ii) An actual signature of the permittor is also required for a true copy to be valid if the permittor indicates on the space provided for signatures on the original permit that the actual signature of the permittor is required for the validation of any copies.

(2) A true copy is effective until the expiration date of the underlying permit unless an earlier date is provided by the signatories to the copy.

(3) Either signatory to a permit may condition the use of the true copy for only harvesting, only possessing, only transporting, or a combination of harvesting, possessing, and transporting the associated specialized forest products by indicating the limitations of the true copy on the permit or the copy.

(4) Any permittee issuing a true copy must record and retain for one year the following information:

(a) The date the true copy is issued;

(b) The license plate number and make and model of the vehicle to be used with the true copy;

(c) The name and address of the person receiving the true copy;

(d) The unique number assigned to a valid state identification document issued to the person; and

(e) The expiration date of the true copy.

NEW SECTION. Sec. 7. A new section is added to chapter 76.48 RCW to read as follows:

(1)(a) Except for the sale of huckleberries, the permit requirements of RCW 76.48.060 (as recodified by this act) may be satisfied with either a validated permit or a verifiable permit. The decision to use a validated or verifiable permit must be made and agreed upon jointly by the permittee and the permittor.

(b) For the sale of huckleberries, only a validated permit satisfies the requirements of RCW 76.48.060 (as recodified by this act).

(2)(a) Forms for both validated permits and verifiable permits must be provided by the department and be made available in reasonable quantities through county sheriff offices and other locations deemed appropriate by the department.

(b) In designing the forms, the department shall ensure that:

(i) All mandatory requirements of this chapter are satisfied;

(ii) The type of permit is clearly marked on the form;

(iii) Each permit is separately numbered and the issuance of the permits are by unique numbers; and

(iv) The form is designed in a manner allowing a permittor to require his or her signature on all true copies as provided in section 6 of this act.

(3) Permit forms must be completed in triplicate for each property and in each county in which specialized forest products are proposed to be harvested or huckleberries sold.

(4)(a) Within five business days after the signature of the permittor on the form for a verifiable permit, as required in RCW 76.48.050 (as recodified by this act), the original permit form must be provided by the permittee to the sheriff of the county in which the specialized forest products are to be harvested. The permittee may provide the permit form in a manner convenient to the permittee and the sheriff's office, including in-person presentation or by mail. If mailed, the permit form must be postmarked within the time window established under this subsection.

(b) Upon full completion, as provided in RCW 76.48.050 (as recodified by this act), the permit form for a validated permit must, except for permits to sell huckleberries, be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Validated permits relating to the sale of huckleberries may be validated by the sheriff of any county in the state.

(5) Two copies of the permit must be retained by the permittee, of which one copy must be given or mailed to the permittor by the permittee. The original permit must be retained

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

in the office of the county sheriff for the purposes of verifying the permit, if necessary.

(6) All permits expire no later than the end of the calendar year in which they are issued.

(7) Permits provided under this section are subject to any other conditions or limitations that the permittor may specify.

(8) Before a permit form is accepted or validated by a sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form. The sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form.

(9) In the event a single land ownership is situated in two or more counties, a permit form must be completed, as provided in this section, for the portions of the ownership situated in each county.

(10) Permits that are validated by or provided to a sheriff's office under this section must be maintained by that office for a length of time determined by the appropriate records retention schedule.

NEW SECTION. Sec. 8. A new section is added to chapter 76.48 RCW to read as follows:

(1) Forms for a verifiable permit become valid for the purposes of RCW 76.48.060 (as recodified by this act) upon the completion of all information required by RCW 76.48.050 (as recodified by this act).

(2) Forms for a validated permit become valid for the purposes of RCW 76.48.060 (as recodified by this act) upon the validation of the form by the appropriate county sheriff.

Sec. 9. RCW 76.48.050 and 2008 c 191 s 2 are each amended to read as follows:

(1) ~~((Except as otherwise provided in subsection (3) of this section;)) A specialized forest products ((permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the issuance of the permits shall be by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permitter)) permit form may not be validated or accepted for verification by a sheriff unless the permit satisfies the requirements of this section.~~

(2) A properly completed ~~((specialized forest products))~~ permit form shall include:

(a) The date of its execution and expiration;

(b) The name, address, up to three telephone numbers, ((if any;)) and signature of the ((permitter)) permittee and permittor;

(c) ~~((The name, address, telephone number, if any, and signature of the permittee;~~

~~((d))~~ The type of specialized forest products to be harvested or transported;

~~((e))~~ (d) The approximate amount or volume of specialized forest products to be harvested or transported;

~~((f))~~ (e)(i) For validated permits only, the parcel number or the legal description of the property from which the specialized forest products are to be harvested or transported ~~((; including));~~

(ii) For verifiable permits only:

(A) The parcel number for where the harvesting is to occur, unless the owner of the parcel actually lives at the parcel and the parcel's boundaries comprise an area one acre in size or smaller;

(B) The address of the property where the harvesting is to occur if the owner of the property lives at the parcel and the parcel's boundaries comprise an area less than one acre;

(C) The name of the county ~~((or the state or province if outside the state of Washington)) where the harvesting is to occur; and~~

(D) An accurate report or statement from the county assessor of the county where the specialized forest products are to be harvested that provides clear evidence that the permittor named on the verifiable permit is the owner of the parcel named on the permit;

~~((g))~~ (f) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;

~~((h))~~ (g) For ~~((cedar products, cedar salvage, and))~~ specialty wood, a copy of a map or aerial photograph, with defined permitted boundaries, included as an attachment to the permit;

~~((i))~~ (h)(i) For validated permits, a copy of a valid picture identification of the permittee on the copy of the permit form that is presented to the sheriff; and

(i) For verifiable permits, the unique number assigned to a valid state identification document for both the permittee and permittor; and

~~((j))~~ (i) The details of any other condition or limitation which the ~~((permitter))~~ permittor may specify.

(3) For permits intended to satisfy the requirements of RCW ~~((76.48.210))~~ 76.48.060 (as recodified by this act) relating ~~((only))~~ to the sale of huckleberries, the ~~((specialized forest products))~~ permit:

~~(a) ((May be obtained from the department of natural resources or the sheriff of any county in the state;~~

~~((b))~~ Must, in addition to the requirements of subsection (2) of this section, also contain information relating to where the huckleberries were, or plan to be, harvested, and the approximate amount of huckleberries that are going to be offered for sale; and

~~((c))~~ (b) Must include a statement designed to inform the possessor that permission from the landowner is still required prior to the harvesting of huckleberries.

~~((4) Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and the permittee's agents and be available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site;))~~

Sec. 10. RCW 76.48.062 and 1995 c 366 s 15 are each amended to read as follows:

(1) County sheriffs may contract with other entities to serve as authorized agents to ~~((validate specialized forest product))~~ accept and validate permits under section 7 of this act. ~~((These))~~ Entities that a county sheriff may contract with include the department, the United States forest service, the bureau of land management ~~((; the department of natural resources)),~~ local police departments, and other entities as decided upon by the county sheriffs' departments.

(2) An entity that contracts with a county sheriff to serve as an authorized agent ~~((to validate specialized forest product permits))~~ under this section may make reasonable efforts to verify the information provided on the permit form such as the ~~((section, township, and range))~~ legal description or parcel number of the area where harvesting is to occur.

(3) All processes and requirements applicable to county sheriffs under section 7 of this act also apply to entities contracted under this section.

Sec. 11. RCW 76.48.094 and 2005 c 401 s 7 are each amended to read as follows:

(1) ~~((Cedar or))~~ It is unlawful for any first or secondary specialized forest products buyer, or for any other person, to

EIGHTY-SIXTH DAY, APRIL 7, 2009

purchase, take possession of, or retain specialized forest products subsequent to the harvesting and prior to the retail sale of the products unless the supplier of the product displays:

(a) An apparently valid permit required by RCW 76.48.060 (as recodified by this act);

(b) A true copy of an apparently valid permit; or

(c) When applicable:

(i) A bill of lading, authorization, sales invoice, or a government-issued documentation, prepared consistent with RCW 76.48.060 (as recodified by this act) indicating the true origin of the specialized forest products as being outside of Washington;

(ii) If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number; or

(iii) A statement claiming the products offered for sale are otherwise exempt from the permit requirements of this chapter under RCW 76.48.100 (as recodified by this act).

(2) In addition to the requirements of RCW 76.48.085 (as recodified by this act), specialty wood processors (~~shall make and maintain a record of the purchase, taking possession, or retention of cedar products, cedar salvage, or specialty wood for at least one year after the date of receipt. The record must be legible and must be made at the time each delivery is made.~~

~~(2) The~~ are required to ensure that a bill of lading (~~must accompany~~), authorization, or sales invoice accompanies all (~~cedar products, cedar salvage, or~~) specialty wood (~~products after the products are received by the cedar or specialty wood processor~~) upon the receipt of the specialty wood into or the shipping of the specialty wood out of the property of the specialty wood processor. (~~The bill of lading must include the specialized forest products permit number or the information provided for in RCW 76.48.075(5) and must also specify:~~

~~(a) The date of transportation;~~

~~(b) The name and address of the first cedar or specialty wood processor or buyer who recorded the specialized forest products information;~~

~~(c) The name and address from where the cedar or specialty wood products are being transported;~~

~~(d) The name of the person receiving the cedar or specialty wood products;~~

~~(e) The address to where the cedar or specialty wood products are being transported;~~

~~(f) The name of the driver;~~

~~(g) The vehicle license number;~~

~~(h) The type of cedar or specialty wood product being shipped; and~~

~~(i) The amount of cedar or specialty wood product being shipped.~~)

Sec. 12. RCW 76.48.085 and 2008 c 191 s 4 are each amended to read as follows:

(1) (~~Buyers who purchase specialized forest products or huckleberries~~) (a) First and secondary specialized forest products buyers and huckleberry buyers are required to record:

~~((a)) (i) If the person is a first specialized forest product buyer, the permit number or, if applicable, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number if the seller claims the specialized forest product in question is exempt from the permit requirements of this chapter, as provided in RCW 76.48.100 (as recodified by~~

this act), due to its harvest within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW;

~~((b)) (ii) Whether or not the products were accompanied by a bill of lading, authorization, or sales invoice;~~

~~(iii) The type of specialized forest product purchased, and (~~whether~~), if applicable, an indication that huckleberries were purchased;~~

~~((c)) (iv) The (~~permit holder's~~) name of the seller; (~~and~~ ~~(d)) (v) The amount of specialized forest product or huckleberries purchased;~~~~

~~(vi) The date of delivery;~~

~~(vii) The name of the person driving the vehicle in which the specialized forest products were transported to the buyer, as confirmed by a visual inspection of the applicable driver's license, unless the buyer has previously recorded the driver's information in an accessible record; and~~

~~(viii) Except for transactions involving Christmas trees, the license plate number of the vehicle in which the specialized forest products were transported to the buyer.~~

~~((2) The buyer or processor)~~ (b) First and secondary specialized forest products buyers shall keep a record of this information, along with any accompanying bill of lading, sales invoice, or authorization, for a period of one year from the date of purchase and must make the records available for inspection upon demand by (~~authorized~~) enforcement officials authorized under RCW 76.48.040 (as recodified by this act) to enforce this chapter.

~~((3) The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products or huckleberries on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.~~

~~(4)) (c) In lieu of a permit number or forest practices identification and load ticket number, the buyer may, when applicable, note that the seller claims that the products offered for sale are exempt from the permit requirements of this chapter under RCW 76.48.100 (as recodified by this act), or were lawfully transported into Washington from out of state. All other information required by this section must be recorded.~~

~~(2) This section (~~shall~~) does not apply to buyers of specialized forest products at the retail sales level.~~

~~(3) Records of buyers of specialized forest products and huckleberries collected under this section may be made available to colleges and universities for the purpose of research.~~

Sec. 13. RCW 76.48.098 and 2005 c 401 s 9 are each amended to read as follows:

Every (~~cedar or~~) first or secondary specialized forest products buyer purchasing specialty wood and specialty wood (~~buyer or~~) processor shall prominently display a (~~valid registration certificate,~~) master license issued by the department of licensing under RCW 19.02.070 or a copy (~~thereof~~) of the license (~~, obtained from the department of revenue under RCW 82.32.030~~) at each location where the buyer or processor receives (~~cedar products, cedar salvage, or~~) specialty wood if the first or secondary specialized forest products buyer or specialty wood processor is required to possess a license incorporated into the master license system created in chapter 19.02 RCW.

~~(Permittees shall sell cedar products, cedar salvage, or specialty wood products only to cedar or specialty wood processors displaying registration certificates which appear to be valid.)~~

Sec. 14. RCW 76.48.030 and 2007 c 392 s 4 are each amended to read as follows:

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

It is unlawful for any person to:

(1) ~~((Harvest))~~ Sell or attempt to sell huckleberries, or harvest, possess, or transport specialized forest products (as described in RCW 76.48.020, in the quantities specified) in violation of RCW 76.48.060(, without first obtaining a validated specialized forest products permit) (as recodified by this act);

(2) Engage in activities or phases of harvesting specialized forest products not authorized by ~~((the))~~ a permit under this chapter;

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060~~(, as now or hereafter amended;)~~ (as recodified by this act) without first obtaining permission from the landowner or ((his or her duty)) the landowner's authorized agent or representative; or

(4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush.

Sec. 15. RCW 76.48.120 and 2008 c 191 s 7 are each amended to read as follows:

(1) It is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to:

(a) Offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, ((or)) true copy ((thereof)) of a permit, authorization, sales invoice, ((or)) bill of lading, or other document required under this chapter; or

(b) To make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, or to conduct the sale of huckleberries, ((knowing the same to be)) with knowledge that the representation of authority is in any manner false, fraudulent, forged, or stolen.

(2) It is unlawful for any person to produce a document for a first or secondary specialized forest products buyer purporting to be a true and genuine permit when delivering or attempting to deliver a specialized forest product with knowledge that the document is in any manner false, fraudulent, forged, or stolen.

(3) Any person who knowingly or intentionally violates this section is guilty of a class C felony punishable by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both imprisonment and fine.

~~((3)) Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.))~~

Sec. 16. RCW 76.48.130 and 2007 c 392 s 1 are each amended to read as follows:

(1) Except as provided in RCW 76.48.120 (as recodified by this act), a person who violates a provision of this chapter(, other than the provisions contained in RCW 76.48.120, as now or hereafter amended;) is guilty of a gross misdemeanor ((and upon conviction thereof shall be punished)) punishable by a fine of not more than one thousand dollars ((or by))₂ imprisonment in the county jail for a term not to exceed one year₂ or by both a fine and imprisonment.

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit ~~((or))~~₂ true copy ~~((thereof, an authorization, sales invoice, or))~~₂ bill of lading, authorization, or sales invoice, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that:

(a) The specialized forest products were harvested from the defendant's own land; or

(b) The specialized forest products were harvested with the permission of the landowner.

NEW SECTION. Sec. 17. A new section is added to chapter 76.48 RCW to read as follows:

(1) The court presiding over the conviction of any person for a violation of RCW 76.48.120 or 76.48.130 (as recodified by this act) who has been convicted of violating either RCW 76.48.120 or 76.48.130 (as recodified by this act) at least two other times shall order up to a three-year suspension of that person's privilege to obtain a specialized forest products permit under this chapter.

(2) If a court issues a suspension under this section after a conviction involving the misuse of a permit with a specified permittor, the legislature requests that the court notify the permittor listed on the permit of the suspension.

(3) Nothing in this section limits the ability of a court to order the suspension of any privileges related to specialized forest products as a condition of probation regardless of whether the person has any past convictions.

Sec. 18. RCW 76.48.140 and 2005 c 401 s 12 are each amended to read as follows:

All fines collected for violations of ~~((any provision of))~~ this chapter shall be paid into the general fund of the county treasury of the county in which the violation occurred and distributed equally among the district courts in the county, the county sheriff's office, and the ~~((county's general fund))~~ state treasurer. The portion of the revenue provided to the state treasurer must be distributed to the specialized forest products outreach and education account created in section 26 of this act.

Sec. 19. RCW 76.48.040 and 1995 c 366 s 3 are each amended to read as follows:

~~((Agencies charged with the enforcement of this chapter shall include, but not be limited to:))~~ (1) Primary enforcement responsibility of this chapter belongs with county sheriffs. However, other entities that may enforce this chapter include:

- (a) The department;
- (b) The Washington state patrol(, county sheriffs and their deputies;);
- (c) County or municipal police forces(;);
- (d) Authorized personnel of the United States forest service(;); and

(e) Authorized personnel of the department((s of natural resources and) of fish and wildlife. ((Primary enforcement responsibility lies in the county sheriffs and their deputies.))

(2) The legislature encourages county sheriffs' offices to enter into interlocal agreements with these other agencies in order to receive additional assistance with their enforcement responsibilities.

NEW SECTION. Sec. 20. A new section is added to chapter 76.48 RCW to read as follows:

(1) A law enforcement officer may take into custody and detain for a reasonable time any specialized forest products, authorizations, sales invoices, bills of lading, other documents, and vehicles in which the specialized forest products were transported if, under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid permit or other acceptable document as provided in this chapter, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were obtained in violation of this chapter until the true origin of the specialized forest products can be determined.

(2) A law enforcement officer may retain a specialized forest products permit, true copy of a permit, authorization, sales invoice, bill of lading, or other document required under this chapter if the officer reasonably suspects that the document is

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

forged in violation of RCW 76.48.120 (as recodified by this act), fraudulent, or stolen, until the authenticity of the document can be verified.

(3)(a) If no arrest is made at the conclusion of the official inquiry, investigation, or other authorized proceeding for a violation of this chapter or another state law, all materials detained under this section must be returned to the person or persons from whom the materials were taken.

(b)(i) If an arrest does follow the inquiry, investigation, or authorized proceeding, and the law enforcement officer has probable cause to believe that a person is selling or attempting to sell huckleberries, or is harvesting, in possession of, or transporting specialized forest products in violation of this chapter, any specialized forest products or huckleberries found at the time of arrest may be seized.

(ii) If the specialized forest product triggering the arrest is specialty wood, the law enforcement officer may also seize any equipment, vehicles, tools, or paperwork associated with the arrest.

(c) Materials seized under this chapter are subject to the provisions of RCW 76.48.110 (as recodified by this act).

Sec. 21. RCW 76.48.110 and 2008 c 191 s 6 are each amended to read as follows:

~~(1) (Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products, or selling or attempting to sell huckleberries, in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any specialized forest products or huckleberries found.~~

~~— If the specialized forest product is a cedar product, cedar salvage, or specialty wood, at the time of making an arrest the law enforcement officer may seize and take possession of any equipment, vehicles, tools, or paperwork. The law enforcement officer shall provide) (a) Reasonable protection must be provided for ((the)) any equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products ((involved)) seized under section 20 of this act during the period of ((litigation or he or she shall dispose of the equipment, vehicles, tools, paperwork, or specialized forest products at the discretion or order of)) adjudication unless the court before which the arrested person is ordered to appear orders the disposal of any or all of the seized materials.~~

(b) Given the perishable nature of huckleberries and specialized forest products, the seizing agency may sell the product at fair market value and retain all proceeds until a final disposition of the case has been reached.

(2) Upon any disposition of the case by the court, the court shall:

(a) Make a reasonable effort to return ((the equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products)) all materials seized under section 20 of this act to its ((rightful)) lawful owner or owners; or

(b) Order the disposal of or return of any or all materials seized under this section, including tools, vehicles, equipment, paperwork, or specialized forest products.

(3) If the court orders the disposal of seized materials, it may:

(a) Pay the proceeds of any sale of seized specialized forest products or huckleberries, less any reasonable expenses of the sale, to the ((rightful)) lawful owner; or

(b) Pay the proceeds of any sale of seized tools, equipment, or vehicles, less any reasonable expenses of the sale or, if applicable, towards any outstanding court costs, and then to the lawful owner or owners.

(4) If, for any reason, the proceeds of ((the)) any sale of materials seized under this section cannot be ((disposed of)) provided to the ((rightful)) lawful owner, the proceeds of the sale, less ((the)) reasonable expenses ((of)) relating to the sale, shall be paid to the treasurer of the county in which the violation occurred((— The county treasurer shall deposit the same in)) for deposit into the county general fund and for distribution equally among the district courts in the county, the county sheriff's office, and the state treasurer. The portion of the revenue provided to the state treasurer must be distributed to the specialized forest products outreach and education account created in section 26 of this act.

(5) The owner or owners of materials seized under section 20 of this act must be offered an opportunity to appeal an order for the disposal of the seized materials.

(6) The return of ((the equipment, vehicles, tools, paperwork, or specialized forest products)) materials seized under section 20 of this act, or the payment of the proceeds of any sale of products seized to the owner, shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 22. RCW 76.48.100 and 2005 c 401 s 10 are each amended to read as follows:

~~((The provisions of))~~ Except as otherwise conditioned, this chapter ~~((do))~~ does not apply to:

(1) Nursery grown products.

(2) The following products when harvested within the operational areas as defined by a valid forest practices application or notification under chapter 76.09 RCW, and when the person harvesting is able to provide a sequentially numbered load ticket provided by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number, or under a contract or permit issued by an agency of the United States government:

(a) Logs ((except as included in the definition of "cedar salvage" under RCW 76.48.020));

(b) Speciality wood;

(c) Cut or picked evergreen foliage;

(d) Poles(¿);

(e) Pilings(¿); or

(f) Other major forest products from which substantially all of the limbs and branches have been removed(¿, specialty wood, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government)).

(3) ((The activities of a)) Noncommercial harvest, transportation, or possession by the landowner, ((his or her)) the landowner's agent(¿ or), representative, ((or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of the landowner)) or lessee of specialized forest products originating from property belonging to the landowner.

(4) Harvest, transportation, or possession of specialized forest products by:

(a) A governmental entity or the entity's agent for the purposes of clearing or maintaining the governmental entity's right-of-way or easement; or

(b) A public or regulated utility or the utility's agent for the purpose of clearing or maintaining the utility's right-of-way or easement.

Sec. 23. RCW 76.48.210 and 2008 c 191 s 1 are each amended to read as follows:

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

~~(1) (Except as otherwise provided in this section, no person may sell, or attempt to sell, any amount of raw or unprocessed huckleberries without first obtaining a specialized forest products permit as provided in RCW 76.48.060, regardless if the huckleberries were harvested with the consent of the landowner.~~

~~(2) If the possessor of the huckleberries being offered for sale is able to show that the huckleberries originated on land owned by the United States forest service, then the requirements of this section may be satisfied with the display of a valid permit from the United States forest service that lawfully entitles the possessor to harvest the huckleberries in question.~~

~~(3)) Nothing in ((this section)) RCW 76.48.060 (as recodified by this act) creates a requirement that a specialized forest products permit is required for an individual to harvest, possess, or transport huckleberries.~~

~~((4)) (2) Compliance with ((this section)) RCW 76.48.060 (as recodified by this act) allows an individual to sell, or offer for sale, raw or unprocessed huckleberries. Possession of a specialized forest products permit does not create a right or privilege to harvest huckleberries. Huckleberries may be harvested only with the permission of the landowner and under the terms and conditions established between the landowner and the harvester.~~

Sec. 24. RCW 76.48.150 and 2005 c 401 s 13 are each amended to read as follows:

(1) Subject to the availability of funds in the specialized forest products outreach and education account established under section 26 of this act, the department ((of natural resources is the designated agency to develop and print the specialized forest products permit and distribute it to the county sheriffs. In addition, the department of natural resources)) shall develop educational material ((and other)), including printed information, for law enforcement, forest landowners, and specialized forest products ((harvesters)) permittees, buyers, and processors specific to this chapter.

(2) The department is encouraged to foster partnerships with federal agencies, other state agencies, universities, local governments, and private interests in order to minimize educational and outreach expenses.

Sec. 25. RCW 76.48.200 and 2008 c 191 s 8 are each amended to read as follows:

(1) Minority groups have long been participants in the specialized forest products and huckleberry harvesting industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products and huckleberry harvesting ((industry)) industries, and other interested groups to work cooperatively to accomplish the following purposes:

~~((1)) (a) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products and huckleberries;~~

~~((2)) (b) To hold clinics to teach techniques for effective picking; and~~

~~((3)) (c) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.~~

(2) To the extent practicable within their existing resources, the department, the state commission on ((Asian-American)) Asian Pacific American affairs created in RCW 43.117.030, and the state commission on Hispanic affairs created in RCW 43.115.020((, and the department of natural resources)) are encouraged to coordinate ((this effort)) efforts under this chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 76.48 RCW to read as follows:

The specialized forest products outreach and education account is created in the custody of the state treasurer. All receipts from RCW 76.48.140 and 76.48.110 (as recodified by this act), any legislative appropriations, private donations, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the department for funding activities under RCW 76.48.150 and 76.48.200 (as recodified by this act). Only the commissioner of public lands or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 27. RCW 76.48.902 and 1979 ex.s. c 94 s 17 are each amended to read as follows:

If any provision of this act or this chapter or its application to any person or circumstance is held invalid, the remainder of the act or this chapter or the application of the provision to other persons or circumstances is not affected.

Sec. 28. RCW 76.48.910 and 1967 ex.s. c 47 s 16 are each amended to read as follows:

This chapter is not intended to repeal, supersede, or modify any provision of existing law.

NEW SECTION. Sec. 29. The following sections are codified or recodified in chapter 76.48 RCW in the following order:

RCW 76.48.010;
 RCW 76.48.020;
 RCW 76.48.060;
 RCW 76.48.080;
 Section 6 of this act;
 Section 7 of this act;
 Section 8 of this act;
 RCW 76.48.050;
 RCW 76.48.062;
 RCW 76.48.094;
 RCW 76.48.085;
 RCW 76.48.098;
 RCW 76.48.030;
 RCW 76.48.120;
 RCW 76.48.130;
 section 17 of this act;
 RCW 76.48.140;
 RCW 76.48.040;
 Section 20 of this act;
 RCW 76.48.110;
 RCW 76.48.100;
 RCW 76.48.210;
 RCW 76.48.150;
 RCW 76.48.200;
 Section 26 of this act;
 RCW 76.48.900;
 RCW 76.48.902; and
 RCW 76.48.910.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

1. RCW 76.48.070 (Transporting or possessing cedar or other specialized forest products--Requirements) and 2005 c 401 s 4, 1995 c 366 s 6, 1992 c 184 s 3, 1979 ex.s. c 94 s 6, 1977 ex.s. c 147 s 6, & 1967 ex.s. c 47 s 8;

2. RCW 76.48.086 (Records of buyers available for research) and 2008 c 191 s 5 & 1995 c 366 s 16;

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

3. RCW 76.48.096 (Obtaining products from suppliers not having specialized forest products permit unlawful) and 2005 c 401 s 8, 1995 c 366 s 8, 1979 ex.s. c 94 s 10, & 1977 ex.s. c 147 s 12; and

(4) RCW 76.48.075 (Specialized forest products from out-of-state) and 2005 c 401 s 5, 1995 c 366 s 7, & 1979 ex.s. c 94 s 15.

NEW SECTION. Sec. 31. RCW 76.48.901 is decodified." Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1038.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "76.48 RCW;" strike the remainder of the title and insert "amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075; and prescribing penalties."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1038 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Prentice and Tom were excused.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1038 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1038 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Carrell,

Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Brown, Fairley, Prentice and Tom

SUBSTITUTE HOUSE BILL NO. 1038 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on General Government Appropriations (originally sponsored by Representatives Moeller, Williams, Blake, Chase and Kretz)

Concerning firearm licenses for persons from other countries.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.010 and 2001 c 300 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.602; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

(18) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(19) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, unless the person: (1) Is a lawful permanent resident; (2) has obtained a valid alien firearm license pursuant to section 3 of this act; or (3) meets the requirements of section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) In order to obtain an alien firearm license, a nonimmigrant alien residing in Washington must apply to the sheriff of the county in which he or she resides.

(2) The sheriff of the county shall within sixty days after the filing of an application of a nonimmigrant alien residing in the state of Washington, issue an alien firearm license to such person to carry or possess a firearm for the purposes of hunting and sport shooting. The license shall be good for two years. The issuing authority shall not refuse to accept completed applications for alien firearm licenses during regular business hours. An application for a license may not be denied, unless

EIGHTY-SIXTH DAY, APRIL 7, 2009

the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or unless RCW 9.41.040 (3) or (4) applies.

(3) The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the applicant, a copy of the applicant's passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus additional charges imposed by the

Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien firearm license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:

(1) A nonimmigrant alien, who is not a resident of Washington or a citizen of Canada, may carry or possess any firearm without having first obtained an alien firearm license if the nonimmigrant alien possesses:

(a) A valid passport and visa showing he or she is in the country legally;

(b) If required under federal law, an approved United States department of justice ATF-6 NIA application and permit for temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c)(i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(2) A citizen of Canada may carry or possess any firearm so long as he or she possesses:

(a) Valid documentation as required for entry into the United States;

(b) If required under federal law, an approved United States department of justice ATF-6 NIA application and permit for temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c)(i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(3) For purposes of subsections (1) and (2) of this section, the firearms may only be possessed for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

Sec. 5. RCW 9.41.070 and 2002 c 302 s 703 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the ~~((secretary of the treasury))~~ attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the ~~((secretary of the treasury))~~ attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, ~~((not more than two))~~ a complete set((s)) of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of ~~((RCW 9.41.170))~~ section 3 of this act and produce proof of compliance with ~~((RCW 9.41.170))~~ section 3 of this act upon application. The license ~~((shall))~~ may be in triplicate ~~((and))~~ or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife (~~fund~~) account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

Sec. 6. RCW 9.41.097 and 2005 c 274 s 202 are each amended to read as follows:

(1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or (~~9.41.170~~) section 3 of this act; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or (~~9.41.170~~) section 3 of this act; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 7. RCW 9.41.0975 and 1996 c 295 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or to purchase a pistol was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

NEW SECTION. Sec. 8. RCW 9.41.170 (Alien's license to carry firearms--Exception) and 1996 c 295 s 11, 1994 c 190 s 1, 1979 c 158 s 3, 1969 ex.s. c 90 s 1, & 1953 c 109 s 1 are each repealed."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Second Substitute House Bill No. 1052.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "countries;" strike the remainder of the title and insert "amending RCW 9.41.010, 9.41.070, 9.41.097, and 9.41.0975; adding new sections to chapter 9.41 RCW; repealing RCW 9.41.170; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Second Substitute House Bill No. 1052 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1052 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1052 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Fairley, Prentice and Tom

SECOND SUBSTITUTE HOUSE BILL NO. 1052 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1215, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Chandler, Kirby, Ormsby and Morrell)

Modifying motor vehicle warranty provisions.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.118.021 and 2007 c 425 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means new motor vehicle arbitration board.

(2) "Collateral charges" means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) "Condition" means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) "Consumer" means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the ~~((warranty))~~ eligibility period defined under this section.

(5) "Court" means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) "Eligibility period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

(7) "Incidental costs" means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

~~((77))~~ (8) "Manufacturer" means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. "Manufacturer" includes to the extent the modification affects the use, value, or safety of a new motor vehicle, a postmanufacturing modifier of a new motor vehicle that modifies or has a modification done to a new motor vehicle before the initial retail sale or lease of a new motor vehicle, except as provided in this chapter. "Manufacturer" does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

~~((88))~~ (9) "Motorcycle" means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

~~((99))~~ (10) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

~~((100))~~ (11) "Motor home manufacturer" means the first stage manufacturer, the component manufacturer, and the final stage manufacturer.

(a) "First stage manufacturer" means a person who manufactures incomplete new motor vehicles such as chassis, chassis cabs, or vans, that are directly warranted by the first stage manufacturer to the consumer, and are completed by a final stage manufacturer into a motor home.

(b) "Component manufacturer" means a person who manufactures components used in the manufacture or assembly of a chassis, chassis cab, or van that is completed into a motor home and whose components are directly warranted by the component manufacturer to the consumer.

(c) "Final stage manufacturer" means a person who assembles, installs, or permanently affixes a body, cab, or equipment to an incomplete new motor vehicle such as a chassis, chassis cab, or van provided by a first stage manufacturer, to complete the vehicle into a motor home.

~~((111))~~ (12) "New motor vehicle" means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that was originally purchased or leased at retail from a new motor vehicle dealer or leasing company in this state, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles at one time or under a single purchase or lease agreement. This chapter shall apply to a motor vehicle purchased or leased with a manufacturer written warranty by a member of the armed forces regardless of in which state the vehicle was purchased or leased, if the vehicle otherwise meets the definition of a new motor

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

vehicle and the consumer is a member of the armed forces stationed or residing in this state at the time the consumer submits a request for arbitration to the attorney general. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term "new motor vehicle" does not include trucks with nineteen thousand pounds or more gross vehicle weight rating. The term "new motor vehicle" includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

~~((12))~~ (13) "New motor vehicle dealer" means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed or required to be licensed as a vehicle dealer by the state of Washington.

~~((13))~~ (14) "Nonconformity" means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

~~((14))~~ (15) "Purchase price" means the cash price of the new motor vehicle appearing in the sales agreement or contract.

(a) "Purchase price" in the instance of a lease means the actual written capitalized cost disclosed to the consumer contained in the lease agreement. If there is no disclosed capitalized cost in the lease agreement the "purchase price" is the manufacturer's suggested retail price including manufacturer installed accessories or items of optional equipment displayed on the manufacturer label, required by 15 U.S.C. Sec. 1232.

(b) "Purchase price" in the instance of both a vehicle purchase or lease agreement includes any allowance for a trade-in vehicle but does not include any manufacturer-to-consumer rebate appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase or lease cost.

Where the consumer is a subsequent transferee and the consumer selects repurchase of the motor vehicle, "purchase price" means the consumer's subsequent purchase price. Where the consumer is a subsequent transferee and the consumer selects replacement of the motor vehicle, "purchase price" means the original purchase price.

~~((15))~~ (16) "Reasonable offset for use" means the definition provided in RCW 19.118.041(1)(c) ~~((for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand)).~~

~~((16))~~ (17) "Reasonable number of attempts" means the definition provided in RCW 19.118.041.

~~((17))~~ (18) "Replacement motor vehicle" means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

~~((18))~~ (19) "Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

~~((19))~~ (20) "Subsequent transferee" means a consumer who acquires a motor vehicle, within the ~~((warranty))~~ eligibility period, as defined in this section, with an applicable manufacturer's written warranty and where the vehicle otherwise met the definition of a new motor vehicle at the time of original retail sale or lease.

~~((20))~~ (21) "Substantially impair" means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

~~((21))~~ (22) "Warranty" means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, a modification by a new motor vehicle dealer installing the new motor vehicle manufacturer's authorized parts or their equivalent for the specific new motor vehicle pursuant to the manufacturer approved specifications, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the ~~((warranty))~~ eligibility period as defined under this section.

~~((22))~~ "Warranty period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.)

Sec. 2. RCW 19.118.031 and 1998 c 298 s 3 are each amended to read as follows:

(1) The manufacturer shall publish an owner's manual and provide it to the new motor vehicle dealer or leasing company. The owner's manual shall include a list of the addresses and phone numbers for the manufacturer's customer assistance division, or zone or regional offices. A manufacturer shall provide to the new motor vehicle dealer or leasing company all applicable manufacturer's written warranties. The dealer or leasing company shall transfer to the consumer, at the time of original retail sale or lease, the owner's manual and applicable written warranties as provided by a manufacturer.

(2) At the time of purchase, the new motor vehicle dealer shall provide the consumer with a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared and supplied by the attorney general and shall contain a toll-free number that the consumer can contact for information regarding the procedures and remedies under this chapter. In the event a consumer requests modification of the new motor vehicle in a manner which may partially or completely void the manufacturer's implied or express warranty, and which becomes part of the basis of the bargain of the initial retail sale or lease of the vehicle, a new motor vehicle dealer shall provide a clear and conspicuous written disclosure, independently signed and dated by the consumer, stating "Your requested modification may void all or part of a manufacturer warranty and a resulting defect or condition may not be subject to remedies afforded by the motor vehicle warranties act, chapter 19.118 RCW." A dealer who obtains a signed written disclosure under circumstances where the warranty may be void is not subject to this chapter as a manufacturer to the extent the modification affects the use, value, or safety of a new motor vehicle. Failure to provide the disclosure specified in this subsection does not constitute a violation of chapter 19.86 RCW.

(3) For the purposes of this chapter, if a new motor vehicle does not conform to the warranty and the consumer reports the nonconformity during the term of the ~~((warranty))~~ eligibility

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

period or the period of coverage of the applicable manufacturer's written warranty, whichever is less, to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle, the manufacturer, its agent, or the new motor vehicle dealer shall make repairs as are necessary to conform the vehicle to the warranty, regardless of whether such repairs are made after the expiration of the ((warranty)) eligibility period. Any corrections or attempted repairs undertaken by a new motor vehicle dealer under this chapter shall be treated as warranty work and billed by the dealer to the manufacturer in the same manner as other work under the manufacturer's written warranty is billed. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(4) Upon request from the consumer, the manufacturer or new motor vehicle dealer shall provide a copy of any report or computer reading compiled by the manufacturer's field or zone representative regarding inspection, diagnosis, or test-drive of the consumer's new motor vehicle, or shall provide a copy of any technical service bulletin issued by the manufacturer regarding the year and model of the consumer's new motor vehicle as it pertains to any material, feature, component, or the performance thereof.

(5) The new motor vehicle dealer shall provide to the consumer each time the consumer's vehicle is returned from being diagnosed or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the vehicle including but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the vehicle was submitted for repair, and the date when the vehicle was made available to the consumer.

(6) No manufacturer, its agent, or the new motor vehicle dealer may refuse to diagnose or repair any nonconformity covered by the warranty for the purpose of avoiding liability under this chapter.

(7) For purposes of this chapter, consumers shall have the rights and remedies, including a cause of action, against manufacturers as provided in this chapter.

(8) The ((warranty)) eligibility period and thirty-day out-of-service period, and sixty-day out-of-service period in the case of a motor home, shall be extended by any time that repair services are not available to the consumer as a direct result of a strike, war, invasion, fire, flood, or other natural disaster.

Sec. 3. RCW 19.118.041 and 2007 c 426 s 1 are each amended to read as follows:

(1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request to the manufacturer's corporate, dispute resolution, zone, or regional office address shall, at the option of the consumer, replace or repurchase the new motor vehicle.

(a) The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options. Where the manufacturer supplies a replacement motor vehicle, the manufacturer shall be responsible for sales tax, license, registration fees, and refund of any incidental costs. Compensation for a reasonable offset for use shall be paid by the

consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

(b) When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. When repurchasing the new motor vehicle, in the instance of a lease, the manufacturer shall refund to the consumer all payments made by the consumer under the lease including but not limited to all lease payments, trade-in value or inception payment, security deposit, all collateral charges and incidental costs less a reasonable offset for use. The manufacturer shall make such payment to the lessor and/or lienholder of record as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder.

(c) The reasonable offset for use shall be computed by multiplying the number of miles that the vehicle traveled directly attributable to use by the consumer during the time between the original purchase, lease, or in-service date and the date beginning the first attempt to diagnose or repair a nonconformity which ultimately results in the repurchase or replacement of the vehicle multiplied times the purchase price, and dividing the product by one hundred twenty thousand, except in the case of a motor home, in which event it shall be divided by ninety thousand or in the case of a motorcycle, it shall be divided by twenty-five thousand. However, the reasonable offset for use calculation total for a motor home is subject to modification by the board by decreasing or increasing the offset total up to a maximum of one-third of the offset total. The board may modify the offset total in those circumstances where the board determines that the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space are significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home. Except in the case of a motor home, where a manufacturer repurchases or replaces a vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the fifteenth cumulative calendar day out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects repurchase of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be limited to the period between the date of purchase, lease by, or transfer to the consumer and the date of the consumer's initial attempt to obtain diagnosis or repair of a nonconformity which ultimately results in the repurchase or replacement of the vehicle or which adds to thirty or more cumulative calendar days out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects replacement of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in-service date and the first attempt to diagnose or repair a nonconformity which ultimately results in the replacement of the vehicle. Except in the case of a motor home, where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the manufacturer replaces the vehicle solely due to accumulated days out of

EIGHTY-SIXTH DAY, APRIL 7, 2009

service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in service date and the date of the fifteenth cumulative calendar day out of service.

(d) In the case of a motor vehicle that is a motor home, where a manufacturer repurchases or replaces a motor home from the first purchaser, lessee, or transferee or from the second or subsequent purchaser, lessee, or transferee solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that a motor home traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the thirtieth cumulative calendar day out-of-service.

(2) Reasonable number of attempts, except in the case of a new motor vehicle that is a motor home (~~acquired after June 30, 1998~~), shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the (~~warranty~~) eligibility period, if: (a) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; (~~or~~) (c) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty; or (d) within a twelve-month period, two or more different serious safety defects, each of which have been subject to diagnosis or repair one or more times, where at least one attempt for each serious safety defect occurs during the period of coverage of the applicable manufacturer's written warranty and within the eligibility period. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first. A new motor vehicle is deemed to have been "subject to diagnose or repair" when a consumer presents the new motor vehicle for warranty service at a service and repair facility authorized, designated, or maintained by a manufacturer to provide warranty services or a facility to which the manufacturer or an authorized facility has directed the consumer to obtain warranty service. A new motor vehicle has not been "subject to diagnose or repair" if the consumer refuses to allow the facility to attempt or complete a recommended warranty repair, or demands return of the vehicle to the consumer before an attempt to diagnose or repair can be completed.

(3)(a) In the case of a new motor vehicle that is a motor home (~~acquired after June 30, 1998~~), a reasonable number of attempts shall be deemed to have been undertaken by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers to conform the new motor vehicle to the warranty within the (~~warranty~~) eligibility period, if: (i) The same serious safety defect has been subject to diagnosis or repair one or more times during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to repair three or more

times, at least one of which is during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the nonconformity continues to exist; (~~or~~) (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities, including a safety evaluation, for a cumulative total of sixty calendar days aggregating all motor home manufacturer days out of service, and the motor home manufacturers have had at least one opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities after receipt of notification from the consumer as provided for in (c) of this subsection; or (iv) within a twelve-month period, two or more different serious safety defects covered by the same manufacturer warranty have been each subject to diagnosis or repair one or more times, where at least one attempt for each serious safety defect occurs during the period of coverage of the applicable manufacturer's written warranty and within the eligibility period. Notice of manifestation of one or more serious safety defects to a manufacturer must be provided in writing by the consumer to the motor home manufacturer whose warranty covers the defect or all manufacturers of the motor home. The consumer shall send notices to the manufacturers in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate and complete a comprehensive safety evaluation of the motor home. Notice of the manifestation of one or more serious safety defects should be made by the consumer as a unique notice to the manufacturers. The notice may be met by any written notification under this subsection of the need to repair a defect or condition identified by the consumer as relating to the safety of the motor home with or without a consumer's specific reference to whether the defect is a serious safety defect. Any notice of the manifestation of one or more serious safety defects shall be considered by a manufacturer as a consumer's request for a safety evaluation of the motor home. If the manufacturer, at its option, performs a safety evaluation, the manufacturers must provide a written report to the consumer of the evaluation of the motor home's safety in a timely manner. For purposes of this subsection, each motor home manufacturer's written warranty must be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(b) In the case of a new motor vehicle that is a motor home, after one attempt has been made to repair a serious safety defect, or after three attempts have been made to repair the same nonconformity, the consumer shall give written notification of the need to repair the nonconformity to each of the motor home manufacturers at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers to coordinate and complete a final attempt to cure the nonconformity. The motor home manufacturers each have fifteen days, commencing upon receipt of (~~the~~) a notification under this subsection (3)(b), to respond and inform the consumer of the location of the facility where the vehicle will be repaired or evaluated. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. The motor home manufacturers have a cumulative total of thirty days, commencing upon delivery of the vehicle to the designated repair facility by the consumer, to conform the vehicle to the applicable motor home manufacturer's written warranty. This

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to a final attempt to cure the nonconformity.

(c) In the case of a new motor vehicle that is a motor home, if the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities, including any safety evaluation, by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers for a cumulative total of thirty or more days aggregating all motor home manufacturer days out of service, the consumer shall so notify each motor home manufacturer in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities. The motor home manufacturers have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility where the vehicle will be repaired or evaluated. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. Once the buyer delivers the vehicle to the designated repair facility, the inspection and repairs must be completed by the motor home manufacturers either (i) within ten days or (ii) before the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for sixty days, whichever time period is longer. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to at least one opportunity to inspect and repair the vehicle's nonconformities after receipt of notification from the buyer as provided for in this subsection (3)(c).

(4) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers shall not have a cause of action against dealers under this chapter. ~~((Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW.))~~ A violation of any responsibilities expressly imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Except in the limited circumstances of a dealer becoming a manufacturer due to a postmanufacturing modification of a new motor vehicle as defined in RCW 19.118.021(8), consumers shall not have a cause of action against dealers under this chapter. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter.

Sec. 4. RCW 19.118.061 and 1998 c 298 s 5 are each amended to read as follows:

(1) A manufacturer shall be prohibited from reselling any motor vehicle determined or adjudicated as having a serious safety defect unless the serious safety defect has been corrected and the manufacturer warrants upon the first subsequent resale that the defect has been corrected.

(2) Before any sale or transfer of a vehicle that has been replaced or repurchased by the manufacturer ~~((that was determined or adjudicated as having a nonconformity or to have~~

~~been out of service for thirty or more calendar days, or sixty or more calendar days in the case of a motor home,))~~ after a determination, adjudication, or settlement of a claim under this chapter, the manufacturer shall:

(a) Notify the attorney general ~~((and the department of licensing, by certified mail or by personal service,))~~ upon receipt of the motor vehicle and submit a title application to the department of licensing in this state for title to the motor vehicle in the name of the manufacturer within sixty days;

(b) Attach a resale disclosure notice to the vehicle in a manner and form to be specified by the attorney general. Only the retail purchaser may remove the resale disclosure notice after execution of the disclosure form required under subsection (3) of this section; and

(c) Notify the attorney general and the department of licensing if the nonconformity in the motor vehicle is corrected.

(3) Upon the first subsequent resale, either at wholesale or retail, or transfer of title of a motor vehicle and which was previously returned after a final determination, adjudication, or settlement under this chapter or under a similar statute of any other state, the manufacturer, its agent, or the new motor vehicle dealer who has actual knowledge of said final determination, adjudication or settlement, shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity in a manner to be specified by the attorney general, and the department of licensing shall place on the certificate of title information indicating the vehicle was returned under this chapter.

(4) Upon receipt of the manufacturer's notification under subsection (2) of this section that the nonconformity has been corrected and ~~((upon))~~ the manufacturer's ~~((request and payment of any fees))~~ application for title in the name of the manufacturer under this section, the department of licensing shall issue a new title with ~~((information))~~ a title brand indicating the vehicle was returned under this chapter and information that the nonconformity has been corrected. Upon the first subsequent resale, either at wholesale or retail, or transfer of title of a motor vehicle, as provided under ~~((subsection (2)(c) of))~~ this section, the manufacturer shall warrant upon the resale that the nonconformity has been corrected, and the manufacturer, its agent, or the new motor vehicle dealer who has actual knowledge of the corrected nonconformity, shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity and indicating that it has been corrected in a manner to be specified by the attorney general.

(5) After repurchase or replacement and following a manufacturer's receipt of a vehicle under this section and prior to a vehicle's first subsequent retail transfer by resale or lease, any intervening transferor of a vehicle subject to the requirements of this section who has received the disclosure, correction and warranty documents, as specified by the attorney general and required under this chapter, shall deliver the documents with the vehicle to the next transferor, purchaser or lessee to ensure proper and timely notice and disclosure. Any intervening transferor who fails to comply with this subsection shall, at the option of the subsequent transferor or first subsequent retail purchaser or lessee: (a) Indemnify any subsequent transferor or first subsequent retail purchaser for all damages caused by such violation; or (b) repurchase the vehicle at the full purchase price including all fees, taxes and costs incurred for goods and services which were included in the subsequent transaction.

Sec. 5. RCW 19.118.080 and 1998 c 245 s 7 are each amended to read as follows:

(1) Except as provided in RCW 19.118.160, the attorney general shall contract with one or more ~~((private))~~ entities to conduct arbitration proceedings in order to settle disputes between consumers and manufacturers as provided in this chapter, and each ~~((private))~~ entity shall constitute a new motor vehicle arbitration board for purposes of this chapter. The entities shall not be affiliated with any manufacturer or new motor vehicle dealer and shall have available the services of persons with automotive technical expertise to assist in resolving disputes under this chapter. No ~~((private))~~ entity or its officers or employees conducting board proceedings and no arbitrator presiding at such proceedings shall be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle. Payment to the entities for the arbitration services shall be made from the new motor vehicle arbitration account.

(2) The attorney general shall adopt rules for the uniform conduct of the arbitrations by the boards whether conducted by ~~((a private))~~ an entity or by the attorney general pursuant to RCW 19.118.160, which rules shall include but not be limited to the following procedures:

(a) At all arbitration proceedings, the parties are entitled to present oral and written testimony, to present witnesses and evidence relevant to the dispute, to cross-examine witnesses, and to be represented by counsel.

(b) A dealer, manufacturer, or other persons shall produce records and documents requested by a party which are reasonably related to the dispute. If a dealer, manufacturer, or other person refuses to comply with such a request, a party may present a request ~~((to the board))~~ for the attorney general to issue a subpoena ~~((on behalf of the board))~~.

The subpoena shall be issued only for the production of records and documents which the ~~((board))~~ attorney general has determined are reasonably related to the dispute, including but not limited to documents described in RCW 19.118.031 (4) or (5).

If a party fails to comply with the subpoena, the arbitrator may at the outset of the arbitration hearing impose any of the following sanctions: (i) Find that the matters which were the subject of the subpoena, or any other designated facts, shall be taken to be established for purposes of the hearing in accordance with the claim of the party which requested the subpoena; (ii) refuse to allow the disobedient party to support or oppose the designated claims or defenses, or prohibit that party from introducing designated matters into evidence; (iii) strike claims or defenses, or parts thereof; or (iv) render a decision by default against the disobedient party.

If a nonparty fails to comply with a subpoena and upon an arbitrator finding that without such compliance there is insufficient evidence to render a decision in the dispute, the attorney general ~~((shall))~~ may enforce such subpoena in superior court and the arbitrator shall continue the arbitration hearing until such time as the nonparty complies with the subpoena or the subpoena is quashed.

(c) A party may obtain written affidavits from employees and agents of a dealer, a manufacturer or other party, or from other potential witnesses, and may submit such affidavits for consideration by the board.

(d) Records of the board proceedings shall be open to the public. The hearings shall be open to the public to the extent practicable.

(e) ~~((Where the board proceedings are conducted by one or more private entities,))~~ A single arbitrator may be designated to preside at such proceedings.

(3) A consumer shall exhaust the new motor vehicle arbitration board remedy or informal dispute resolution settlement procedure under RCW 19.118.150 before filing any superior court action.

(4) The attorney general shall maintain records of each dispute submitted to the new motor vehicle arbitration board, including an index of new motor vehicles by year, make, and model.

(5) The attorney general shall compile aggregate annual statistics for all disputes submitted to, and decided by, the new motor vehicle arbitration board, as well as annual statistics for each manufacturer that include, but shall not be limited to, the number and percent of: (a) Replacement motor vehicle requests; (b) purchase price refund requests; (c) replacement motor vehicles obtained in prehearing settlements; (d) purchase price refunds obtained in prehearing settlements; (e) replacement motor vehicles awarded in arbitration; (f) purchase price refunds awarded in arbitration; (g) board decisions neither complied with during the forty calendar day period nor petitioned for appeal within the thirty calendar day period; (h) board decisions appealed categorized by consumer or manufacturer; (i) the nature of the court decisions and who the prevailing party was; (j) appeals that were held by the court to be brought without good cause; and (k) appeals that were held by the court to be brought solely for the purpose of harassment. The statistical compilations shall be public information.

(6) The attorney general shall adopt rules to implement this chapter. Such rules shall include uniform standards by which the boards shall make determinations under this chapter, including but not limited to rules which provide:

(a) A board shall find that a nonconformity exists if it determines that the consumer's new motor vehicle has a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of the vehicle.

(b) A board shall find that a reasonable number of attempts to repair a nonconformity have been undertaken if ~~((: (i) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first))~~ the history of attempts to diagnose or repair defects or conditions in the new motor vehicle meets or exceeds those identified in RCW 19.118.041.

(c) A board shall find that a manufacturer has failed to comply with RCW 19.118.041 if it finds that the manufacturer, its agent, or the new motor vehicle dealer has failed to correct a nonconformity after a reasonable number of attempts and the manufacturer has failed, within forty days of the consumer's written request, to repurchase the vehicle or replace the vehicle with a vehicle identical or reasonably equivalent to the vehicle being replaced.

(7) The attorney general shall provide consumers with information regarding the procedures and remedies under this chapter.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

Sec. 6. RCW 19.118.090 and 1998 c 298 s 6 are each amended to read as follows:

(1) A consumer may request arbitration under this chapter by submitting the request to the attorney general. Within ten days after receipt of an arbitration request, the attorney general shall make a reasonable determination of the cause of the request for arbitration and provide necessary information to the consumer regarding the consumer's rights and remedies under this chapter. The attorney general shall ~~((assign the dispute to a board, except that if it clearly appears from the materials submitted by the consumer that the dispute is not eligible for arbitration, the attorney general may refuse to assign the dispute and shall explain any required procedures to the consumer))~~ accept a request for arbitration, except where it clearly appears from the materials submitted by the consumer that the dispute is not eligible because it is lacking a statement of a claim, incomplete, untimely, frivolous, fraudulent, filed in bad faith, res judicata, or beyond the authority established in this chapter. A dispute found to be ineligible for arbitration because it lacks a statement of a claim or is incomplete may be reconsidered by the attorney general upon the submission of other information or documents regarding the dispute.

(2) After a dispute is accepted, the attorney general shall assign the dispute to the board. From the date the consumer's request for arbitration is assigned by the attorney general, the board shall have forty-five calendar days to have an arbitrator hear the dispute and sixty days for the board to submit a decision to the attorney general. If the board determines that additional information is necessary to make a fair and reasoned decision, the arbitrator may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board may require a party to submit additional information or request that the attorney general issue a subpoena to a nonparty for documents and records for a continued hearing.

~~((2))~~ (3) Manufacturers shall submit to arbitration if such arbitration is requested by the consumer within thirty months from the date of the original delivery of the new motor vehicle to a consumer at retail and if the consumer's dispute is ~~((deemed eligible))~~ accepted for arbitration by the ~~((board))~~ attorney general. In the case of a motor home, the thirty-month period will be extended by the amount of time it takes the motor home manufacturers to complete the final repair attempt at the designated repair facility as provided for in RCW 19.118.041(3)(b).

~~((3))~~ The new motor vehicle arbitration board may reject for arbitration any dispute that it determines to be frivolous, fraudulent, filed in bad faith, res judicata or beyond its authority. Any dispute deemed by the board to be ineligible for arbitration due to insufficient evidence may be reconsidered by the board upon the submission of other information or documents regarding the dispute that would allegedly qualify for relief under this chapter. Following a second review, the board may reject the dispute for arbitration if evidence is still clearly insufficient to qualify the dispute for relief under this chapter. A rejection by the board is subject to review by the attorney general or may be appealed under RCW 19.118.100.

~~A decision to reject any dispute for arbitration shall be sent by certified mail to the consumer and the manufacturer, and shall contain a brief explanation as to the reason therefor.)~~

(4) The manufacturer shall complete a written manufacturer response to the consumer's request for arbitration. The manufacturer shall provide a response to the consumer and the ~~((board))~~ attorney general within ten calendar days from the date of the manufacturer's receipt of ~~((the board's))~~ notice of

~~((acceptance))~~ the attorney general's assignment of a dispute for arbitration. The manufacturer response shall include all issues and affirmative defenses related to the nonconformities identified in the consumer's request for arbitration that the manufacturer intends to raise at the arbitration hearing.

(5) ~~((The arbitration board shall award the remedies under RCW 19.118.041 if it finds a nonconformity and that a reasonable number of attempts have been undertaken to correct the nonconformity. The board shall award reasonable costs and attorneys' fees incurred by the consumer where the manufacturer has been directly represented by counsel: (a) In dealings with the consumer in response to a request to repurchase or replace under RCW 19.118.041; (b) in settlement negotiations; (c) in preparation of the manufacturer's statement; or (d) at an arbitration board hearing or other board proceeding.~~

~~— In the case of an arbitration involving a motor home, the board may allocate liability among the motor home manufacturers.~~

~~— (6) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.~~

~~— (7) The board shall have forty-five calendar days from the date the board receives the consumer's request for arbitration to hear the dispute. If the board determines that additional information is necessary, the board may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board shall decide the dispute within sixty calendar days from the date the board receives the consumer's request for arbitration.) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.~~

~~— (6) The arbitration decision ((of the board shall be delivered by certified mail or personal service to the consumer and the manufacturer, and shall)) must contain a written finding of whether the new motor vehicle ((meets)) should be repurchased or replaced pursuant to the standards set forth under this chapter.~~

~~((8))~~ (a) The board shall award the remedies under this chapter if a finding is made pursuant to RCW 19.118.041 that one or more nonconformities have been subject to a reasonable number of attempts.

(b) If the board awards remedies under this chapter after a finding is made pursuant to RCW 19.118.041 that one or more nonconformities have been subject to a reasonable number of attempts, the board shall award reasonable costs and attorneys' fees incurred by the consumer where the manufacturer has been directly represented by counsel: (i) In dealings with the consumer in response to a request to repurchase or replace under RCW 19.118.041; (ii) in settlement negotiations; (iii) in preparation of the manufacturer's statement; or (iv) at an arbitration hearing or other arbitration proceeding. In the case of an arbitration involving a motor home, the board may allocate liability among the motor home manufacturers.

(c) The decision of the board shall be submitted to the attorney general who shall deliver it by certified mail, electronic mail confirmed by an electronic notice of delivery status or similar confirmation, or personal service to the consumer and the manufacturer.

(7) The consumer may accept or reject the arbitration board decision ~~((or appeal to superior court, pursuant to RCW 19.118.100)).~~ Upon acceptance by the consumer, the arbitration board decision shall become final. The consumer shall send written notification of acceptance or rejection to the ~~((arbitration board))~~ attorney general within sixty days of receiving the decision and the ~~((arbitration board))~~ attorney general shall immediately deliver a copy of the consumer's acceptance to the manufacturer by certified mail, return receipt requested, electronic mail confirmed by an electronic notice of delivery status or similar confirmation, or by personal service. Failure of the consumer to respond to the ~~((arbitration board))~~ attorney general within sixty calendar days of receiving the decision shall be considered a rejection of the decision by the consumer.

(8) Where a consumer rejects an arbitration decision, the consumer may appeal to superior court pursuant to RCW 19.118.100. The consumer shall have one hundred twenty calendar days from the date of rejection to file a petition of appeal in superior court. At the time the petition of appeal is filed, the consumer shall deliver, by certified mail or personal service, a conformed copy of such petition to the attorney general.

(9) Upon receipt of the consumer's acceptance, the manufacturer shall have forty calendar days to comply with the arbitration board decision or thirty calendar days to file a petition of appeal in superior court. At the time the petition of appeal is filed, the manufacturer shall deliver, by certified mail or personal service, a conformed copy of such petition to the attorney general. If the attorney general receives no notice of petition of appeal after forty calendar days, the attorney general shall contact the consumer to verify compliance.

Sec. 7. RCW 19.118.095 and 1995 c 254 s 8 are each amended to read as follows:

(1) Compliance with an arbitration board decision under this chapter must be accomplished at a time, place, and in a manner to be determined by the mutual agreement of the consumer and manufacturer.

(a) The consumer shall make the motor vehicle available to the manufacturer free of damage other than that related to any nonconformity, defect, or condition to which a warranty applied, or that can reasonably be expected in the use of the vehicle for ordinary or reasonably intended purposes and in consideration of the ~~((mileage attributable to the consumer's use))~~ miles traveled by the vehicle. Any insurance claims or settlement proceeds for repair of damage to the vehicle due to fire, theft, vandalism, or collision must be assigned to the manufacturer or, at the consumer's option, the repair must be completed before return of the vehicle to the manufacturer.

The consumer may not remove any equipment or option that was included in the original purchase or lease of the vehicle or that is otherwise included in the repurchase or replacement award. In removing any equipment not included in the original purchase or lease, the consumer shall exercise reasonable care to avoid further damage to the vehicle but is not required to return the vehicle to original condition.

(b) At the time of compliance with an arbitration board decision that awards repurchase, the manufacturer shall make full payment to the consumers and either the lessor or lienholder, or both, or provide verification to the consumer of prior payment to either the lessor or lienholder, or both.

At the time of compliance with an arbitration board decision that awards replacement, the manufacturer shall provide the replacement vehicle together with any refund of incidental costs.

(c) At any time before compliance a party may request the ~~((board))~~ attorney general to resolve disputes regarding

compliance with the arbitration board decision including but not limited to time and place for compliance, condition of the vehicle to be returned, clarification or recalculation of refund amounts under the award, or a determination if an offered vehicle is reasonably equivalent to the vehicle being replaced. The attorney general may resolve the dispute or refer compliance-related disputes to the board pursuant to RCW 19.118.160 for a compliance dispute hearing and decision. In resolving compliance disputes the attorney general or board may not review, alter, or otherwise change the findings of a decision or extend the time for compliance beyond the time necessary ~~((for the board))~~ to resolve the dispute.

(d) Failure of the consumer to make the vehicle available within sixty calendar days in response to a manufacturer's unconditional tender of compliance is considered a rejection of the arbitration decision by the consumer, except as provided in (c) of this subsection or subsection (2) of this section.

(2) If, at the end of the forty calendar day period, neither compliance with nor a petition to appeal the board's decision has occurred, the attorney general may impose a fine of up to one thousand dollars per day until compliance occurs or a maximum penalty of one hundred thousand dollars accrues unless the manufacturer can provide clear and convincing evidence that any delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide the evidence or fails to pay the fine, the attorney general may initiate proceedings against the manufacturer for failure to pay any fine that accrues until compliance with the board's decision occurs or the maximum penalty of one hundred thousand dollars results. If the attorney general prevails in an enforcement action regarding any fine imposed under this subsection, the attorney general is entitled to reasonable costs and attorneys' fees. Fines and recovered costs and fees shall be returned to the new motor vehicle arbitration account.

Sec. 8. RCW 19.118.120 and 1987 c 344 s 10 are each amended to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter ~~((shall constitute))~~ is not reasonable in relation to the development and preservation of business and is an unfair or deceptive ~~((trade practice affecting the public interest under))~~ act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. ~~((All public and private remedies provided under that chapter shall be available to enforce this chapter.))~~

Sec. 9. RCW 19.118.160 and 1989 c 347 s 9 are each amended to read as follows:

If the attorney general is unable ~~((at any time))~~ to contract with ~~((private))~~ one or more entities to conduct arbitrations ~~((under the procedures and standards in this chapter)),~~ the attorney general shall establish ~~((one or more new motor vehicle))~~ an arbitration ~~((boards. Each such board shall consist of three members appointed by the attorney general, only one of whom may be directly involved in the manufacture, distribution, sale, or service of any motor vehicle. Board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated pursuant to RCW 43.03.240))~~ program and conduct arbitrations under the procedures and standards established in this chapter.

NEW SECTION. Sec. 10. This act is remedial in nature and applies retroactively to the effective date of this act.

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to Substitute House Bill No. 1215.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.120, and 19.118.160; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1215 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1215 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1215 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Fairley, Prentice and Tom

SUBSTITUTE HOUSE BILL NO. 1215 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1474, by Representatives Orcutt, Wallace, Herrera and Moeller

Changing border county opportunity program provisions.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1474.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1474 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Brown

Excused: Senators Berkey, Fairley, Prentice and Tom

HOUSE BILL NO. 1474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1375, by Representatives Roberts, Appleton, Walsh, Kagi, Liias, Upthegrove and Kenney

Eliminating foster care citizen review boards.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1375.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1375 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Fairley, Prentice and Tom

HOUSE BILL NO. 1375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

HOUSE BILL NO. 1281, by Representatives Hurst, Pearson, Appleton, O'Brien, Goodman, Orcutt, Morrell, Ormsby, Simpson and Orwall

Addressing the rights of victims, survivors, and witnesses of crimes.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1281.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1281 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Fairley, Prentice and Tom

HOUSE BILL NO. 1281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1506, by Representatives Conway, Bailey, Chase, Kirby, O'Brien, Kenney, Simpson, Carlyle, Hinkle, Goodman, Williams, Uptegrove, White and Kelley

Providing benefits for the survivors of certain firefighters.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, House Bill No. 1506 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1506.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1506 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,

Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey, Fairley, Prentice and Tom

HOUSE BILL NO. 1506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Education (originally sponsored by Representatives Darneille, Quall, Liias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell)

Expanding the list of crimes that require dismissal or certificate revocation for school employees.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.400 RCW to read as follows:

(1) RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring after July 23, 1989, and before the effective date of this section, for any of the following felony crimes:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;

(c) Sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(e) Promoting prostitution of a minor under chapter 9A.88 RCW;

(f) The sale or purchase of a minor child under RCW 9A.64.030;

(g) Violation of laws of another jurisdiction that are similar to those specified in (a) through (f) of this subsection.

(2) RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring on or after the effective date of this section, for any of the following felony crimes or attempts, conspiracies, or solicitations to commit any of the following felony crimes:

(a) A felony violation of RCW 9A.88.010, indecent exposure;

(b) A felony violation of chapter 9A.42 RCW involving physical neglect;

(c) A felony violation of chapter 9A.32 RCW;

(d) A violation of RCW 9A.36.011, assault 1; 9A.36.021, assault 2; 9A.36.120, assault of a child 1; 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

involving physical injury except assault 3 where the victim is eighteen years of age or older;

- (e) A sex offense as defined in RCW 9.94A.030;
- (f) A violation of RCW 9A.40.020, kidnapping 1; or 9A.40.030, kidnapping 2;
- (g) A violation of RCW 9A.64.030, child selling or child buying;
- (h) A violation of RCW 9A.88.070, promoting prostitution 1;
- (i) A violation of RCW 9A.56.200, robbery 1; or
- (j) A violation of laws of another jurisdiction that are similar to those specified in (a) through (i) of this subsection.

Sec. 2. RCW 28A.400.320 and 1990 c 33 s 383 are each amended to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction)) specified under section 1 of this act.~~

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under section 1 of this act, and the time termination becomes final.

Sec. 3. RCW 28A.400.330 and 1989 c 320 s 4 are each amended to read as follows:

The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction)) specified under section 1 of this act.~~ The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

Sec. 4. RCW 28A.405.470 and 1990 c 33 s 405 are each amended to read as follows:

The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.405 or 28A.410 RCW is subject to revocation under RCW 28A.410.090~~((2))~~ (3) upon a guilty plea or conviction of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury~~

~~or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction)) specified under section 1 of this act.~~ Employment shall remain terminated unless the employee successfully prevails on appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under section 1 of this act, and the time termination becomes final. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment.

Sec. 5. RCW 28A.410.090 and 2005 c 461 s 2 are each amended to read as follows:

(1)(a) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. School district superintendents, educational service district superintendents, or private school administrators may file a complaint concerning any certificated employee of a school district, educational service district, or private school and this filing authority is not limited to employees of the complaining superintendent or administrator. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted.

(b) If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint alleging physical abuse or sexual misconduct by a certificated school employee filed by a parent or another person, but no complaint has been forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

EIGHTY-SIXTH DAY, APRIL 7, 2009

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act, in accordance with this section. The person whose certificate is in question shall be given an opportunity to be heard.

(b) Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under ~~((this subsection))~~ section 1(1) of this act shall apply to such convictions or guilty pleas which occur after July 23, 1989, and before the effective date of section 1 of this act.

(c) Mandatory permanent revocation upon a guilty plea or conviction of felony crimes specified under section 1(2) of this act shall apply to such convictions or guilty pleas that occur on or after the effective date of section 1 of this act.

(d) Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction of a crime specified under section 1 of this act occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

(4)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

(b) In all cases under this subsection (4), the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be suspended or revoked under this subsection only if findings are made on or after July 24, 2005. For the purposes of this subsection, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011.

(5) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a finding that the certificate holder obtained the certificate through fraudulent means, including fraudulent misrepresentation of required academic credentials or prior criminal record. In all cases under this subsection, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be revoked under this subsection only if findings are made on or after the effective date of this section.

Sec. 6. RCW 28A.410.110 and 1990 c 33 s 410 are each amended to read as follows:

In case any certificate or permit authorized under this chapter or chapter 28A.405 RCW is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.405 RCW was revoked because of a guilty plea or the conviction of a felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act, the certificate or permit shall not be reinstated.

Sec. 7. RCW 9.96A.020 and 2008 c 134 s 26 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) through (5) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony ~~((involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction))~~ crime specified under section 1 of this act, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony ~~((involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a~~

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction)) crime specified under section 1 of this act, even if the time elapsed since the guilty plea or conviction is ten years or more.

(5) The provisions of this chapter do not apply to issuance of licenses or credentials for professions regulated under chapter 18.130 RCW.

(6) Subsections (3) and (4) of this section (~~only~~) as they pertain to felony crimes specified under section 1(1) of this act apply to a person applying for a certificate or for employment on or after July 25, 1993, and before the effective date of section 1 of this act. Subsections (3) and (4) of this section as they pertain to all felony crimes specified under section 1(2) of this act apply to a person applying for a certificate or for employment on or after the effective date of section 1 of this act. Subsection (5) of this section only applies to a person applying for a license or credential on or after June 12, 2008.

Sec. 8. RCW 43.43.845 and 2006 c 263 s 828 are each amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime (~~involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030~~) specified under section 1 of this act, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives (~~information that a person has pled guilty to or been convicted of one of the felony crimes~~) the notice required under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction, on at least a quarterly basis, to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the Washington professional educator standards board and the school district employing the (~~individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section~~) person.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.405 RCW to read as follows:

(1) A school district superintendent shall immediately notify the office of the superintendent of public instruction when the district terminates the employment contract of a certificated employee on the basis of a guilty plea or a conviction of any felony crime specified under section 1 of this act.

(2) The office of the superintendent of public instruction shall maintain a record of the notices received under this section.

(3) This section applies only to employees holding a certificate or permit authorized under this chapter or chapter 28A.410 RCW who have contact with children during the course of employment.

NEW SECTION. Sec. 10. A new section is added to chapter 41.59 RCW to read as follows:

Nothing in this chapter may be construed to grant employers or employees the right to reach agreements that are in conflict with the termination provisions of RCW 28A.405.470.

NEW SECTION. Sec. 11. A new section is added to chapter 41.56 RCW to read as follows:

Nothing in this chapter may be construed to grant school district employers or classified school district employees the right to reach agreements that are in conflict with the termination provisions of RCW 28A.400.320."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1741.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1741 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1741 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta)

Modifying when a special election may be held.

The measure was read the second time.

MOTION

Senator McDermott moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general

EIGHTY-SIXTH DAY, APRIL 7, 2009

2009 REGULAR SESSION

election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section,))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(e))~~ The fourth Tuesday in April;

~~((d))~~ The third Tuesday in May;

~~—(e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

~~(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section,))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(e))~~ The fourth Tuesday in April;

~~((d))~~ The third Tuesday in May;

~~—(e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(5))~~ In addition to subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)~~((e))~~ (c) and ~~((f))~~ (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections."

Senator McDermott spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

EIGHTY-SIXTH DAY, APRIL 7, 2009

Committee on Government Operations & Elections to Engrossed Substitute House Bill No. 1018.

The motion by Senator McDermott carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "and amending RCW 29A.04.321 and 29A.04.330."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1018 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Kauffman were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brandland, Brown, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, King, Kline, Kohl-Welles, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Eide, Holmquist, Honeyford, Kilmer, Marr, McAuliffe, McCaslin, Morton, Pridemore, Roach and Stevens

Excused: Senators Berkey, Fairley and Kauffman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:59 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, April 8, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 8, 2009

April 7, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Berkey and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Alejandro Campos and Nicole Tom, presented the Colors. Honor Guard Chaplain Bob O'Bryan of American Legion Post 15 of Kent offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5271,
SENATE BILL NO. 5284,
SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5343,
SENATE BILL NO. 5426,
SUBSTITUTE SENATE BILL NO. 5434,
SENATE BILL NO. 5695,
SENATE BILL NO. 5699,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 5987,
SUBSTITUTE SENATE BILL NO. 6000,
SUBSTITUTE SENATE BILL NO. 6024,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE SENATE BILL NO. 5151,
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5233,
SENATE BILL NO. 5305,
SENATE BILL NO. 5315,
SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5980,
SENATE JOINT MEMORIAL NO. 8003,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5102,
SENATE BILL NO. 5125,
SENATE BILL NO. 5147,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1030,
HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1155,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1366,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1682,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
SUBSTITUTE HOUSE BILL NO. 2042,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The Speaker has signed the following:
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1202,
HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1536,
HOUSE BILL NO. 1678,
HOUSE BILL NO. 1997,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8660

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

INTRODUCTION OF SPECIAL GUESTS

By Senators Parlette, Kastama, Pridemore, Swecker, King, Delvin, Franklin, Holmquist, Becker, Kohl-Welles, McCaslin, and Kauffman

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 90th annual Washington State Apple Blossom Festival to take place from April 23 through May 3, 2009; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Breanna Allstot has been selected to represent her community as a 2009 Apple Blossom Princess, in part for her strong academic performance as a Running Start Participant, and diverse array of extracurricular activities and interests, including her passion for music, her athletic abilities in varsity bowling, her care for others, and the generosity she shows by giving of her time to children's musical productions at her church, in addition to her jovial demeanor and strong faith; and

WHEREAS, Rebecca Higgins has been selected to represent her community as a 2009 Apple Blossom Princess, in part for her passion for theater and music as demonstrated by her participation in every drama production throughout high school, and her membership in Chamber Singers, and Hy-land Kids singers, for her commitment to academic excellence, in addition to her genuine, lighthearted nature, which is exemplified through her positive, caring attitude; and

WHEREAS, Katherine Safar has been selected to represent her community as the 2009 Apple Blossom Queen, in part for her compassionate and humble spirit, and her strong leadership ability as shown through the organization of several school activities including freshman orientation and the 11th annual Janice Franz Talent, her strong academic performance and participation in extracurricular activities including varsity swimming and Chamber Singers, in addition to her playful, spontaneous nature, and heartfelt love for people; and

WHEREAS, These three young women all desire to utilize their proven leadership ambition to serve their communities and be of help to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Katherine Safar, Princess Breanna Allstot, Princess Rebecca Higgins, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

The President welcomed and introduced the 2009 Apple Blossom Court: Queen Katherine Safar; Princess Breanna Allstot; and Princess Rebecca Higgins who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Apple Blossom Court Queen Katherine Safar to address the Senate.

REMARKS BY QUEEN KATHERINE SAFAR

Queen Katherine Safar: "Well good morning. On behalf of Princess Breanna, Princess Rebecca and myself, we thank you so much for inviting us here today. It is our honor and a privilege to tour the capitol and speak to you. We live in such a beautiful state and are so fortunate to share about our home town Wenatchee and the Washington State Apple Blossom Festival. We want to invite you all to see the valley we call home. Our festival runs April 23 through May 3 and we look forward to sharing it with you. There are countless activities to enjoy and they are all community and family orientated. This year the Washington State Apple Blossom Festival's theme is 'Ninety years of volunteers.' We witness the tremendous community support and generosity surrounding our festival. The theme is truly fitting and reflects the community spirit in our valley. All three of us have been learning and experiencing new things every day as Apple Blossom Royalty and are so appreciative for this unforgettable opportunity to learn and to share. Thank you also for your service to the people of Washington and we want you to please come and visit us in our great state to celebrate the apple industry and our community. In addition to that we have a rendition of 'Apple Blossom Time' that we'd love to all three sing to you, so thank you again. It's our honor to be here."

The 2009 Apple Blossom Court performed "Apple Blossom Time."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Apple Blossom Court Chaperones Vera and Bob Curtis; Judy and Bob Rust and former Speaker Clyde Ballard and wife Ruth who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Gubernatorial Appointment No. 9104, Miguel Sanchez, as a member of the Board of Trustees, Walla Walla Community College District No. 20, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton and Zarelli were excused.

MOTION

On motion of Senator Marr, Senators Berkey, Brown and Fairley were excused.

APPOINTMENT OF MIGUEL SANCHEZ

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9104, Miguel Sanchez as a member of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9104, Miguel Sanchez as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey and Zarelli

Gubernatorial Appointment No. 9104, Miguel Sanchez, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walla Community College District No. 20.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1292, by House Committee on Education (originally sponsored by Representatives Newhouse, Chandler and Simpson)

Authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day-to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four-day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as

adequate safeguards are put in place to prevent any negative impact on student learning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and 28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the five waivers granted under this subsection shall be granted to schools with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to schools with student populations of between one hundred fifty-one and five hundred students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(5) This section expires August 31, 2014.

Sec. 3. RCW 28A.655.180 and 1995 c 208 s 1 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 ~~((or 28A.300.138))~~ to apply for the waivers under ~~((subsection (1) of))~~ this section.

~~((3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997.))~~

NEW SECTION. Sec. 4. RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller, McAuliffe and King to the committee striking amendment be adopted.

On page 2, line 28 of the amendment, after "than" strike "five" and insert "seven"

On page 2, line 37 of the amendment, after "the" strike "five" and insert "seven"

On page 3, line 1 of the amendment, after "to" strike "schools" and insert "school districts"

On page 3, line 4 of the amendment, after "to" strike "schools" and insert "school districts"

On page 3, after line 5 of the amendment, insert the following:

"(c) Two of the seven waivers granted under this subsection (3) shall be granted to school districts with student populations greater than five hundred students and less than five thousand students."

Senator Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller, McAuliffe and King on page 2, line 28 to the committee striking amendment to Substitute House Bill No. 1292.

The motion by Senator Rockefeller carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

Committee on Early Learning & K-12 Education as amended to Substitute House Bill No. 1292.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "year;" strike the remainder of the title and insert "amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1292 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, King and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1292 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1292 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Swecker

Voting nay: Senators Becker, Benton, Brandland, Kauffman, Keiser, Kilmer, Marr, Murray, Parlette, Pridemore, Roach, Stevens and Tom

Excused: Senators Berkey and Zarelli
SUBSTITUTE HOUSE BILL NO. 1292 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1478, by Representatives Orcutt, Takko, McCune, Hurst, Herrera, Campbell, Johnson, Kelley and Dammeier

Addressing vehicle registrations for deployed military personnel.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and Roach spoke in favor of passage of the bill.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Marr, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1478.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1478 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Brown

Excused: Senators Berkey, McAuliffe and Zarelli

HOUSE BILL NO. 1478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1492, by Representatives Pedersen, Pettigrew, Haler, Kagi, Walsh, Darneille, Dickerson, Nelson, Moeller, Appleton, Roberts, Ormsby and Kenney

Addressing the independent youth housing program.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

POINT OF INQUIRY

Senator Benton: "Will Senator Regala yield to a question? It's a friendly question Senator Regala. Does this bill provide any additional funding for this program or does it simply change the eligibility standards and how the money can be spent?"

Senator Regala: "Since I see the fiscal impact is zero I think it just changes the eligibility for how the money can be spent."

The President declared the question before the Senate to be the final passage of House Bill No. 1492.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1492 and the bill passed the Senate by the following

vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey, Brown, McAuliffe and Zarelli

HOUSE BILL NO. 1492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen)

Concerning medical support obligations.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~((In entering or modifying))~~ Whenever a child support order is entered or modified under this chapter, the court shall require ~~((either or))~~ both parents to provide medical support for any child named in the order as provided in this section.

(a) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance or cash medical support;

(b) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage, contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(a) The court may specify priorities for enforcement under subsection (4) of this section.

(b) If the court does not so specify, the provisions of subsection (3) of this section shall apply.

(3) If neither parent provides proof that he or she is providing health insurance for the child at the time the support order is entered, the division of child support or one of the parents may enforce a parent's obligation to provide health insurance coverage as provided in RCW 26.18.170.

(4)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount which represents his or her proportionate share of the premium paid, not to exceed twenty-five percent of his or her basic child support obligation.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

and the other parent to pay as cash medical support his or her proportionate share of the premium paid, but not to exceed twenty-five percent of his or her basic child support obligation. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(d) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(5) A parent who is ordered to maintain or provide health insurance coverage (~~(except as provided in subsection (2) of this section.)~~) may comply with that requirement by:

(a) Providing proof of accessible private insurance coverage for any child named in the order (~~(if (a))~~); or

(b) Providing coverage that can be extended to cover the child that is (~~(or becomes)~~) available to that parent through employment or that is union-related (~~(and (b))~~), if the cost of such coverage does not exceed twenty-five percent of (~~(the obligated)~~) that parent's basic child support obligation.

(~~(2)~~) (6) The court (~~(shall consider the best interests of the child and have discretion to)~~) may order a parent to provide health insurance coverage (~~(when entering or modifying a support order under this chapter if the cost of such coverage)~~) that exceeds twenty-five percent of (~~(the obligated)~~) that parent's basic support obligation if it is in the best interests of the child to provide coverage.

(~~(3)~~) (7) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay cash medical support in an amount equal to his or her proportionate share of the health insurance premium, not to exceed twenty-five percent of his or her basic child support obligation.

(8) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(9) The parents (~~(shall)~~) must maintain (~~(such)~~) health insurance coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

(~~(4)~~) (10) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

(~~(5)~~) (11) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

(~~(6)~~) (12) A parent ordered to provide health insurance coverage (~~(shall)~~) must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The (~~(physical custodian)~~) other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(~~(7)~~) (13) Every order requiring a parent to provide health care or insurance coverage (~~(shall)~~) must be entered in

compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

(~~(8)~~) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW. (14) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

(15) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means the amount that a parent must pay to the other parent as a proportionate share of the cost of uninsured

medical expenses, state-financed medical coverage provided by the department under chapter 74.09 RCW, or the cost of health insurance coverage provided by another parent in an amount not to exceed twenty-five percent of the obligated parent's basic support obligation.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

(16) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:

(1) Whenever a parent (~~(who)~~) has been ordered to provide (~~(health insurance coverage)~~) medical support for a dependent child (~~(fails to provide such coverage or lets it lapse)~~), the department or (~~(a)~~) the other parent may seek enforcement of the (~~(coverage order)~~) medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) The department may attempt to enforce a parent's requirement to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any cash medical support obligation ordered to be provided under RCW 26.09.105 or 74.20A.300.

(3) A parent seeking to enforce another parent's cash medical support obligation under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(i) Filing a motion in the underlying superior court action;
or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

(4)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's cash medical support obligation.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's cash medical support obligation. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard cash medical support payments in accordance with federal law.

(5)(a) If the ((parent's)) order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ((6)) (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

((6)) (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

((a)) (a) The parent seeking enforcement may, without further notice to the ((other)) obligated parent, send a certified copy of the order requiring health insurance coverage to the

((obligor's)) parent's employer or union by certified mail, return receipt requested; and

((b)) (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ((8)) (8) of this section.

((8)) (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

((4) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

~~(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;~~

~~(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;~~

~~(c) The plan administrator shall be responsible for complying with the provisions of the notice.~~

((5)) (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ((other)) obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ((2)) (5) of this section.

((6)) (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent ((required to provide medical support)) by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

((7)) (11) If the department serves a notice under subsection ((6)) (10) of this section the parent required to

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((8))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((6))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ~~((the parent required to provide medical support))~~ he or she has either applied for, or obtained, coverage accessible to the child.

~~((9))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((6))~~ (10) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((10))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((11))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((12))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((13))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the

deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order~~((the parent required to provide medical support shall have his or her))~~ and the responsible parent is the obligated parent, the obligated parent's portion of the deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((14))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means the amount that a parent must pay to the other parent as a proportionate share of the cost of uninsured medical expenses, state-financed medical coverage provided by the department under chapter 74.09 RCW, or the cost of health insurance coverage provided by another parent in an amount not to exceed twenty-five percent of the obligated parent's basic support obligation.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 3. RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~((An obligated parent's))~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~((obligated))~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Sec. 4. RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((d))~~ (e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order

must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide ~~((health insurance coverage))~~ medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as a cash medical support obligation as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

~~((k))~~ (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

~~((l))~~ (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

~~((m))~~ (m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

~~((n))~~ (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security

numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's cash medical support obligation as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the cash medical support obligation.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.

~~((4))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((6))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((11))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((12))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((11))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((13))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 6. RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ~~((maintain or provide health insurance coverage))~~ provide medical support for any dependent child, in the nature of health insurance coverage or cash medical support, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 7. RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a cash medical support obligation if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the

notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 8. RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a cash medical support obligation if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a

natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor

returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 9. RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require ((health insurance coverage)) medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by

EIGHTY-SEVENTH DAY, APRIL 8, 2009

more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments (~~as defined in section 24 of this act~~) is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 10. This act takes effect October 1, 2009."

Senator Regala spoke in favor of adoption of the committee striking amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Regala yield to a question?"

Lt. Governor Owen: "The Senator does not yield."

PERSONAL PRIVILEGE

Senator Roach: "Well, if I can't ask the question so I'm not quite sure how to say this. I just was wondering when you are a man and wife and you have medical insurance both people are covered...."

REMARK BY THE PRESIDENT

President Owen: "Senator Roach, that is not a point of personal privilege. You may speak if you wish."

Senator Carrell spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1845.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300,

2009 REGULAR SESSION

74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1845 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1845 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Berkey

SUBSTITUTE HOUSE BILL NO. 1845 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2214, by House Committee on Transportation (originally sponsored by Representative Simpson)

Concerning the reasonable costs of airport operators financing consolidated rental car facilities and common use transportation equipment and facilities. Revised for 1st Substitute: Concerning airport operators financing consolidated rental car facilities and common use transportation equipment and facilities.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 2214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2214.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2214 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Brown,

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Berkey

SUBSTITUTE HOUSE BILL NO. 2214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:31 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:49 a.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1826, by Representatives Rodne, Pedersen and Santos

Addressing the proceeds from foreclosure sales.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Marr, Senators Brown and Kline were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1826.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1826 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey, Kline and Zarelli

HOUSE BILL NO. 1826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1311, by Representatives Kirby, Bailey, Morrell, Sullivan, Kenney, Simpson and Nelson

Regulating reverse mortgage lending practices.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1311.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1311 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey and Zarelli

ENGROSSED HOUSE BILL NO. 1311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 1530, by Representatives Kirby and Bailey

Creating the guaranteed asset protection waiver model act.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The purpose of this chapter is to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state.

(2) This chapter does not apply to:

(a) An insurance policy offered by an insurer under this title; or

(b) A federally regulated financial institution operating under 12 C.F.R. Part 37 of the office of the comptroller of the currency regulations or credit unions operating under 12 C.F.R. 721.3(g) of the national credit union administration regulations, or state regulated banks, credit unions, financial institutions operating pursuant to chapter 63.14 RCW, and consumer loan companies operating pursuant to chapter 31.04 RCW. However, an exempt federal or state chartered bank, credit union, or financial institution may elect to offer a guaranteed asset protection waiver that complies with sections 1, 2, and 4 through 7 of this act.

(3) Guaranteed asset protection waivers are governed under this chapter and are exempt from all other provisions of this title, except RCW 48.02.060 and 48.02.080, chapter 48.04 RCW, and as provided in this chapter.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means a person, other than an insurer or creditor that performs administrative or operational functions pursuant to guaranteed asset protection waiver programs.

(2) "Borrower" means a debtor, retail buyer, or lessee, under a finance agreement, or a person who receives a loan or enters into a retail installment contract to purchase or lease a motor vehicle or vessel under chapter 63.14 RCW.

(3) "Creditor" means:

(a) The lender in a loan or credit transaction;

(b) The lessor in a lease transaction;

(c) Any retail seller of motor vehicles that provides credit to retail buyers of motor vehicles provided the seller complies with this chapter;

(d) The seller in commercial retail installment transactions;

or

(e) The assignees of any creditor under this subsection to whom the credit obligation is payable.

(4) "Finance agreement" means a loan, lease, or retail installment sales contract for the purchase or lease of a motor vehicle.

(5) "Free look period" means the period of time from the effective date of the waiver until the date the borrower may cancel the waiver without penalty, fees, or costs to the borrower. This period of time must not be shorter than thirty days.

(6) "Guaranteed asset protection waiver" or "waiver" means a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of amounts due that creditor on a borrower's finance agreement with that creditor in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement.

(7) "Insurer" means an insurance company licensed, registered, or otherwise authorized to do business under the insurance laws of this state.

(8) "Motor vehicle" means self-propelled or towed vehicles designed for personal or commercial use, including but not limited to automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats,

personal watercraft, and motorcycle, boat, camper, and personal watercraft trailers.

(9) "Motor vehicle dealer" has the same meaning as "vehicle dealer" in RCW 46.70.011.

(10) "Person" includes an individual, company, association, organization, partnership, business trust, corporation, and every form of legal entity.

(11) "Retail buyer" means a person who buys or agrees to buy a motor vehicle or obtain motor vehicle services or agrees to have motor vehicle services rendered or furnished from a retail seller.

(12) "Retail seller" means a person engaged in the business of selling motor vehicles or motor vehicle services to retail buyers.

(13) "Unregistered marketers" means persons who offer for sale and sell guaranteed asset protection waivers who are not registered under this chapter and who are not otherwise exempt under this chapter.

NEW SECTION. Sec. 3. (1) This chapter applies only to guaranteed asset protection waivers for financing of motor vehicles as defined in this chapter. Any person or entity must register with the commissioner before marketing, offering for sale or selling a guaranteed asset protection waiver, and before acting as an obligor for a guaranteed asset protection waiver, in this state. However, a retail seller of motor vehicles that assigns more than eighty-five percent of guaranteed asset protection waiver agreements within thirty days of such agreements' effective date, or an insurer authorized to transact such insurance business in this state, are not required to register pursuant to this section. Failure of any retail seller of motor vehicles to assign one hundred percent of guaranteed asset protection waiver agreements within forty-five days of such agreements' effective date will result in that retail seller being required to comply with the registration requirements of this chapter.

(2) No person may market, offer for sale, or sell a guaranteed asset protection waiver, or act as an obligor on a guaranteed asset protection waiver in this state without a registration as provided in this chapter, except as set forth in subsection (1) of this section.

(3) The application for registration must include the following:

(a) The applicant's name, address, and telephone number;

(b) The identities of the applicant's executive officers or other officers directly responsible for the waiver business;

(c) An application fee of two hundred fifty dollars, which shall be deposited into the guaranteed asset protection waiver account;

(d) A copy filed by the applicant with the commissioner of the waivers the applicant intends to offer in this state;

(e) A list of all unregistered marketers of guaranteed asset protection waivers on which the applicant will be the obligor;

(f) Such additional information as the commissioner may reasonably require.

(4) Once registered, the applicant shall keep the information required for registration current by reporting changes within thirty days after the end of the month in which the change occurs.

NEW SECTION. Sec. 4. (1) Waivers may be offered, sold, or provided to borrowers in this state in compliance with this chapter.

(2) Waivers may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(3) Notwithstanding any other provision of law, any cost to the borrower for a guaranteed asset protection waiver entered into in compliance with the truth in lending act (15 U.S.C. Sec. 1601 et seq.) and its implementing regulations, as amended, must be separately stated and is not to be considered a finance charge or interest.

(4) Nothing in this chapter prohibits a person who is registered, or is otherwise exempt from registration or exempt from this chapter, from insuring its waiver obligation through the purchase of a contractual liability policy or other insurance policy issued by an insurer authorized to transact such insurance in this state.

(5) The waiver remains a part of the finance agreement upon the assignment, sale, or transfer of the finance agreement by the creditor.

(6) Neither the extension of credit, the term of credit, nor the term of the related motor vehicle sale or lease may be conditioned upon the purchase of a waiver.

(7) Any creditor that offers a waiver must report the sale of, and forward funds received on, all waivers to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy, or other specified program documents.

(8) Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator, under the terms of a written agreement, must be held by that creditor or administrator in a fiduciary capacity.

(9) If the guaranteed asset protection waiver is assigned, the name and address of the assignee must be mailed to the borrower within thirty days of the assignment. If at any time the name and address provided to the borrower by the initial creditor are no longer the valid point of contact to apply for waiver benefits, written notice will be mailed to the borrower within thirty days of the change stating the new name and address of the person or entity the borrower should contact to apply for waiver benefits. No waiver may be assigned to an entity that is not registered pursuant to this chapter, unless such entity is exempt from registration or unless the commissioner specifically authorizes such assignment.

(10) No person shall knowingly make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of, or relative to, waiver business. Nor shall any person make, issue, or circulate, or cause to be made, issued, or circulated any misrepresentation of the terms or benefits of any waiver.

(11) A person or entity engaged in the guaranteed asset protection waiver business in this state may not refuse to sell or issue any guaranteed asset protection waiver because of the sex, marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical disability of the borrower or prospective borrower. The type of benefits, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the presence of any sensory, mental, or physical disability of the borrower or prospective borrower.

NEW SECTION. Sec. 5. (1) Contractual liability or other insurance policies insuring waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the waivers issued by the creditor and purchased or held by the borrower. Contractual liability insurance or other insurance policies insuring waivers must not be purchased by the creditor as part of, or a rider to, vendor single-interest or collateral protection coverages as defined in RCW 48.22.110(4).

(2) Coverage under a contractual liability or other insurance policy insuring a waiver must also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

(3) Coverage under a contractual liability or other insurance policy insuring a waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this state.

(4) The cancellation or termination of a contractual liability or other insurance policy must not reduce the insurer's responsibility for waivers issued by the creditor prior to the date of cancellation or termination and for which a premium has been received by the insurer.

NEW SECTION. Sec. 6. Guaranteed asset protection waivers must disclose, as applicable, in writing and in clear, understandable language that is easy to read, the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price and the terms of the waiver, including without limitation, the requirements for protection, conditions, or exclusions associated with the waiver;

(3) That the borrower may cancel the waiver within a free look period as specified in the waiver, and will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver;

(4) The procedure the borrower must follow, if any, to obtain waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may apply for waiver benefits;

(5) Whether or not the waiver is cancellable after the free look period and the conditions under which it may be canceled or terminated including the procedures for requesting any refund due;

(6) That in order to receive any refund due in the event of a borrower's cancellation of the waiver agreement or early termination of the finance agreement after the free look period of the waiver, the borrower, in accordance with terms of the waiver, must provide a written request to cancel to the creditor, administrator, or such other party, within ninety days of the occurrence of the event terminating the finance agreement;

(7) The methodology for calculating any refund of the unearned purchase price of the waiver due, in the event of cancellation of the waiver or early termination of the finance agreement;

(8) That any refund of the purchase price for a waiver that was included in the financing of the motor vehicle or vessel may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, rather than applying the refund strictly to the purchase price of the waiver. This disclosure must be conspicuously presented prior to the purchase of the waiver;

(9) That neither the extension of credit, the terms of the credit, nor the terms of the related motor vehicle sale or lease, may be conditioned upon the purchase of the waiver;

(10) That the guaranteed asset protection waiver is not credit insurance, nor does it eliminate the borrower's obligation to insure the motor vehicle as provided by laws of this state. Purchasing a guaranteed asset protection waiver does not eliminate the borrower's rights and obligations under the vendor single-interest and collateral protection coverage laws of this state.

NEW SECTION. Sec. 7. (1) Guaranteed asset protection waiver agreements may be cancellable or noncancellable after the free look period. Waivers must provide that if a borrower cancels a waiver within the free look period, the borrower will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver.

(2) In the event of a borrower's cancellation of the waiver or early termination of the finance agreement, after the agreement has been in effect beyond the free look period, the borrower may be entitled to a refund of any unearned portion of the purchase price of the waiver unless the waiver provides otherwise. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, must provide a written request to the creditor, administrator, or other party, within ninety days of the event terminating the finance agreement.

(3) If the cancellation of a waiver occurs as a result of a default under the finance agreement or the repossession of the motor vehicle associated with the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in subsection (4) of this section.

(4) Any cancellation refund under this section may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, if the cost of the guaranteed asset protection waiver was included in the financing of the motor vehicle or vessel.

(5) Disclosure of how the refund may be applied by the creditor or administrator must be made in accordance with the provisions of section 6(8) of this act.

NEW SECTION. Sec. 8. (1) The commissioner may, subject to chapter 48.04 RCW, take action that is necessary or appropriate to enforce this chapter and to protect guaranteed asset protection waiver holders in this state, which includes:

(a) Suspending, revoking, or refusing to issue the registration of a person or entity if the registrant fails to comply with any provision of this chapter or fails to comply with any proper order or rule of the commissioner; and

(b) After hearing or with the consent of the registrant, and in addition to or in lieu of the suspension, revocation, or refusal to issue any registration, imposing a penalty of not more than two thousand dollars for each violation of this chapter.

(2) The commissioner may adopt rules to implement this chapter.

NEW SECTION. Sec. 9. (1) Any person who markets, offers for sale or sells a guaranteed asset protection waiver, or acts as an obligor for a guaranteed asset protection waiver without a registration, unless otherwise exempt from registration or exempt from this chapter, is acting in violation of this section and is subject to the provisions of section 8 of this act. In addition, any person who knowingly violates this section is guilty of a class B felony punishable under chapter 9A.20 RCW.

(2) Any criminal penalty imposed under this section is in addition to, and not in lieu of, any other civil or administrative penalty or sanction otherwise authorized under state law.

(3) If the commissioner has cause to believe that any person has violated this section, the commissioner may assess a civil penalty of not more than twenty-five thousand dollars for each violation, after providing notice and an opportunity for a hearing in accordance with chapter 48.04 RCW. Upon failure to pay this civil penalty when due, the attorney general may bring a civil action on behalf of the commissioner to recover the unpaid penalty.

(4) A person or entity that should have been registered at the time of the sale of a waiver who was not so registered pursuant

to this chapter is personally liable for performance of the waiver. Any waiver sold by a person or entity that should have been registered at the time of the sale is voidable, except at the instance of the person or entity who sold the waiver.

NEW SECTION. Sec. 10. The guaranteed asset protection waiver account is created in the custody of the state treasurer. The fees and fines collected under this chapter must be deposited into the account. Expenditures from the account may be used to implement, administer, and enforce this chapter. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 11. RCW 63.14.010 and 2003 c 368 s 2 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.12.042, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is applicable to all guaranteed asset protection waiver agreements entered into on or after January 1, 2010.

NEW SECTION. Sec. 14. Sections 1 through 10, 12, and 13 of this act constitute a new chapter in Title 48 RCW."

Senator Hobbs spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Engrossed House Bill No. 1530.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 63.14.010; adding a new chapter to Title 48 RCW; and prescribing penalties."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1530 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1530 as amended by the Senate.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1530 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 4; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Absent: Senators Brown, Haugen, Jacobsen and Kline

Excused: Senators Berkey and Pflug

ENGROSSED HOUSE BILL NO. 1530 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Brown, Haugen and Kline were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Kelley, Williams and Simpson)

Expanding the scope of business continuity plans for domestic insurers. Revised for 1st Substitute: Addressing business continuity plans for domestic insurers.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1565 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen and Pflug

SUBSTITUTE HOUSE BILL NO. 1565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,

HOUSE BILL NO. 1030,

HOUSE BILL NO. 1121,

SUBSTITUTE HOUSE BILL NO. 1128,

HOUSE BILL NO. 1155,

HOUSE BILL NO. 1196,

HOUSE BILL NO. 1197,

SUBSTITUTE HOUSE BILL NO. 1202,

SUBSTITUTE HOUSE BILL NO. 1205,

SUBSTITUTE HOUSE BILL NO. 1261,

SUBSTITUTE HOUSE BILL NO. 1308,

HOUSE BILL NO. 1338,

HOUSE BILL NO. 1366,

SUBSTITUTE HOUSE BILL NO. 1388,

HOUSE BILL NO. 1394,

HOUSE BILL NO. 1475,

HOUSE BILL NO. 1536,

HOUSE BILL NO. 1678,

HOUSE BILL NO. 1682,

SUBSTITUTE HOUSE BILL NO. 1730,

SUBSTITUTE HOUSE BILL NO. 1765,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,

HOUSE BILL NO. 1997,

SUBSTITUTE HOUSE BILL NO. 2042,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

SECOND READING

ENGROSSED HOUSE BILL NO. 1566, by Representatives Kirby, Williams and Simpson

Granting the insurance commissioner certain authority when the governor declares a state of emergency.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner (~~shall have~~) has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules (~~and regulations~~) for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. (~~No such~~)

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Rules (~~and regulations shall be~~) are not effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

(a) Reporting requirements for claims;

(b) Grace periods for payment of insurance premiums and performance of other duties by insureds;

(c) Temporary postponement of cancellations and renewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law."

Senator Hobbs spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Engrossed House Bill No. 1566.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "emergency;" strike the remainder of the title and insert "and amending RCW 48.02.060."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1566 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1566 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1566 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senators Berkey and Jacobsen

ENGROSSED HOUSE BILL NO. 1566 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1663, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby and Santos)

Creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Kline spoke in favor of passage of the bill.

Senator Benton and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1663.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1663 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Berkey and Jacobsen

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1225, by House Committee on Transportation (originally sponsored by Representatives Liias, Rodne, Upthegrove, Roach, Simpson and Rolfes)

Clarifying the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.38.080 and 2008 c 237 s 1 are each amended to read as follows:

(1) There is exempted from the tax imposed by this chapter, the use of fuel for:

(a) Street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality;

(b) Publicly owned firefighting equipment;

(c) Special mobile equipment as defined in RCW 46.04.552;

(d) Power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by any of the following formulae:

(i) Pumping propane, or fuel or heating oils or milk picked up from a farm or dairy farm storage tank by a power take-off unit on a delivery truck, at a rate determined by the department: PROVIDED, That claimant when presenting his or her claim to the department in accordance with this chapter, shall provide to the claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim;

(ii) Operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; or

(iii) The department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter;

(e) Motor vehicles owned and operated by the United States government;

(f) Heating purposes;

(g) Moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle;

(h) Transportation services for persons with special transportation needs by a private, nonprofit transportation provider regulated under chapter 81.66 RCW;

(i) Vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(j) The operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway; and

(k) Waste vegetable oil as defined under RCW 82.08.0205 if the oil is used to manufacture biodiesel.

(2) There is exempted from the tax imposed by this chapter the removal or entry of special fuel under the following circumstances and conditions:

(a) If it is the removal from a terminal or refinery of, or the entry or sale of, a special fuel if all of the following apply:

(i) The person otherwise liable for the tax is a licensee other than a dyed special fuel user or international fuel tax agreement licensee;

(ii) For a removal from a terminal, the terminal is a licensed terminal; and

(iii) The special fuel satisfies the dyeing and marking requirements of this chapter;

(b) If it is an entry or removal from a terminal or refinery of taxable special fuel transferred to a refinery or terminal and the persons involved, including the terminal operator, are licensed; and

(c)(i) If it is a special fuel that, under contract of sale, is shipped to a point outside this state by a supplier by means of any of the following:

(A) Facilities operated by the supplier;

(B) Delivery by the supplier to a carrier, customs broker, or forwarding agent, whether hired by the purchaser or not, for shipment to the out-of-state point;

(C) Delivery by the supplier to a vessel clearing from port of this state for a port outside this state and actually exported from this state in the vessel.

(ii) For purposes of this subsection (2)(c):

(A) "Carrier" means a person or firm engaged in the business of transporting for compensation property owned by other persons, and includes both common and contract carriers; and

(B) "Forwarding agent" means a person or firm engaged in the business of preparing property for shipment or arranging for its shipment.

(3) Notwithstanding any provision of law to the contrary, every privately owned urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "privately owned urban passenger transportation system" means every privately owned transportation system(~~(- publicly or privately owned.)~~) having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles (~~(and/or)~~) or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles (~~(and/or)~~) or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles (~~(and/or)~~) or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on special fuel used by any privately owned urban transportation vehicle, or vehicle

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

operated pursuant to chapters 81.68 and 81.70 RCW, on any trip where any portion of ~~((said))~~ the trip is more than twenty-five road miles beyond the corporate limits of the county in which ~~((said))~~ the trip originated.

(4) Every publicly owned and operated urban passenger transportation system is exempt from the provisions of this chapter that require the payment of special fuel taxes. For the purposes of this subsection, "publicly owned and operated urban passenger transportation systems" include public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations under chapter 36.56 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, unincorporated transportation benefit areas under chapter 36.57 RCW, and regional transit authorities under chapter 81.112 RCW.

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen to the committee striking amendment be adopted.

On page 3, line 20 of the amendment, after "(3)" insert "(a)"

On page 4, line 4 of the amendment, strike "(4)" and insert "(b)"

Senator Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 20 to the committee striking amendment to Substitute House Bill No. 1225.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Substitute House Bill No. 1225.

The motion by Senator Jarrett carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 82.38.080."

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1225 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett, Swecker and Haugen spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senators McAuliffe, Oemig and Regala were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1225 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1225 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Murray, Prentice, Pridemore, Ranker, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Berkey, Jacobsen, McAuliffe, Oemig and Regala

SUBSTITUTE HOUSE BILL NO. 1225 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939, by House Committee on Transportation (originally sponsored by Representatives Takko, Armstrong, Morris, Springer, Eddy, Wood, Warnick, Ericksen, Sells, Kenney, Simpson, Moeller, Ormsby and Wallace)

Concerning vehicle dealer documentary service fees.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 1939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1939.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1939 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist and Sheldon

Excused: Senators Berkey, Jacobsen, McAuliffe and Oemig

EIGHTY-SEVENTH DAY, APRIL 8, 2009

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2095, by House Committee on Transportation (originally sponsored by Representatives Orwall, Finn, Upthegrove, Simpson, Rodne and Quall)

Clarifying the permitting, training, and licensing process for driver training schools.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 2095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2095.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen, McAuliffe, McCaslin and Oemig

SUBSTITUTE HOUSE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1119, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kelley)

Concerning the management of funds held by nonprofit institutions.

The measure was read the second time.

PARLIAMENTARY INQUIRY

2009 REGULAR SESSION

Senator Kline: "Mr. President, a point of parliamentary inquiry before I begin. There were two amendments. One is number 266, which is the one I believe that the reader just read. I do want to advance that one. However, there is another committee amendment which I'm about to move that we not adopt. I want to make sure I get the right one here. It's not number 266."

REPLY BY THE PRESIDENT

President Owen: "You're on the committee amendment."

MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be not adopted.

On page 2, line 9 after "purpose;" strike "and" and insert "or"

The President declared the question before the Senate to be the motion by Senator Kline to not adopt the committee amendment by the Committee on Judiciary to Substitute House Bill No. 1119.

The motion by Senator Kline carried and the committee amendment was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Kline: "Mr. President, again a point of parliamentary inquiry. I'm about to move amendment number 266."

REPLY BY THE PRESIDENT

President Owen: "There's another committee amendment Senator, Sir."

MOTION

Senator Kline: "Ok, I move that amendment number 266 be adopted."

REPLY BY THE PRESIDENT

President Owen: "That's not the amendment that we're on Senator. We must deal with the committee amendment first. There were two committee amendments. This is the second committee amendment. The striking amendment."

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This act may be known and cited as the uniform prudent management of institutional funds act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

fund" does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(a) A person, other than an individual, organized and operated exclusively for charitable purposes;

(b) A government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(c) A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. "Institutional fund" does not include:

(a) Program-related assets;

(b) A fund held for an institution by a trustee that is not an institution; or

(c) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

NEW SECTION. Sec. 3. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND.

(1) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(2) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(3) In managing and investing an institutional fund, an institution:

(a) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(b) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(4) An institution may pool two or more institutional funds for purposes of management and investment.

(5) Except as otherwise provided by a gift instrument, the following rules apply:

(a) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions or strategies;

(iv) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(v) The expected total return from income and the appreciation of investments;

(vi) Other resources of the institution;

(vii) The needs of the institution and the institutional fund to make distributions and to preserve capital; and

(viii) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(b) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the institutional fund and to the institution.

(c) Except as otherwise provided by law, an institution may invest in any kind of property or type of investment consistent with this section.

(d) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(e) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(f) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

NEW SECTION. Sec. 4. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND--RULES OF CONSTRUCTION.

(1) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

(a) The duration and preservation of the endowment fund;

(b) The purposes of the institution and the endowment fund;

(c) General economic conditions;

(d) The possible effect of inflation or deflation;

(e) The expected total return from income and the appreciation of investments;

(f) Other resources of the institution; and

(g) The investment policy of the institution.

(2) To limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section, a gift instrument must specifically state the limitation.

(3) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

(a) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

(b) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section.

NEW SECTION. Sec. 5. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS. (1) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

(a) Selecting an agent;

(b) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(2) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(3) An institution that complies with subsection (1) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(4) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(5) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law.

NEW SECTION. Sec. 6. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE. (1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(2) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(3) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(4) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, sixty days after notification

to the attorney general, may release or modify the restriction, in whole or part, if:

(a) The institutional fund subject to the restriction has a total value of less than seventy-five thousand dollars. On the first day of July of each year, beginning on July 1, 2011, the dollar limit provided in this subsection (4)(a) shall increase by an amount of two thousand five hundred dollars;

(b) More than twenty years have elapsed since the fund was established; and

(c) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

NEW SECTION. Sec. 7. REVIEWING COMPLIANCE. Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

NEW SECTION. Sec. 8. APPLICATION TO EXISTING INSTITUTIONAL FUNDS. This chapter applies to institutional funds existing on or established after the effective date of this act. As applied to institutional funds existing on the effective date of this act, this chapter governs only decisions made or actions taken on or after the effective date of this act.

NEW SECTION. Sec. 9. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

1. RCW 24.44.010 (Definitions) and 1973 c 17 s 1;
2. RCW 24.44.020 (Appropriation of appreciation) and 1973 c 17 s 2;
3. RCW 24.44.030 (Investment authority) and 1973 c 17 s 3;
4. RCW 24.44.040 (Delegation of investment management) and 1973 c 17 s 4;
5. RCW 24.44.050 (Standard of conduct) and 1973 c 17 s 5;
6. RCW 24.44.060 (Release of restrictions on use or investments) and 1973 c 17 s 6;
7. RCW 24.44.070 (Uniformity of application and construction) and 1973 c 17 s 8;
8. RCW 24.44.080 (Short title) and 1973 c 17 s 9;
9. RCW 24.44.090 (Section headings) and 1973 c 17 s 10; and
10. RCW 24.44.900 (Severability--1973 c 17) and 1973 c 17 s 7."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Kline moved that the following amendment by Senators Kline, Kohl-Welles and McCaslin to the committee striking amendment be adopted.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

SECOND READING

On page 7, after line 30 of the amendment, insert the following:

"NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kline spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline, Kohl-Welles and McCaslin on page 7, after line 30 to the committee striking amendment to Substitute House Bill No. 1119.

The motion by Senator Kline carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to Substitute House Bill No. 1119.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding a new chapter to Title 24 RCW; and repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900."

On page 8, line 3 of the title amendment, after "RCW;" strike "and"

On page 8, line 4 of the title amendment, after "24.44.900" insert "; and declaring an emergency"

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1119 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1119 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1119 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen, McAuliffe and Oemig

SUBSTITUTE HOUSE BILL NO. 1119 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Ways & Means (originally sponsored by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos)

Providing benefits to domestic partners under the Washington state patrol retirement system.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.120 and 2001 c 329 s 3 are each amended to read as follows:

As used in ~~((the following sections))~~ RCW 43.43.120 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the

EIGHTY-SEVENTH DAY, APRIL 8, 2009

period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(22) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(23)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

(24) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(25) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

Sec. 2. RCW 43.43.260 and 2005 c 64 s 10 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3)(a) Any member commissioned prior to January 1, 2003, with twenty-five years service in the Washington state patrol may have the member's service in the uniformed services credited as a member whether or not the individual left the employ of the Washington state patrol to enter such uniformed services: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of the member's retirement, or as provided under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150.

(b) A member who leaves the Washington state patrol to enter the uniformed services of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(i) The member qualifies for service credit under this subsection if:

(A) Within ninety days of the member's honorable discharge from the uniformed services of the United States, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the uniformed services; and

(B) The member makes the employee contributions required under RCW 41.45.0631 and 41.45.067 within five years of resumption of service or prior to retirement, whichever comes sooner; or

(C) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(ii) Upon receipt of member contributions under (b)(i)(B), (b)(iv)(C), and (b)(v)(C) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 for the period of military service, plus interest as determined by the department.

(iii) The contributions required under (b)(i)(B), (b)(iv)(C), and (b)(v)(C) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(iv) The surviving spouse or lawful domestic partner or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States and died while serving in the uniformed services may, on behalf of the deceased member, apply for retirement system service

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

credit under this subsection up to the date of the member's death in the uniformed services. The department shall establish the deceased member's service credit if the surviving spouse or lawful domestic partner or eligible child or children:

(A) Provides to the director proof of the member's death while serving in the uniformed services;

(B) Provides to the director proof of the member's honorable service in the uniformed services prior to the date of death; and

(C) If the member was commissioned on or after January 1, 2003, pays the employee contributions required under chapter 41.45 RCW within five years of the date of death or prior to the distribution of any benefit, whichever comes first.

(v) A member who leaves the employ of an employer to enter the uniformed services of the United States and becomes totally incapacitated for continued employment by an employer while serving in the uniformed services is entitled to retirement system service credit under this subsection up to the date of discharge from the uniformed services if:

(A) The member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while serving in the uniformed services;

(B) The member provides to the director proof of honorable discharge from the uniformed services; and

(C) If the member was commissioned on or after January 1, 2003, the member pays the employee contributions required under chapter 41.45 RCW within five years of the director's determination of total disability or prior to the distribution of any benefit, whichever comes first.

(4) In no event shall the total retirement benefits from subsections (1), (2), and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) Beginning July 1, 2001, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

(a) The original dollar amount of the retirement allowance;

(b) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(c) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(d) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(i) Produce a retirement allowance which is lower than the original retirement allowance;

(ii) Exceed three percent in the initial annual adjustment; or

(iii) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index for the Seattle-Tacoma-Bremerton Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future.

Sec. 3. RCW 43.43.270 and 2006 c 94 s 1 are each amended to read as follows:

For members commissioned prior to January 1, 2003:

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse or lawful domestic partner shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse or lawful domestic partner shall be paid an allowance which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse or lawful domestic partner shall continue as long as the spouse or domestic partner lives: PROVIDED, That if a surviving spouse or domestic partner who is receiving benefits under this subsection marries, or enters into a domestic partnership with, another member of this retirement system who subsequently predeceases such spouse or domestic partner, the spouse or domestic partner shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse or domestic partner shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse or lawful domestic partner of a retired member shall have been married to, or in a domestic partnership with, the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to, or in a domestic partnership with, the retired member at least two years prior to the member's death. The allowance paid to the lawful spouse or lawful domestic partner may be divided with an ex spouse or ex domestic partner of the member by a dissolution order as defined in RCW 41.50.500(3) incident to a (~~divorce~~) dissolution occurring after July 1, 2002. The dissolution order must specifically divide both the member's benefit and any spousal or domestic partner survivor benefit, and must fully comply with RCW 41.50.670 and 41.50.700.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse or domestic partner, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse or domestic partner and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or domestic partner or the spouse or domestic partner should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse or domestic partner, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse or domestic partner and all children shall

EIGHTY-SEVENTH DAY, APRIL 8, 2009

not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or domestic partner or the spouse or domestic partner should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5)(a) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

(b) For the purposes of this subsection, average final salary as used in subsection (2) of this section means:

(i) For members commissioned prior to January 1, 2003, the average monthly salary received by active members of the patrol of the rank at which the member became disabled, during the two years prior to the death of the disabled member; and

(ii) For members commissioned on or after January 1, 2003, the average monthly salary received by active members of the patrol of the rank at which the member became disabled, during the five years prior to the death of the disabled member.

(c) The changes to the definitions of average final salary for the survivors of disabled members in this subsection shall apply retroactively. The department shall correct future payments to eligible survivors of members disabled prior to June 7, 2006, and, as soon as administratively practicable, pay each survivor a lump sum payment reflecting the difference, as determined by the director, between the survivor benefits previously received by the member, and those the member would have received under the definitions of average final salary created in chapter 94, Laws of 2006.

Sec. 4. RCW 43.43.271 and 2003 c 294 s 14 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by

the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or in a domestic partnership, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) of this subsection. If a member is married or in a domestic partnership and both the member and member's spouse or domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless ~~((spousal))~~ consent by the spouse or domestic partner is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The ~~((spousal))~~ spouse or domestic partner consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a nondomestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse or former domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the ~~((spousal))~~ spouse or domestic partner consent requirements of subsection (2) of this section. Any reductions

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or former domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 5. RCW 43.43.278 and 2001 c 329 s 9 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse or lawful domestic partner. The continuing allowance to the lawful surviving spouse or lawful domestic partner shall be subject to the yearly increase provided by RCW 43.43.260(5). The allowance to the lawful surviving spouse or lawful domestic partner under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270.

Sec. 6. RCW 43.43.280 and 1994 c 197 s 35 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or domestic partner or children under the age of eighteen years, all contributions made by the member, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons as the member shall have nominated by written designation duly executed and filed with the department, or if there be no such designated person or persons, then to the member's legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than the member's death, or retirement, the individual shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) ~~(and)~~, (3), and (4) and, the individual may withdraw the member's contributions to the retirement fund, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, by making application therefor to the department, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of the member's absence from employment for the exclusive purpose only of receiving a retirement allowance to

begin at attainment of age sixty, however such a member may upon written notice to the department elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions, the individual shall thereupon cease to be a member and this subsection shall not apply.

Sec. 7. RCW 43.43.285 and 2007 c 488 s 1 and 2007 c 487 s 9 are each reenacted and amended to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2)(a) The benefit under this section shall be paid only where death occurs as a result of (i) injuries sustained in the course of employment; or (ii) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(b) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(14), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

Sec. 8. RCW 43.43.295 and 2004 c 171 s 1 are each amended to read as follows:

(1) For members commissioned on or after January 1, 2003, except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or domestic partner or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced, except under subsection (4) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or domestic partner or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction.

Sec. 9. RCW 41.05.080 and 2007 c 114 s 6 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the board:

(a) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, and dependent children of

emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses, or surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses, or surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085.

(4) Surviving spouses, surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, the spouse or domestic partner in the case of members of the Washington state patrol retirement system, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

Senator Swecker spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1445.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, 43.43.295, and 41.05.080; and reenacting and amending RCW 43.43.285."

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 1445 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Senator Swecker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1445 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1445 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Berkey and Jacobsen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Judiciary (originally sponsored by Representatives McCoy, Rodne, Kelley, Warnick, Seaquist, Angel, Green, Shea, Sells, McCune, Kagi, Ormsby and Smith)

Modifying parenting plans based on the military service of a parent.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which

are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

Sec. 2. RCW 26.09.010 and 2008 c 6 s 1004 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage or domestic partnership, legal separation or a declaration concerning the validity of a marriage or domestic partnership shall be entitled "In re the marriage of and" or "In re the domestic partnership of and" Such proceedings may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital or domestic partnership status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of"

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage or domestic partnership shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

(7) In order to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent serving in the armed forces receives

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

temporary duty, deployment, activation, or mobilization orders from the military, the court shall, upon motion of such a parent:

(a) For good cause shown, hold an expedited hearing in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing; and

(b) Upon reasonable advance notice to the affected parties and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the internet.

Sec. 3. RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year;

or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent or another person other than a parent with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

Senator Regala spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Regala moved that the following amendment by Senators Hargrove and Stevens to the committee striking amendment be adopted.

On page 6, line 36, after "child", insert ". If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted"

Senator Regala spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and

Stevens on page 6, line 36 to the committee striking amendment to Substitute House Bill No. 1170.

The motion by Senator Regala carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Substitute House Bill No. 1170.

The motion by Senator Regala carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "parent;" strike the remainder of the title and insert "and amending RCW 26.09.004, 26.09.010, and 26.09.260."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1170 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1170 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1170 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kline and Oemig

Excused: Senators Berkey and Jacobsen

SUBSTITUTE HOUSE BILL NO. 1170 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway)

Concerning conveyances used in prostitution-related offenses.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee

EIGHTY-SEVENTH DAY, APRIL 8, 2009

striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.88.140 and 2007 c 368 s 8 are each amended to read as follows:

(1)(a) Upon an arrest for a suspected violation of patronizing a prostitute (~~((or))~~), promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the arresting law enforcement officer may impound the person's vehicle if ~~((a))~~ (i) the motor vehicle was used in the commission of the crime; ~~((b))~~ (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and ~~((c))~~ (iii) either (A) the person arrested has previously been convicted of ~~((patronizing a prostitute, under RCW 9A.88.110, or commercial sexual abuse of a minor, under RCW 9.68A.100))~~ one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

(3)(a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine of five hundred dollars to the impounding agency. The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740.

(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

(4)(a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection (3)(b) of this section.

(b) The written receipt issued under subsection (3)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.

(c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection (3)(a) of this section.

(5)(a) In any proceeding under chapter 46.55 RCW to contest the validity of an impoundment under this section where the claimant substantially prevails, the claimant is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (3) of this section.

(b) If the person is found not guilty at trial for a crime listed under subsection (1) of this section, the person is entitled to a full refund of the impoundment, towing, and storage fees paid

under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (3) of this section.

(c) All refunds made under this section shall be paid by the impounding agency.

(d) Prior to receiving any refund under this section, the claimant must provide proof of payment.

Sec. 2. RCW 43.63A.740 and 1995 c 353 s 11 are each amended to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720.

Sec. 3. RCW 46.55.120 and 2004 c 250 s 1 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency (~~((may))~~) shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3).

In order to avoid discriminatory application, other than for the reasons for release set forth in (a)(i) and (ii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good

faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of

\$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

and address
of party
mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Marr, Senators Kline and Oemig were excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1362.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "vehicles used in prostitution-related offenses; and amending RCW 9A.88.140, 43.63A.740, and 46.55.120."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1362 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1362 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1362 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Jacobsen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:55 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:53 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1621, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Kirby, Bailey, Rodne, Nelson, Simpson and Moeller)

Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1621.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1621 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 3; Excused, 2.

Voting yea: Senators Becker, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, McCaslin and Stevens

Absent: Senators Benton, Morton and Oemig

Excused: Senators Berkey and Jacobsen

SUBSTITUTE HOUSE BILL NO. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1825, by House Committee on Local Government & Housing (originally sponsored by Representatives Rodne and Anderson)

Identifying specific facilities planning requirements under the growth management act.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators McAuliffe and Oemig were excused.

MOTION

On motion of Senator Brandland, Senators Benton and Morton were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1825.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1825 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen, McAuliffe and Morton
SUBSTITUTE HOUSE BILL NO. 1825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1899, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Warnick and Hinkle)

Concerning physicians holding a retired active license.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that increasing the number of retired physicians who provide volunteer health care services is a cost-effective way to improve access to health care for many citizens of this state. Physicians

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

holding a retired active license must currently meet many of the same requirements as physicians in active practice, including at least fifty hours of continuing education a year, despite the fact that retired active physicians may only practice a maximum of ninety days a year, are limited to providing primary care services, and are limited to providing such services only in community clinics that are operated by public or private tax-exempt corporations. This presents both financial and practical barriers for retired physicians who wish to provide health care services on a volunteer basis, barriers that are not as stringent in other states that provide similar licenses for retired physicians. It is therefore the intent of the legislature to ease some of these barriers in a manner that does not adversely affect public safety.

Sec. 2. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. A physician who resides and practices in Washington and obtains or renews a retired active license shall be exempt from licensing fees imposed under this section. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management. The number of hours of continuing education for a physician holding a retired active license shall not exceed fifty hours per year. The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 3. RCW 18.130.250 and 1991 c 229 s 1 are each amended to read as follows:

The disciplining authority may adopt rules pursuant to this section authorizing a retired active license status. An individual credentialed by a disciplining authority regulated in the state under RCW 18.130.040, who is practicing only in emergent or intermittent circumstances as defined by rule established by the disciplining authority, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250 or, for a physician regulated pursuant to chapter 18.71 RCW who resides and practices in Washington and holds a retired active license, at no renewal fee. Except as provided in RCW 18.71.080, such a license shall meet the continuing education or continued competency requirements, if any, established by the disciplining authority for renewals, and is subject to the provisions of this chapter. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 18.71 RCW to read as follows:

(1) The commission shall consider amending its rules on retired active physicians in a manner that improves access to health care services for the citizens of this state without compromising public safety. When considering whether to amend its rules, the commission shall, at a minimum, consider the following:

(a) Whether physicians holding retired active licenses should be allowed to provide health care services beyond primary care;

(b) Whether physicians holding retired active licenses should be allowed to provide health care services in settings beyond community clinics operated by public or private tax-exempt corporations; and

(c) The number and type of continuing education hours that physicians holding retired active licenses shall be required to obtain.

(2) The commission shall determine whether it will amend its rules in the manner suggested by this section no later than November 15, 2009. If the commission determines that it will not amend its rules, it shall provide a written explanation of its decision to the appropriate committees of the legislature no later than December 1, 2009.

Sec. 5. RCW 43.70.110 and 2007 c 259 s 11 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. Physicians regulated pursuant to chapter 18.71 RCW who reside and practice in Washington and obtain or renew a retired active license are exempt from such fees. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Committee on Health & Long-Term Care to Second Substitute House Bill No. 1899.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "license;" strike the remainder of the title and insert "amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section to chapter 18.71 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1899 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1899 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1899 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen, McAuliffe, Morton and Prentice

SECOND SUBSTITUTE HOUSE BILL NO. 1899 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Kauffman and Keiser were excused.

MOTION

The Senate resumed consideration of Engrossed Substitute House Bill No. 1741 which had deferred on April 7, 2009.

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Substitute House Bill No. 1741 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland, Oemig and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1741 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1741 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Jacobsen, Kauffman, Keiser and McAuliffe

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1053, by Representatives Moeller, Williams, Conway, Wood, Chase and Hunt

Increasing raffle ticket prices. (REVISED FOR ENGROSSED: Concerning raffle ticket prices.)

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Hargrove: "Yes, I would like to ask the President to rule whether this bill constitutes an expansion of gambling and therefore requires a sixty percent vote under our state constitution."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, the President has ruled on this in the past as to an increase in the amount that you can collect rather, and his, as a matter of fact preceding ruling says, 'precedence also hold that increases in dollar value alone such as the price of a raffle tickets do not constitute an expansion or a new form of gambling and do not require a super majority.' Therefore, the President believes that it takes a simple majority to pass this legislation. Senator Hargrove."

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

Senator Hargrove spoke against passage of the bill.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1053.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1053 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley, Hargrove and Haugen

Excused: Senators Berkey, Jacobsen and McAuliffe

ENGROSSED HOUSE BILL NO. 1053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1402, by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Campbell, Conway, Moeller and Green)

Restricting contact with medical providers after appeals have been filed under industrial insurance.

The measure was read the second time.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, Kastama and King be adopted.

On page 1, line 8, after "after", strike "receipt of the notice of an appeal that has been filed under RCW 51.52.060(2)", and insert "an appeal has been filed under RCW 51.52.060(2), a conference has been held to schedule hearings, and the worker has named his or her witnesses"

On page 1, line 12, after "provider" insert "and has been named as a witness by the worker or the worker's representative"

On page 2, line 19, after "after" strike "receipt of the notice of an appeal under RCW 51.52.060(2)", and insert "an appeal has been filed under RCW 51.52.060(2), a conference has been held to schedule hearings, and the employer has named his or her witnesses"

On page 2, line 24, after "51.36.070" insert "and has been named as a witness by the employer or the employer's representative"

Senators Holmquist and Kastama spoke in favor of adoption of the amendment.

Senators Kohl-Welles and Marr spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, Kastama and King on page 1, line 8 to Substitute House Bill No. 1402.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Holmquist, Kastama and King and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senators Berkey and Jacobsen

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 1, line 11, after "provider who", strike "has examined or treated" and insert "is currently treating"

On page 2, line 4, after "with" strike "the examining or treating medical providers" and insert "a treating medical provider"

On page 2, line 17, after "confirm the" strike "examining or"

On page 3, line 14, after "provider who", strike "as examined or treated" and insert "is currently treating"

On page 3, line 28, after "with" strike "the examining or treating medical providers" and insert "a treating medical provider"

On page 4, line 2, after "confirm the" strike "examining or"

Senators Parlette, King and Becker spoke in favor of adoption of the amendment.

Senators Kohl-Welles, Kline and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 1, line 11 to Substitute House Bill No. 1402.

The motion by Senator Parlette failed and the amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and King be adopted.

On page 3, line 9, after "after", strike everything through "witnesses" on line 12, and insert "receipt of the notice of an appeal that has been filed under RCW 51.52.060(2)"

On page 3, line 15, after "provider" strike "and has been named as a witness by the worker or their representative"

On page 4, line 4, after "after" strike everything through "witnesses" on line 7, and insert "receipt of the notice of an appeal that has been filed under RCW 51.52.060(2)"

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and King on page 3, line 9 to Substitute House Bill No. 1402.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted.

On page 5, after line 7, insert the following:

"(9) A medical provider who discusses issues on appeal with the department or with any employer or worker or representative of any employer or worker in violation of this section shall not be held liable for such communication."

Senators Hargrove and Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 5, after line 7 to Substitute House Bill No. 1402.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and King be adopted.

On page 1, at the beginning of line 13, strike "authorization for contact is given by" and insert "notification is given to"

On page 1, line 14, after "representative." Strike everything through "signed." on line 16.

On page 2, line 6, after "written" strike "authorization from" and insert "notification to"

On page 2, line 7, after "has been" strike "obtained" and insert "provided"

On page 2, line 16, after "Written" strike "authorization" and insert "notification"

On page 2, line 23, after "written" strike "authorization for contact is given by" and insert "notification is given to"

On page 2, line 25, after "representative." Strike everything through "signed." on line 27.

On page 2, line 30, after "written" strike "authorization from" and insert "notification to"

On page 2, line 31, after "has been" strike "obtained" and insert "provided"

On page 3, line 4, after "Written" strike "authorization and insert "notification"

On page 3, at the beginning of line 17, strike "authorization for contact is given by" and insert "notification is given to"

On page 3, line 18, after "representative." Strike everything through "signed." on line 20.

On page 3, line 29, after "written" strike "authorization from" and insert "notification to"

On page 3, line 30, after "has been" strike "obtained" and insert "provided"

On page 4, line 1, after "Written" strike "authorization" and insert "notification"

On page 4, line 10, after "written" strike "authorization for contact is given by" and insert "notification is given to"

On page 4, line 11, after "representatives." Strike everything through "signed." on line 13.

On page 4, line 16, after "written" strike "authorization from" and insert "notification to"

On page 4, line 17, after "has been" strike "obtained" and insert "provided"

On page 4, line 26, after "Written" strike "authorization" and insert "notification"

On page 4, at the beginning of line 29, strike all of subsection (5).

Renumber the subsections consecutively and correct any internal references accordingly.

Senators Holmquist, Schoesler and Kastama spoke in favor of adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and King on page 1, line 13 to Substitute House Bill No. 1402.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Holmquist and King and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senators Berkey and Jacobsen

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1402 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Hargrove and McDermott spoke in favor of passage of the bill.

Senators Honeyford, King, Becker, Parlette and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1402 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1402 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Berkey and Jacobsen

SUBSTITUTE HOUSE BILL NO. 1402 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

1018

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 8, 2009

2009 REGULAR SESSION

At 5:34 p.m., on motion of Senator Eide, the Senate
adjourned until 10:00 a.m. Thursday, April 9, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 9, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Berkey, Brown and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Daniel Belen Garza and Heather Ann Lawrence, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed the following bills: SENATE BILL NO. 5413, SUBSTITUTE SENATE BILL NO. 5469, SENATE BILL NO. 5511, SENATE BILL NO. 5542, SUBSTITUTE SENATE BILL NO. 5551, SENATE BILL NO. 5562, ENGROSSED SENATE BILL NO. 5581, SUBSTITUTE SENATE BILL NO. 5677, SUBSTITUTE SENATE BILL NO. 5705, SUBSTITUTE SENATE BILL NO. 5839, SENATE BILL NO. 5952, SENATE BILL NO. 5989, SUBSTITUTE SENATE BILL NO. 6019, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed the following bills: SENATE BILL NO. 5492, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5017, SUBSTITUTE SENATE BILL NO. 5195, SENATE BILL NO. 5233, SUBSTITUTE SENATE BILL NO. 5271, SENATE BILL NO. 5284, SENATE BILL NO. 5305, SENATE BILL NO. 5315, SENATE BILL NO. 5322,

SUBSTITUTE SENATE BILL NO. 5327, SUBSTITUTE SENATE BILL NO. 5343, SUBSTITUTE SENATE BILL NO. 5350, SENATE BILL NO. 5426, SUBSTITUTE SENATE BILL NO. 5434, SENATE BILL NO. 5695, SENATE BILL NO. 5699, SENATE BILL NO. 5767, SUBSTITUTE SENATE BILL NO. 5793, SENATE BILL NO. 5980, SUBSTITUTE SENATE BILL NO. 5987, SUBSTITUTE SENATE BILL NO. 6000, SUBSTITUTE SENATE BILL NO. 6024, SENATE JOINT MEMORIAL NO. 8003,

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION 8606

By Senators Stevens, Holmquist, Parlette, Morton, McCaslin, Hewitt, Schoesler, Swecker, Pflug, Zarelli, King, Carrell, Delvin, and Becker

WHEREAS, The state of Washington acknowledges the paramount significance and fundamental right of parents to proactively direct the education of their children; and

WHEREAS, Children educated in the home are given an opportunity to receive sound academic instruction, this instruction is bolstered by the at-home educational process; and

WHEREAS, The state of Washington is committed to excellence in scholarship and exemplary student achievement; and

WHEREAS, Studies affirm that children educated at home excel with distinction on nationally calibrated achievement tests, demonstrate healthy self-awareness and civic virtue, while being fully prepared to thrive in and contribute to society at large; and

WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable alternative to other forms of education; and

WHEREAS, The instruction of children in the home was the preeminent means of education for much of America's early years; and

WHEREAS, The United States has produced many prominent and noteworthy home-schooled students including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Susan B. Anthony, Franklin Roosevelt, Patrick Henry, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, Many parents of home-schooled students accept an additional financial responsibility to provide for their children's education, while also paying taxes that support Washington's public school system; and

WHEREAS, Some parent educators devote innumerable hours to assist children in their pursuit and acquisition of academic excellence, profound patriotism, and civic responsibility in order to become productive citizens; and

WHEREAS, It is appropriate that Washington's home education families be recognized for their sacrificial contribution to the quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home education families in the state.

Senators Stevens, Hargrove, Franklin, Swecker, McAuliffe, Roach, Shin and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

The motion by Senator Stevens carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed home school education students and families who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1081, by House Committee on Transportation (originally sponsored by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller and Jacks)

Authorizing local improvement district financing of railroad crossing protection devices.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.43.040 and 1997 c 452 s 16 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regravelling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational, playground, museum, cultural, or arts facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers, and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants, and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public streetcar line;

(16) Systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including passenger, terminal, station parking, and related facilities and properties, and such other facilities as may be necessary for passenger and vehicular access to and from such terminal, station, parking, and related facilities and properties, together with all lands, rights-of-way, property, equipment, and accessories necessary for such systems and facilities;

(17) Convention center facilities or structures in cities incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle. Assessments for purposes of convention center facilities or structures may be levied only to the extent necessary to cover a funding shortfall that occurs when funds received from special excise taxes imposed pursuant to chapter 67.28 RCW are insufficient to fund the annual debt service for such facilities or structures, and may not be levied on property exclusively maintained as single-family or multifamily permanent residences whether they are rented, leased, or owner occupied; ~~(and)~~

(18) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years; and

(19) Railroad crossing protection devices, including maintenance and repair. Any assessments for maintenance and repair after the initial indebtedness is retired may be levied only with the approval of a majority of the property owners within the local improvement district. Assessments for purposes of railroad crossing protection devices may not be levied on property owned or maintained by a railroad, railroad company, street railroad, or street railroad company, as defined in RCW 81.04.010, or a regional transit authority as defined in RCW 81.112.020."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Second Substitute House Bill No. 1081.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "devices;" strike the remainder of the title and insert "and amending RCW 35.43.040."

MOTION

On motion of Senator Haugen, the rules were suspended, Second Substitute House Bill No. 1081 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton and Pflug were excused.

MOTION

On motion of Senator Marr, Senators Berkey and Brown were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1081 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1081 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, Honeyford, Kline, McCaslin, Morton, Roach and Stevens

Excused: Senators Berkey, Brown and Pflug

SECOND SUBSTITUTE HOUSE BILL NO. 1081 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1239, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney)

Addressing parenting plans and residential schedules in dependency proceedings.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~(+3.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~(-PROVIDED, That)).~~ If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~(-PROVIDED FURTHER, That)).~~ The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~(-PROVIDED FURTHER, That)).~~ Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE"

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

- (1) Notify the child's school that the child is in out-of-home placement;
- (2) Enroll the child in school;
- (3) Request the school transfer records;
- (4) Request and authorize evaluation of special needs;
- (5) Attend parent or teacher conferences;
- (6) Excuse absences;
- (7) Grant permission for extracurricular activities;
- (8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and
- (9) Complete or update school emergency records.

7. A dependency petition begins a judicial process which, if the court finds your child dependent, could result in substantial restrictions including the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or the permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 3. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW. As part of the disposition or review proceeding, the juvenile court may enter or modify an existing parenting plan or modify a residential placement or visitation, or both, when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(c) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(d) When hearing and determining matters agreed to by the child's parents regarding custody, the child's residential schedule, the allocation of parental decision-making authority, and dispute resolution, the dependency court may adhere to the requirements of RCW 13.34.105.

(e) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09 or 26.26 RCW.

(f) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(g) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

ROLL CALL

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

~~((3))~~ (4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapter 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens to the committee striking amendment be adopted.

On page 8, line 5, after "26.26 RCW", strike all material through both, on line 8 and insert "as part of a disposition order or at a review hearing."

On page 8, line 14, after "(c)" insert "Whenever the court is asked to establish or modify a parenting plan under this section, the court shall first determine whether the child's interests are represented consistent with the requirements of RCW 13.34.100."

On page 8, starting on line 17, strike all material through "13.34.105." on line 21.

Reorder the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 8, line 5 to the committee striking amendment to Substitute House Bill No. 1239.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1239.

The motion by Senator Hargrove carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1239 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1239 as amended by the Senate.

The Secretary called the roll on the final passage of Substitute House Bill No. 1239 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Brown

SUBSTITUTE HOUSE BILL NO. 1239 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1303, by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Green and Roberts)

Collecting child mortality reviews into a database.

The measure was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 3, beginning on line 19, after "teams," strike all material through "funding." on line 20 and insert "The department shall conduct these activities within the limits of available funding."

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the amendment by Senator Keiser on page 3, line 19 to Substitute House Bill No. 1303 was withdrawn.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1303.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1303 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Brown

SUBSTITUTE HOUSE BILL NO. 1303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "I'd like to celebrate my mother's ninety-first birthday publically please. Today is my mother's birthday and since this is my first year in the Senate and she's just a really proud lady right now. I really wanted to say 'Happy Birthday Mom'. Ninety-one years old. She's now living in Yakima in an assisted living home and has a lot of care and is doing really remarkably well. She can out run me shopping with her walker. I can't keep up with her. I keep losing her and I miss her terribly. We just moved her over there in August. Other wise, we've been together a lot for the last nine years. I've hauled her everywhere and boy does she like to go everywhere and I can hardly wait til session is done and I get to try to keep up with her shopping in Yakima. I just wanted to say, 'Happy Birthday Mom.' Thank you."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Armstrong, White and Eddy)

Concerning the contractual relationships between distributors and producers of malt beverages.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1441 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Brown

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Transportation (originally sponsored by Representatives Haler, Roach and Klippert)

Authorizing the funding of rail freight service through grants.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 1512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Brown

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1088, by Representative Hunter

Clarifying prospectively the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Zarelli: "Mr. President, I seek a ruling on whether this bill before us requires a two-thirds vote under I-960. Mr. President, House Bill No. 1088 is a Department of Revenue request legislation which amends the public utility district privilege tax. The privilege tax is applied to public utility

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

revenues and it applies to the amounts received from the sale of electric energy. Two PUD's recently sued claiming that contrary to DOR assertion that tax did not apply to revenue PUD's collect from separately stated charges and fees. The Superior Court agreed with the PUD's that the tax was not owed on such revenue and DOR has appealed the decision. DOR's bill attempts to amend the law to specifically include revenue from these separated stated charges as taxable. DOR says in the fiscal notes that there is no revenue impact since this change in law how they have always applied the statute but they acknowledged that after the change in law the state would lose 2.2 million dollars a year if the Superior Court interpretation held. From my constituents the fiscal note indicates that this change in law would cause rate payer served by Clark County PUD an additional five hundred forty thousand dollars a year. In short Mr. President, under the present state of the law revenues from separately stated charges and fees are not taxable per the Superior Court ruling. This bill attempts to overturn that court ruling making such charges taxable. I would ask for a ruling whether this requires a two-thirds vote of this legislature. Thank you."

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1088 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1010, by Representatives Morris, Chase and Moeller

Modifying the definition of "biofuel" for chapter 19.112 RCW, the motor fuel quality act. Revised for 1st Substitute: Regarding the definition of a biofuel.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, further consideration of Substitute House Bill No. 1010 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1273, by Representatives Condotta and Armstrong

Allowing counties, cities, and towns to conduct raffles under certain terms and conditions.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1273.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1273 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Brown, Delvin, Eide, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Fairley, Franklin, Hargrove, Haugen, McCaslin, Morton and Roach

Excused: Senator Berkey

HOUSE BILL NO. 1273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hatfield, Senator Regala was excused.

MOTION

The Senate resumed consideration of Substitute House Bill No. 1010.

MOTION

On motion of Senator Pridemore the rules were suspended, Substitute House Bill No. 1010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Ranker

Excused: Senators Berkey and Regala

SUBSTITUTE HOUSE BILL NO. 1010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney and Haler)

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Concerning persons with developmental disabilities who are in correctional facilities or jails.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) A small number of persons with developmental disabilities commit crimes, are held in jail, are tried for their offenses, and are sentenced to serve time in our correctional system;

(b) Persons with developmental disabilities are often confused with persons with mental illness. These populations are different and must be understood as distinct groups, with different reasonable accommodation needs; and

(c) A developmental disability often stems from a mix of causes and many persons with developmental disabilities have cognitive impairments that require reasonable accommodations to assist them in understanding what is happening to them and what is expected of them when they encounter the criminal justice system.

(2) The legislature intends to improve the ability of corrections institutions to better identify and provide safe, appropriate accommodations for persons with developmental disabilities.

NEW SECTION. Sec. 2. (1) Within state and federal funds appropriated or otherwise available for this purpose, a work group is established, to be cochaired by representatives of the developmental disabilities council and the Washington association of sheriffs and police chiefs, to address issues relating to persons with developmental disabilities who are confined in correctional facilities.

(2) In addition to representatives from the developmental disabilities council and the Washington association of sheriffs and police chiefs, the work group shall consult with:

(a) The department of social and health services;

(b) The department of corrections;

(c) The Washington traumatic brain injury strategic partnership advisory council as defined in RCW 74.31.020;

(d) Disability rights Washington;

(e) Consumer advocates; and

(f) Other interested organizations as identified by the developmental disabilities council and the Washington association of sheriffs and police chiefs.

(3) By December 1, 2009, the work group shall develop recommendations and report to the appropriate committees of the legislature relating to:

(a) Expediently reviewing and determining eligibility for developmental disabilities services provided through the department of social and health services prior to a person's release from confinement from jail or confinement in the department of corrections;

(b) The appropriate role of the department of social and health services in providing potential alternatives to confinement for persons with developmental disabilities and consultation and technical assistance to jails and the department of corrections in their efforts to provide reasonable accommodations for persons with developmental disabilities who are confined in their facility;

(c) Increasing the appropriate use of the authority granted the courts under current sentencing reform act provisions, chapter 9.94A RCW, to order alternatives to confinement prior to trial or following conviction in cases with a sentence of twelve months or less;

(d) The establishment of new options under the sentencing reform act to divert persons with developmental disabilities from the criminal justice system while maintaining public safety;

(e) The feasibility of developing and adopting law enforcement training for responding to persons with developmental disabilities that is analogous to the crisis intervention training currently provided to law enforcement officers for responding to alleged criminal behavior by persons with mental illness;

(f) The feasibility of adopting standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medical assistance services by the division of developmental disabilities;

(g) The need for and feasibility of developing a screening tool and training for corrections staff to be used to identify persons with developmental disabilities who are confined in prison with the department of corrections similar to the tool to be developed for jails under subsection (4) of this section; and

(h) The feasibility of developing a screening tool for traumatic brain injuries, and information on best practices and training regarding appropriate accommodations for persons with traumatic brain injuries.

(4) By July 1, 2010, the work group shall develop:

(a) A simple screening tool that may be used by jails as part of a jail's intake and/or classification process and which will assist in the identification of offenders with the most common types of developmental disabilities;

(b) A model policy for the use of the screening tool;

(c) A cost-effective means to provide concise training to jail staff on the use of the tool; and

(d) Information on best practices and training regarding appropriate accommodations for persons with developmental disabilities during their confinement.

NEW SECTION. Sec. 3. The definitions in this section apply throughout sections 1 and 2 of this act unless the context clearly requires otherwise.

(1) "Jail" has the same meaning as provided in RCW 70.48.020; and

(2) "Confined" means incarcerated in a jail.

NEW SECTION. Sec. 4. This act expires December 1, 2010."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Fairley, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 2078.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

EIGHTY-EIGHTH DAY, APRIL 9, 2009

On page 1, line 2 of the title, after "jails;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 2078 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2078 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2078 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Regala

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams)

Concerning adult family homes.

The measure was read the second time.

MOTION

Senator Marr moved that the following striking amendment by Senators Marr, Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.040 and 2007 c 184 s 8 are each amended to read as follows:

(1) The department shall adopt rules and standards with respect to adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. The rules and standards relating to

applicants and operators shall address the differences between individual providers and providers that are partnerships, corporations, associations, or companies. The rules and standards shall also recognize and be appropriate to the different needs and capacities of the various populations served by adult family homes such as but not limited to persons who are developmentally disabled or elderly. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for applicants and providers explaining licensure requirements and procedures.

(2)(a) In developing the rules and standards, the department shall consult with all divisions and administrations within the department serving the various populations living in adult family homes, including the division of developmental disabilities and the aging and adult services administration. Involvement by the divisions and administration shall be for the purposes of assisting the department to develop rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(b) In addition, the department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the adult family home licensees selected in accordance with RCW 70.128.043 and with other affected interests before adopting requirements that affect adult family home licensees.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

(4) The department shall establish a specialty license to include geriatric specialty certification for providers who have successfully completed the University of Washington school of nursing certified geriatric certification program and testing.

Sec. 2. RCW 70.128.005 and 2001 c 319 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

(b) Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. ((The legislature further finds that)) Different populations living in adult family homes, such as ((the developmentally disabled)) persons with developmental disabilities and ((the)) elderly persons, often have significantly different needs and capacities from one another.

(c) There is a need to update certain restrictive covenants to take into consideration the legislative findings cited in (a) and (b) of this subsection; the need to prevent or reduce institutionalization; and the legislative and judicial mandates to provide care and services in the least restrictive setting appropriate to the needs of the individual. Restrictive covenants

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

which directly or indirectly restrict or prohibit the use of property for adult family homes (i) are contrary to the public interest served by establishing adult family homes and (ii) discriminate against individuals with disabilities in violation of RCW 49.60.224.

(2) It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

(3) The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

(4) The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

NEW SECTION. Sec. 3. A new section is added to chapter 70.128 RCW to read as follows:

(1) To effectuate the public policies of this chapter, restrictive covenants may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under this chapter; or

(b) Persons and legal entities from operating adult family homes licensed under this chapter, whether for-profit or nonprofit, to provide services covered under this chapter. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the restrictive covenant.

(2) This section applies retroactively to all restrictive covenants in effect on the effective date of this section. Any provision in a restrictive covenant in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) To effectuate the public policy of chapter 70.128 RCW, the governing documents may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under chapter 70.128 RCW; or

(b) Persons and legal entities from operating adult family homes licensed under chapter 70.128 RCW, whether for-profit or nonprofit, to provide services covered under chapter 70.128 RCW. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the governing documents.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

Sec. 5. RCW 70.128.060 and 2004 c 140 s 3 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set ~~((at fifty dollars per year))~~ in an amount specified in the biennial operating budget for each home. A ((fifty dollar)) processing fee in an amount specified in the biennial operating budget shall also be charged each home when the home is initially licensed.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

ROLL CALL

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Marr spoke in favor of the adoption of the striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser to the striking amendment be adopted.

On page 4, beginning on line 26, strike all of section 5.

Re-number the sections consecutively and correct any internal references accordingly.

Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 4, line 26 to the striking amendment to Engrossed Second Substitute House Bill No. 1935.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Marr, Keiser and Pflug as amended to Engrossed Second Substitute House Bill No. 1935.

The motion by Senator Marr carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.040, 70.128.005, and 70.128.060; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1935 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1935 as amended by the Senate.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, McCaslin, Morton, Parlette and Stevens

Excused: Senators Berkey and Regala

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:33 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9059, Allie M. Joiner, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senators Pridemore and Jacobsen spoke in favor of passage of the motion.

MOTION

On motion of Senator Delvin, Senator Stevens was excused.

MOTION

On motion of Senator Brandland, Senators Carrell, Pflug and Swecker were excused.

APPOINTMENT OF ALLIE M. JOINER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9059, Allie M. Joiner as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9059, Allie M. Joiner as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

(1) Tribal authorities, within their reservation boundaries, may determine based on an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.405 is greater or less than is reasonable or safe under the conditions found to exist upon a nonlimited access state highway or part of a nonlimited access state highway. Then, the tribal authority may determine and declare a reasonable and safe maximum limit thereon which:

- (a) Decreases the limit at intersections;
 - (b) Increases the limit, not exceeding sixty miles per hour;
- or
- (c) Decreases the limit, not lower than twenty miles per hour.

(2) Any alteration by tribal authorities of maximum limits on a nonlimited access state highway is not effective until the alteration has been approved by the secretary of transportation and appropriate signs giving notice of the alteration have been posted. In the case of an alteration by tribal authorities of maximum limits on a nonlimited access state highway that is also part of a city or town street or county road within tribal reservation boundaries, the alteration is not effective until that alteration has also been approved by the applicable local authority."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1448.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "and adding a new section to chapter 46.61 RCW."

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1448 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1448 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1448 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Absent: Senator Hargrove

Excused: Senators Berkey, Pflug and Swecker
Gubernatorial Appointment No. 9059, Allie M. Joiner, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9061, Juanita J. Kamphus, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator McDermott, Senator Hargrove was excused.

APPOINTMENT OF JUANITA J. KAMPHUS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9061, Juanita J. Kamphus as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9061, Juanita J. Kamphus as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Excused: Senators Berkey, Hargrove, Pflug and Swecker
Gubernatorial Appointment No. 9061, Juanita J. Kamphus, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING

HOUSE BILL NO. 1448, by Representatives Hurst, Roach, Simpson, McCoy, Sullivan, Hunt, Goodman, Appleton, Ormsby and Nelson

Granting tribal authorities limited control over speed limits on nonlimited access state highways within tribal reservation boundaries.

The measure was read the second time.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Voting yea: Senators Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Holmquist, Honeyford, Sheldon and Stevens

Absent: Senator Prentice

Excused: Senators Berkey, Hargrove and Pflug

HOUSE BILL NO. 1448 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown and Prentice were excused.

SECOND READING

HOUSE BILL NO. 1042, by Representatives O'Brien, Warnick, Goodman, Rodne, Kelley and Williams

Concerning notices of dishonor.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1042.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Hargrove and Regala

HOUSE BILL NO. 1042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1415, by House Committee on Commerce & Labor (originally sponsored by Representatives Hasegawa, Haler, Hunt, Armstrong, Eddy, Newhouse, Conway, Wood, Williams, Johnson, Chase, Upthegrove, Condotta, Moeller and Ormsby)

Providing for the sales of wine at the legislative gift center.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Morton was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1415.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1415 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Roach

Absent: Senator Jacobsen

Excused: Senators Berkey and Morton

SUBSTITUTE HOUSE BILL NO. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1552, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune)

Regarding public access at open public meetings.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 34.05.325 and 2005 c 274 s 262 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Regardless of whether the agency head has delegated rule-making authority, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing, unless the agency head presided or was present at substantially all of the hearings. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.56 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment individually. All comments by all persons shall be made in the presence and hearing of other attendees. Written or electronic submissions may be accepted and included in the record. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6)(a) Before it files an adopted rule with the code reviser, an agency shall prepare a concise explanatory statement of the rule:

- (i) Identifying the agency's reasons for adopting the rule;
- (ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and
- (iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the concise explanatory statement to any person upon request or from whom the agency received comment."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1552.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "meetings;" strike the remainder of the title and insert "and amending RCW 34.05.325."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1552 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1552 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1552 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown and Rockefeller

Excused: Senators Berkey and Morton

SUBSTITUTE HOUSE BILL NO. 1552 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown, Jacobsen and Rockefeller were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1769, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Lias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell)

Concerning housing assistance in dependency matters.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(5) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(10) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local,

or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((+))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((+2))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing ~~((services))~~ assistance, capable of preventing the need for out-of-home placement while protecting the child. ~~((Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.~~

~~((+3))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((+4))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((+5))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent,

guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the

EIGHTY-EIGHTH DAY, APRIL 9, 2009

health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter

care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose ~~(those)~~ services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or

court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 4. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department or supervising agency;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((vii))~~ (viii) Whether preference has been given to placement with the child's relatives;

~~((viii))~~ (ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

~~((ix))~~ (x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((x))~~ (xi) Whether terms of visitation need to be modified;

~~((xi))~~ (xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

~~((xii))~~ (xiii) Whether any additional court orders need to be made to move the case toward permanency; and

~~((xiii))~~ (xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ~~((ability))~~ authority to order housing assistance under ~~((RCW 13.34.130 and this section))~~ this chapter is: (a) Limited to cases in which ~~((homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement))~~ a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3)."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1769.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.030 and 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1769 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1769 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1769 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Carrell,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Jacobsen, Morton and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1769 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2129, by Representative Eddy

Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.80.010 and 2007 c 307 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse ((gases-[gas])) gas emissions output" means the level of greenhouse ((gases-[gas])) gas emissions as surveyed and determined by the energy policy division of the department of community, trade, and economic development under RCW 80.80.050.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a

mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by ~~((the energy facility site evaluation council or a local jurisdiction))~~ a jurisdiction inside or outside the state.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

Sec. 2. RCW 80.80.040 and 2007 c 307 s 5 are each amended to read as follows:

(1) Beginning July 1, 2008, the greenhouse ((gases)) gas emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The average available greenhouse ((gases)) gas emissions output as determined under RCW 80.80.050.

(2) This chapter does not apply to long-term financial commitments with the Bonneville power administration.

(3) All baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse ((gases)) gas emissions performance standard established under this section until the facilities are the subject of long-term financial commitments. All baseload electric

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

generation that commences operation after June 30, 2008, and is located in Washington, must comply with the greenhouse ~~((gases))~~ gas emissions performance standard established in subsection (1) of this section.

~~((3))~~ (4) All electric generation facilities or power plants powered exclusively by renewable resources, as defined in RCW 19.280.020, are deemed to be in compliance with the greenhouse ~~((gases))~~ gas emissions performance standard established under this section.

~~((4))~~ (5) All cogeneration facilities in the state that are fueled by natural gas or waste gas or a combination of the two fuels, and that are in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse ~~((gases))~~ gas emissions performance standard established under this section until the facilities are the subject of a new ownership interest or are upgraded.

~~((5))~~ (6) In determining the rate of emissions of greenhouse gases for baseload electric generation, the total emissions associated with producing electricity shall be included.

(7) In no case shall a long-term financial commitment be determined to be in compliance with the greenhouse gas emissions performance standard if the commitment includes more than twelve percent of electricity from unspecified sources.

(8) For a long-term financial commitment with multiple power plants, each specified power plant must be treated individually for the purpose of determining the annualized plant capacity factor and net emissions, and each power plant must comply with subsection (1) of this section, except as provided in subsections (3) through (5) of this section.

~~((6))~~ (9) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

~~((7))~~ (10) The following greenhouse ~~((gases))~~ gas emissions produced by baseload electric generation owned or contracted through a long-term financial commitment shall not be counted as emissions of the power plant in determining compliance with the greenhouse ~~((gases))~~ gas emissions performance standard:

(a) Those emissions that are injected permanently in geological formations;

(b) Those emissions that are permanently sequestered by other means approved by the department; and

(c) Those emissions sequestered or mitigated as approved under subsection ~~((13))~~ (16) of this section.

~~((8))~~ (11) In adopting and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department of community, trade, and economic development energy policy division, in consultation with the commission, the department, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, electric utilities, public interest representatives, and consumer representatives, shall consider the effects of the greenhouse ~~((gases))~~ gas emissions performance standard on system reliability and overall costs to electricity customers.

~~((9))~~ (12) In developing and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall, with assistance of the commission, the department of

community, trade, and economic development energy policy division, and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

~~((10))~~ (13) The directors of the energy facility site evaluation council and the department shall each adopt rules under chapter 34.05 RCW in coordination with each other to implement and enforce the greenhouse ~~((gases))~~ gas emissions performance standard. The rules necessary to implement this section shall be adopted by June 30, 2008.

~~((11))~~ (14) In adopting the rules for implementing this section, the energy facility site evaluation council and the department shall include criteria to be applied in evaluating the carbon sequestration plan, for baseload electric generation that will rely on subsection ~~((7))~~ (10) of this section to demonstrate compliance, but that will commence sequestration after the date that electricity is first produced. The rules shall include but not be limited to:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological or other approved sequestration commencing within five years of plant operation, including full and sufficient technical documentation to support the planned sequestration;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule;

(e) Provisions for an owner to purchase emissions reductions in the event of the failure of a sequestration plan under subsection ~~((13))~~ (16) of this section; and

(f) Provisions for public notice and comment on the carbon sequestration plan.

~~((12))~~ (15)(a) Except as provided in (b) of this subsection, as part of its role enforcing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall determine whether sequestration or a plan for sequestration will provide safe, reliable, and permanent protection against the greenhouse gases entering the atmosphere from the power plant and all ancillary facilities.

(b) For facilities under its jurisdiction, the energy facility site evaluation council shall contract for review of sequestration or the carbon sequestration plan with the department consistent with the conditions under (a) of this subsection, consider the adequacy of sequestration or the plan in its adjudicative proceedings conducted under RCW 80.50.090(3), and incorporate specific findings regarding adequacy in its recommendation to the governor under RCW 80.50.100.

~~((13))~~ (16) A project under consideration by the energy facility site evaluation council by July 22, 2007, is required to include all of the requirements of subsection ~~((11))~~ (14) of this section in its carbon sequestration plan submitted as part of the energy facility site evaluation council process. A project under consideration by the energy facility site evaluation council by July 22, 2007, that receives final site certification agreement approval under chapter 80.50 RCW shall make a good faith effort to implement the sequestration plan. If the project owner determines that implementation is not feasible, the project owner shall submit documentation of that determination to the energy facility site evaluation council. The documentation shall demonstrate the steps taken to implement the sequestration plan and evidence of the technological and economic barriers to

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

successful implementation. The project owner shall then provide to the energy facility site evaluation council notification that they shall implement the plan that requires the project owner to meet the greenhouse ~~((gases))~~ gas emissions performance standard by purchasing verifiable greenhouse ~~((gases))~~ gas emissions reductions from an electric generating facility located within the western interconnection, where the reduction would not have occurred otherwise or absent this contractual agreement, such that the sum of the emissions reductions purchased and the facility's emissions meets the standard for the life of the facility.

Sec. 3. RCW 80.80.060 and 2007 c 307 s 8 are each amended to read as follows:

(1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW 80.80.040.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW 80.80.040.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric utility, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; ~~((or))~~ (b) extraordinary cost impacts on utility ratepayers; or (c) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall determine whether the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity complies with the greenhouse gases emissions performance standard established under RCW 80.80.040~~((, whether the company has a need for the resource, and whether the specific resource selected is appropriate. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions)).~~ The commission shall not decide in a proceeding under this subsection (5) issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding for recovery of the resource or contract costs. ~~((A proceeding under this subsection (5) shall be conducted pursuant to chapter 34.05 RCW (part IV). The commission shall adopt rules to provide that the schedule for a proceeding under this subsection takes into account both (a) the needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and (b) the procedural rights to be provided to parties in chapter 34.05 RCW (part IV), including intervention, discovery, briefing, and hearing.))~~

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with ~~((the))~~ a long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed twenty-four months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding for recovery of these costs. For the purpose of this subsection (6) only, the term "long-term financial commitment" also includes an electric company's ownership or power purchase agreement with a term of five or more years associated with an eligible renewable resource as defined in RCW 19.285.030.

(7) The commission shall consult with the department to apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under RCW 80.80.040. The department shall report to the commission whether baseload electric generation will comply with the greenhouse gases emissions performance standard for the duration of the period the baseload electric generation is supplied to the electrical company.

(8) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(9) The commission shall adopt rules necessary to implement this section by December 31, 2008.

Sec. 4. RCW 80.80.070 and 2007 c 307 s 9 are each amended to read as follows:

(1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse ~~((gases))~~ gas emissions performance standard established under RCW 80.80.040.

(2) The governing board shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter and after consultation with the department, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse ~~((gases))~~ gas emissions performance standard established under RCW 80.80.040. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse ~~((gases))~~ gas emissions performance standard established under RCW 80.80.040.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse ~~((gases))~~ gas emissions performance standard to address: (a) Unanticipated electric

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

system reliability needs; ((or)) (b) extraordinary cost impacts on utility ratepayers; or (c) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under RCW 80.80.040, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance."

Senator Pridemore spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy to House Bill No. 2129.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "80.80 RCW;" strike the remainder of the title and insert "and amending RCW 80.80.010, 80.80.040, 80.80.060, and 80.80.070."

MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 2129 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2129 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2129 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Jacobsen and Rockefeller

HOUSE BILL NO. 2129 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879, by House Committee on Education Appropriations (originally sponsored by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton and Kenney)

Providing for the delivery of educational services to children who are deaf and hearing impaired. Revised for 2nd Substitute: Providing for the delivery of educational services to children who are deaf and hard of hearing.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the education of children who are deaf presents unique challenges because deafness is a low-incidence disability significantly impacting the child's ability to access communication at home, at school, and in the community. The legislature further finds that over the past fifty years, there have been numerous advances in technology as well as a growing awareness about the importance of delivering services to children in a variety of communication modalities to support their early and continued access to communication. The legislature intends to enhance the coordination of regionally delivered educational services and supports for children who are deaf or hard of hearing and to promote the development of communication-rich learning environments for these children.

NEW SECTION. Sec. 2. A new section is added to chapter 72.42 RCW to read as follows:

(1) The Washington state center for childhood deafness and hearing loss is established to provide statewide leadership for the coordination and delivery of educational services to children who are deaf or hard of hearing. The activities of the center shall be under the authority of the director and the board of trustees. The superintendent and board of trustees of the state school for the deaf as of the effective date of this section shall be the director and board of trustees of the center.

(2) The center's primary functions are:

(a) Managing and directing the supervision of the state school for the deaf;

(b) Providing statewide leadership and support for the coordination of regionally delivered educational services in the full range of communication modalities, for children who are deaf or hard of hearing; and

(c) Collaborating with appropriate public and private partners for the training and professional development of educators serving children who are deaf or hard of hearing.

Sec. 3. RCW 72.40.010 and 2002 c 209 s 1 are each amended to read as follows:

There are established at Vancouver, Clark county, a school which shall be known as the state school for the blind, and a separate school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

The school for the blind shall be under the direction of the superintendent with the advice of the board of trustees. The school for the deaf shall be under the direction of the ~~((superintendent))~~ director of the center or the director's designee and the board of trustees.

Sec. 4. RCW 72.40.019 and 1985 c 378 s 14 are each amended to read as follows:

The governor shall appoint a ~~((superintendent))~~ director for the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss. The ~~((superintendent))~~ director shall have a masters or higher degree from an accredited college or university in school administration or deaf education, five or more years of experience teaching or providing habilitative services to deaf or hard of hearing students ~~((in the classroom))~~, and three or more years administrative or supervisory experience in programs for deaf or hard of hearing students.

NEW SECTION. Sec. 5. A new section is added to chapter 72.42 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the director of the Washington state center for childhood deafness and hearing loss:

(1) Shall be responsible for the supervision and management of the center, including the state school for the deaf, and the property of various kinds. The director may designate an individual to oversee the day-to-day operation and supervision of students at the school;

(2) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law;

(3) Shall provide technical assistance and support as appropriate to local and regional efforts to build critical mass and communication-rich networking opportunities for children who are deaf or hard of hearing and their families;

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the approval of the board of trustees;

(5) Shall, as approved by the board of trustees, control and authorize the use of the facilities for night school, summer school, public meetings, applied research and training for the instruction of students who are deaf or hard of hearing, outreach and support to families of children who are deaf or hard of hearing, or other purposes consistent with the purposes of the center;

(6) Shall purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of the center;

(7) Shall prepare, submit to the board of trustees for approval, and administer the budget consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable;

(8) Shall provide technical assistance and support to educational service districts for the regional delivery of a full range of educational services to students who are deaf or hard of hearing, including but not limited to services relying on American Sign Language, auditory oral education, total communication, and signed exact English;

(9) As requested by educational service districts, shall recruit, employ, and deploy itinerant teachers to provide in-district services to children who are deaf or hard of hearing;

(10) May establish criteria, in addition to state certification, for the teachers at the school and employees of the center;

(11) May establish, with the approval of the board of trustees, new facilities as needs demand;

(12) May adopt rules, under chapter 34.05 RCW, as approved by the board of trustees and as deemed necessary for the governance, management, and operation of the center;

(13) May adopt rules, as approved by the board of trustees, for pedestrian and vehicular traffic on property owned, operated, and maintained by the center;

(14) Except as otherwise provided by law, may enter into contracts as the director deems essential to the purpose of the center;

(15) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the center; sell, lease, or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof;

(16) May adopt rules, as approved by the board of trustees, providing for the transferability of employees between the center and the school for the blind consistent with collective bargaining agreements in effect; and

(17) May adopt rules under chapter 34.05 RCW, as approved by the board of trustees, and perform all other acts not forbidden by law as the director deems necessary or appropriate to the administration of the center.

Sec. 6. RCW 72.40.024 and 2002 c 209 s 4 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022 ~~((and 72.40.023))~~ and section 5 of this act, the superintendent of ~~((each))~~ the school for the blind and the director of the Washington state center for childhood deafness and hearing loss, or the director's designee, shall:

(1) Monitor the location and educational placement of each student reported to the superintendent~~((s))~~ and the director, or the director's designee, by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction, provide instructional leadership, and assist school districts in improving their instructional programs for students with visual or hearing impairments.

Sec. 7. RCW 72.40.028 and 2006 c 263 s 829 are each amended to read as follows:

All teachers ~~((at the state school for the deaf))~~ employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent~~((s))~~ and the director, by rule, may adopt additional educational standards for their respective ~~((schools))~~ facilities. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendent~~((s))~~ and the director may provide for provisional certification for teachers in their respective

EIGHTY-EIGHTH DAY, APRIL 9, 2009

((schools)) facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 8. RCW 72.40.120 and 1991 c 65 s 1 are each amended to read as follows:

Any appropriation for the ((school for the deaf)) Washington state center for childhood deafness and hearing loss or the school for the blind shall be made directly to the ((school for the deaf)) center or the school for the blind.

Sec. 9. RCW 72.40.200 and 2000 c 125 s 1 are each amended to read as follows:

The ((state school for the deaf)) Washington state center for childhood deafness and hearing loss and the state school for the blind shall promote the personal safety of students and protect the children who attend from child abuse and neglect as defined in RCW 26.44.020.

Sec. 10. RCW 72.40.210 and 2000 c 125 s 2 are each amended to read as follows:

The ((superintendents)) director of the ((state school for the deaf)) Washington state center for childhood deafness and hearing loss and the superintendent of the state school for the blind or their designees shall immediately report to the persons indicated the following events:

(1) To the child's parent, custodian, or guardian:

(a) The death of the child;

(b) Hospitalization of a child in attendance or residence at the ((school)) facility;

(c) Allegations of child abuse or neglect in which the parent's child in attendance or residence at the ((school)) facility is the alleged victim;

(d) Allegations of physical or sexual abuse in which the parent's child in attendance or residence at the ((school)) facility is the alleged perpetrator;

(e) Life-threatening illness;

(f) The attendance at the ((school)) facility of any child who is a registered sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.

(2) Notification to the parent shall be made by the means most likely to be received by the parent. If initial notification is made by telephone, such notification shall be followed by notification in writing within forty-eight hours after the initial ((oral)) verbal contact is made.

NEW SECTION. Sec. 11. (1) The state school for the deaf is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington state center for childhood deafness and hearing loss. All references to the superintendent or the state school for the deaf in the Revised Code of Washington shall be construed to mean the director or the Washington state center for childhood deafness and hearing loss.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state school for the deaf shall be delivered to the custody of the Washington state center for childhood deafness and hearing loss. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state school for the deaf shall be made available to the Washington state center for childhood deafness and hearing loss. All funds, credits, or other assets held by the state school for the deaf shall be assigned to the Washington state center for childhood deafness and hearing loss.

(b) Any appropriations made to the state school for the deaf shall, on the effective date of this section, be transferred and credited to the Washington state center for childhood deafness and hearing loss.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state school for the deaf are transferred to the jurisdiction of the Washington state center for childhood deafness and hearing loss. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state center for childhood deafness and hearing loss to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state school for the deaf shall be continued and acted upon by the Washington state center for childhood deafness and hearing loss. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state center for childhood deafness and hearing loss.

(5) The transfer of the powers, duties, functions, and personnel of the state school for the deaf shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) The existing bargaining units shall be transferred in their entirety without the merging of other bargaining units or the inclusion of employees from other bargaining units. Nothing contained in this section may be construed to alter any of the existing collective bargaining units unless the bargaining unit has been modified by action of the public employment relations commission as provided by law. Therefore, the certification of the existing bargaining units shall remain. However, the commission may, upon request, amend the certification to reflect the name of the new agency. In addition, nothing in this section may be construed to alter the provisions of any existing collective bargaining agreement until the agreement has expired.

Sec. 12. RCW 72.40.031 and 1985 c 378 s 16 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in ((the)) other public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in ((the)) other public schools. The school and the center shall observe all legal holidays, in the same manner as other agencies of state government, and ((the schools)) will not be in session on such days and such other days as may be approved by the ((respective)) superintendent((s)) or the director. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the ((respective)) superintendent((s)) or the director or the director's

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

designee, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of ~~((such schools))~~ the respective facilities.

Sec. 13. RCW 72.42.010 and 2002 c 209 s 5 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss to perform the duties set forth in this chapter, that the board of trustees perform needed oversight services to the governor and the legislature of the ~~((Washington state school for the deaf))~~ center in the development of programs for the hard of hearing ~~((impaired))~~, and in the operation of the ~~((Washington state))~~ center, including the school for the deaf.

Sec. 14. RCW 72.42.015 and 1985 c 378 s 32 are each amended to read as follows:

Unless the context clearly requires otherwise as used in this chapter "~~((superintendent))~~ director" means ~~((superintendent))~~ the director of the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss.

Sec. 15. RCW 72.42.016 and 2002 c 209 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter:

(1) "Center" means the Washington state center for childhood deafness and hearing loss serving local school districts across the state; and

(2) "School" means the Washington state residential school for the deaf located in Vancouver, Washington.

Sec. 16. RCW 72.42.021 and 2002 c 209 s 7 are each amended to read as follows:

(1) The governance of the center and the school shall be vested in a board of trustees. The board shall consist of nine members appointed by the governor, with the consent of the senate. The board shall be composed of a resident from each of the state's congressional districts and may include:

(a) One member who is deaf or hard of hearing ~~((impaired))~~;

(b) Two members who are experienced educational professionals;

(c) One member who is experienced in providing residential services to youth; and

(d) One member who is the parent of a child who is deaf or hard of hearing ~~((impaired))~~ and who is receiving or has received educational services related to deafness or hearing impairment from a public educational institution.

(2) No voting trustee may be an employee of the school or the center, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution ~~((, a school district or educational service district administrator appointed after July 1, 1986;))~~ or an elected officer or member of the legislative authority of any municipal corporation. No more than two voting trustees may be school district or educational service district administrators appointed after July 1, 1986.

(3) Trustees shall be appointed by the governor to serve a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term. Of the initial members, three must be appointed for two-year terms, three must be appointed for three-year terms, and the remainder must be appointed for five-year terms.

(4) The board shall not be deemed unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by

reason of the establishment of new or revised boundaries for congressional districts. In such an event, each trustee may continue to serve in office for the balance of the term for which he or she was appointed so long as the trustee continues to reside within the boundaries of the congressional district as they existed at the time of his or her appointment. Vacancies which occur in a trustee position during the balance of any term shall be filled pursuant to subsection (3) of this section by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was appointed as they existed at the time of his or her appointment. At the completion of such term, and thereafter, a successor shall be appointed from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed.

Sec. 17. RCW 72.42.041 and 2002 c 209 s 8 are each amended to read as follows:

The board of trustees of the ~~((school))~~ center:

(1) Shall adopt rules and regulations for its own governance;

(2) Shall direct the development of, approve, and monitor the enforcement of policies, rules, and regulations pertaining to the school and the center, including but not limited to:

(a) The use of classrooms and other facilities for summer or night schools or for public meetings and any other uses consistent with the mission of the center;

(b) Pedestrian and vehicular traffic on property owned, operated, or maintained by the ~~((school))~~ center;

(c) Governance, management, and operation of the residential facilities;

(d) Transferability of employees between the ~~((school for the deaf))~~ center and the school for the blind consistent with collective bargaining agreements in effect; and

(e) Compliance with state and federal education civil rights laws at the school;

(3) Shall develop a process for recommending candidates for the position of ~~((superintendent))~~ director and upon a vacancy shall submit a list of three qualified candidates for ~~((superintendent))~~ director to the governor;

(4) Shall submit an evaluation of the ~~((superintendent))~~ director to the governor by July 1st of each odd-numbered year that includes a recommendation regarding the retention of the ~~((superintendent))~~ director;

(5) May recommend to the governor at any time that the ~~((superintendent))~~ director be removed for conduct deemed by the board to be detrimental to the interests of the ~~((school))~~ center;

(6) Shall prepare and submit by July 1st of each even-numbered year a report to the governor and the appropriate committees of the legislature which contains a detailed summary of the ~~((school's))~~ center's progress on performance objectives and the ~~((school's))~~ center's work, facility conditions, and revenues and costs of the ~~((school))~~ center for the previous year and which contains those recommendations it deems necessary and advisable for the governor and the legislature to act on;

(7) Shall approve the ~~((school's))~~ center's budget and all funding requests, both operating and capital, submitted to the governor;

(8) Shall direct and approve the development and implementation of comprehensive programs of education, training, and as needed residential living, such that students served by the school receive a challenging and quality education in a safe school environment;

(9) Shall direct, monitor, and approve the implementation of a comprehensive continuous quality improvement system for the ~~((school))~~ center;

EIGHTY-EIGHTH DAY, APRIL 9, 2009

(10) Shall monitor and inspect all existing facilities of the ~~((school))~~ center and report its findings in its biennial report to the governor and appropriate committees of the legislature; and

(11) May grant to every student of the school, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

Sec. 18. RCW 72.40.070 and 1985 c 378 s 22 are each amended to read as follows:

It shall be the duty of each educational service district to make a full and specific report of visually ~~((or hearing))~~ impaired or deaf or hard of hearing youth to the superintendent of the school for the blind or the ~~((school for the deaf))~~ director of the Washington state center for childhood deafness and hearing loss, or the director's designee, as the case may be and the superintendent of public instruction, annually. The superintendent of public instruction shall report about the deaf or hard of hearing or visually impaired youth to the school for the blind and the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss, as the case may be, annually.

Sec. 19. RCW 72.40.220 and 2000 c 125 s 3 are each amended to read as follows:

(1) The ~~((superintendents))~~ director of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, or the director's designee, and the superintendent of the state school for the blind shall maintain in writing and implement behavior management policies and procedures that accomplish the following:

- (a) Support the child's appropriate social behavior, self-control, and the rights of others;
- (b) Foster dignity and self-respect for the child;
- (c) Reflect the ages and developmental levels of children in care.

(2) The state school for the deaf and the state school for the blind shall use proactive, positive behavior support techniques to manage potential child behavior problems. These techniques shall include but not be limited to:

- (a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;
- (b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;
- (c) Emphasis on verbal deescalation to calm the upset child;
- (d) Redirection strategies to present the child with alternative resolution choices.

Sec. 20. RCW 72.40.250 and 2000 c 125 s 6 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022 and 72.40.024, the ~~((superintendents))~~ director of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, or the director's designee, and the superintendent of the state school for the blind shall:

(1) Develop written procedures for the supervision of employees and volunteers who have the potential for contact with students. Such procedures shall be designed to prevent child abuse and neglect by providing for adequate supervision of such employees and volunteers, taking into consideration such factors as the student population served, architectural factors, and the size of the facility. Such procedures shall include, but need not be limited to, the following:

- (a) Staffing patterns and the rationale for such;
- (b) Responsibilities of supervisors;
- (c) The method by which staff and volunteers are made aware of the identity of all supervisors, including designated on-site supervisors;

(d) Provision of written supervisory guidelines to employees and volunteers;

(e) Periodic supervisory conferences for employees and volunteers; and

(f) Written performance evaluations of staff to be conducted by supervisors in a manner consistent with applicable provisions of the civil service law.

(2) Develop written procedures for the protection of students when there is reason to believe an incident has occurred which would render a ~~((child))~~ minor student an abused or neglected child within the meaning of RCW 26.44.020. Such procedures shall include, but need not be limited to, the following:

(a) Investigation. Immediately upon notification that a report of child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or the director, or the director's designee, shall:

(i) Preserve any potential evidence through such actions as securing the area where suspected abuse or neglect occurred;

(ii) Obtain proper and prompt medical evaluation and treatment, as needed, with documentation of any evidence of abuse or neglect; and

(iii) Provide necessary assistance to the department of social and health services and local law enforcement in their investigations;

(b) Safety. Upon notification that a report of suspected child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or the director or his or her designee, with consideration for causing as little disruption as possible to the daily routines of the students, shall evaluate the situation and immediately take appropriate action to assure the health and safety of the students involved in the report and of any other students similarly situated, and take such additional action as is necessary to prevent future acts of abuse or neglect. Such action may include:

(i) Consistent with federal and state law:

(A) Removing the alleged perpetrator from the school;

(B) Increasing the degree of supervision of the alleged perpetrator; and

(C) Initiating appropriate disciplinary action against the alleged perpetrator;

(ii) Provision of increased training and increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect;

(iii) Temporary removal of the students from a program and reassignment of the students within the school, as an emergency measure, if it is determined that there is a risk to the health or safety of such students in remaining in that program. Whenever a student is removed, pursuant to this subsection (2)(b)(iii), from a special education program or service specified in his or her individualized education program, the action shall be reviewed in an individualized education program meeting; and

(iv) Provision of counseling to the students involved in the report or any other students, as appropriate;

(c) Corrective action plans. Upon receipt of the results of an investigation by the department of social and health services pursuant to a report of suspected child abuse or neglect, the superintendent or the director, or the director's designee, after consideration of any recommendations by the department of social and health services for preventive and remedial action, shall implement a written plan of action designed to assure the continued health and safety of students and to provide for the prevention of future acts of abuse or neglect.

Sec. 21. RCW 72.40.280 and 2002 c 208 s 2 are each amended to read as follows:

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

(1) The department of social and health services must periodically monitor the residential program at the state school for the deaf, including but not limited to examining the residential-related policies and procedures as well as the residential facilities. The department of social and health services must make recommendations to the ~~((school's superintendent))~~ director and the board of trustees of the center or its successor board on health and safety improvements related to child safety and well-being. The department of social and health services must conduct the monitoring reviews at least ~~((quarterly until December 1, 2006))~~ annually. The director or the director's designee may from time to time request technical assistance from the department of social and health services.

(2) The department of social and health services must conduct a comprehensive child health and safety review, as defined in rule, of the residential program at the state school for the deaf every three years. ~~((The department of social and health services must deliver the first health and safety review to the governor, the legislature, the school's superintendent, and the school's board of trustees or successor board by December 1, 2004.))~~

(3) The state school for the deaf must provide the department of social and health services' staff with full and complete access to all records and documents that the department staff may request to carry out the requirements of this section. The department of social and health services must have full and complete access to all students and staff of the state school for the deaf to conduct interviews to carry out the requirements of this section.

(4) For the purposes of this section, the department of social and health services must use the safety standards established in this chapter when conducting the reviews.

Sec. 22. RCW 72.42.060 and 1975-'76 2nd ex.s. c 34 s 168 are each amended to read as follows:

Each member of the board of trustees shall receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss.

Sec. 23. RCW 26.44.210 and 2002 c 208 s 1 are each amended to read as follows:

(1) The department must investigate referrals of alleged child abuse or neglect occurring at the state school for the deaf, including alleged incidents involving students abusing other students; determine whether there is a finding of abuse or neglect; and determine whether a referral to law enforcement is appropriate under this chapter.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect at the state school for the deaf to the ~~((school's superintendent))~~ center's director, or the director's designee. The department may include recommendations to the ~~((superintendent))~~ director and the board of trustees or its successor board for increasing the safety of the school's students.

Sec. 24. RCW 28A.155.160 and 2007 c 115 s 15 are each amended to read as follows:

Notwithstanding any other provision of law, the office of the superintendent of public instruction, the department of early learning, the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss, the Washington state school for the blind, school districts, educational service districts, and all other state and local government educational agencies and the department of services for the blind, the

department of social and health services, and all other state and local government agencies concerned with the care, education, or habilitation or rehabilitation of children with disabilities may enter into interagency cooperative agreements for the purpose of providing assistive technology devices and services to children with disabilities. Such arrangements may include but are not limited to interagency agreements for the acquisition, including joint funding, maintenance, loan, sale, lease, or transfer of assistive technology devices and for the provision of assistive technology services including but not limited to assistive technology assessments and training.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with a disability or if appropriate, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

Sec. 25. RCW 28A.310.010 and 1988 c 65 s 1 are each amended to read as follows:

It shall be the intent and purpose of this chapter to establish educational service districts as regional agencies which are intended to:

(1) Provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and

(3) Provide services to school districts and to the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind to assure equal educational opportunities.

Sec. 26. RCW 28A.310.180 and 1990 c 33 s 276 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.320.080(3): PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW 28A.155.010 through 28A.155.100, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired.

Sec. 27. RCW 28A.310.200 and 2006 c 263 s 610 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the

property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district;

(8) Adopt such bylaws and rules for its own operation as it deems necessary or appropriate; and

(9) Enter into contracts, including contracts with common and educational service districts and the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 28. RCW 28A.335.205 and 1997 c 104 s 2 are each amended to read as follows:

Notwithstanding any other provision of law, the office of the superintendent of public instruction, the Washington state school for the blind, the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss, school districts, educational service districts, and all other state or local governmental agencies concerned with education may loan, lease, sell, or transfer assistive devices for the use and benefit of children with disabilities to children with disabilities or their parents or to any other public or private nonprofit agency providing services to or on behalf of individuals with disabilities including but not limited to any agency providing educational, health, or rehabilitation services. The notice requirement in RCW 28A.335.180 does not apply to the loan, lease, sale, or transfer of such assistive devices. The sale or transfer of such devices is authorized under this section regardless of whether or not the devices have been declared surplus. The sale or transfer shall be recorded in an agreement between the parties and based upon the item's depreciated value.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

For the purpose of implementing this section, each educational agency shall establish and maintain an inventory of assistive technology devices in its possession that exceed one hundred dollars and, for each such device, shall establish a value, which shall be adjusted annually to reflect depreciation.

This section shall not enhance or diminish the obligation of school districts to provide assistive technology to children with disabilities where needed to achieve a free and appropriate public education and equal opportunity in accessing academic and extracurricular activities.

Sec. 29. RCW 28A.400.303 and 2007 c 35 s 1 are each amended to read as follows:

(1) School districts, educational service districts, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter 41.59 or 41.56 RCW, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks for their employees and applicants for employment.

Sec. 30. RCW 28A.400.305 and 2007 c 35 s 2 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, state school for the blind, or federal bureau of Indian affairs-funded school employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, the appropriate educational service district or districts, and the appropriate federal bureau of Indian affairs-funded schools.

Sec. 31. RCW 28A.600.420 and 1997 c 265 s 5 are each amended to read as follows:

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, ~~((state school for the deaf))~~ or state school for the blind, or the director of the Washington state center for childhood deafness and hearing loss, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that ~~((appeared~~ appears) to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

Sec. 32. RCW 41.40.088 and 2000 c 247 s 107 are each amended to read as follows:

(1) A plan 1 member who is employed by a school district or districts, an educational service district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to a service credit month for each month of the period he or she earns earnable compensation for seventy or more hours; and the member is entitled to a one-quarter service credit month for those calendar months during which he or she earned compensation for less than seventy hours.

(2) Except for any period prior to the member's employment in an eligible position, a plan 2 or plan 3 member who is employed by a school district or districts, an educational service district, the state school for the blind, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period;

(b) If a member in an eligible position for each month of the period from September through August of the following year does not meet the hours requirements of (a) of this subsection, the member is entitled to one-half service credit month for each month of the period if he or she earns earnable compensation for at least six hundred thirty hours but less than eight hundred ten

EIGHTY-EIGHTH DAY, APRIL 9, 2009

hours during that period, and is employed nine months of that period;

(c) In all other instances, a member in an eligible position is entitled to service credit months as follows:

(i) One service credit month for each month in which compensation is earned for ninety or more hours;

(ii) One-half service credit month for each month in which compensation is earned for at least seventy hours but less than ninety hours; and

(iii) One-quarter service credit month for each month in which compensation is earned for less than seventy hours;

(d) After August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

(3) The department shall adopt rules implementing this section.

Sec. 33. RCW 70.198.020 and 2004 c 47 s 2 are each amended to read as follows:

(1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative from the Washington state (~~school for the deaf~~) center for childhood deafness and hearing loss; and representatives of the infant toddler early intervention program in the department of social and health services, the department of health, and the office of the superintendent of public instruction.

NEW SECTION. Sec. 34. (1) The board of trustees and the director of the center for childhood deafness and hearing loss shall implement a process for gathering information from stakeholders to examine service availability and gaps and to identify service delivery options, resources, and policy changes for the implementation and operation of two demonstration sites for regional programs serving children who are deaf or hard of hearing. One demonstration site shall be in an educational service district in eastern Washington. Information may be gathered through meetings conducted in educational service district regions and through other appropriate means, including the P-20 network and internet technologies. Stakeholders from whom information shall be solicited include, but are not limited to:

(a) The office of the superintendent of public instruction, including the Washington sensory disabilities services office;

(b) The office of deaf and hard of hearing services in the department of social and health services;

(c) Educational service district superintendents and school district superintendents;

(d) Parents of school-age children who are deaf or hard of hearing, including organizations advocating for the educational interests of all children who are deaf or hard of hearing without regard to any specific communication modality;

(e) Students who are deaf or hard of hearing;

(f) Adults who are deaf or hard of hearing;

(g) Nongovernmental entities providing educational services in the following communication modalities: Oral communication, manual communication, and total communication;

(h) The department of health; and

(i) The department of early learning.

(2) Based on the information gathered from stakeholders, the board and the director of the center for childhood deafness and hearing loss shall develop a structure and plan for implementing regional education programs at two demonstration sites that:

(a) Are established within an educational service district and managed through shared governance by the school districts;

(b) Collaborate and partner with, enhance, and avoid duplication of existing and available services and programs, both public and private;

(c) Provide services at one or more central locations in the education service districts;

(d) Provide services to students in their resident districts, including students who are deaf or hard of hearing who may not qualify for special education services;

(e) Include educational and transportation services for children, consultation for teachers and staff, and outreach to families; and

(f) Support communication-rich learning environments and instruction of students in the full spectrum of communication modalities by qualified professionals, including American Sign Language, auditory oral education, total communication, and signed exact English.

(3) By December 1, 2010, the board and the director shall brief the legislature and the governor regarding the progress of implementing and operating the demonstration sites.

(4) This section expires January 1, 2011.

NEW SECTION. Sec. 35. If specific funding for the purposes of section 34 of this act, referencing section 34 of this act by bill or chapter number and section number, is not provided by June 30, 2009, in the omnibus appropriations act, section 34 of this act is null and void.

NEW SECTION. Sec. 36. RCW 72.40.023 (Superintendent of the state school for the deaf--Powers and duties) and 2002 c 209 s 3 are each repealed."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the committee striking amendment be adopted.

On page 27, beginning on line 22 of the amendment, after "governor" strike all material through "operating" on line 23 and insert "with a recommendation for the location, structure, and governance of"

On page 27, beginning on line 25 of the amendment, strike all of section 35

Renumber the remaining section consecutively.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 27, line 22 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1879.

The motion by Senator Pridemore carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Engrossed Second Substitute House Bill No. 1879.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "impaired;" strike the remainder of the title and insert "amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.070, 72.40.220, 72.40.250, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1879 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1879 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1879 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown and Rockefeller

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1717, by Representatives Clibborn, Armstrong, Wood, Warnick and Klippert

Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.05.115 and 2006 c 160 s 1 are each amended to read as follows:

(1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

(2) This section expires July 1, ~~((2009))~~ 2019, ~~((#))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and ~~((Lind))~~ Marengo by July 1, ~~((2009))~~ 2019.

Sec. 2. RCW 79A.05.120 and 2006 c 160 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; ~~((and))~~

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

(d) Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

(3) This section expires July 1, ~~((2009))~~ 2019, and no transfers shall occur ~~((#))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and ~~((Lind))~~ Marengo by July 1, ~~((2009))~~ 2019.

Sec. 3. RCW 79A.05.125 and 2006 c 160 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate ~~((a))~~ one or more franchises with ~~((a))~~ rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and ~~((Lind))~~ Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, ~~((2009))~~ 2019, ~~((#))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

Sec. 4. RCW 79A.05.130 and 2006 c 160 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, ~~((2009))~~ 2019, ~~((#))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the

Milwaukee Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1717.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency."

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1717 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1717 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1717 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Pridemore and Rockefeller

HOUSE BILL NO. 1717 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

HOUSE BILL NO. 1000, by Representatives Halder, Klippert and Wood

Extending state route number 397 to Interstate 82.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 1000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1000.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Pridemore and Rockefeller

HOUSE BILL NO. 1000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Hewitt and Holmquist were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1583, by House Committee on Local Government & Housing (originally sponsored by Representatives Alexander, Simpson, Angel, Miloscia, Short and Nelson)

Modifying provisions relating to county auditors.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.17.045 and 1963 c 164 s 3 are each amended to read as follows:

Employees of the counties shall have the right to voluntarily authorize the monthly deduction of their pledges to the United Good Neighbor or its successor, monthly payment to a credit ~~(unit)~~ union as defined in RCW 31.12.005, and monthly dues to a labor union, from their salaries or wages. When such

written authorization is received by the county auditor, he or she shall make such monthly deduction.

Sec. 2. RCW 36.17.050 and 1999 c 71 s 3 are each amended to read as follows:

~~((The auditor shall not draw his warrant for the salary of any officer until the latter shall have first filed his duplicate receipt with the auditor, properly signed by the treasurer, showing he has made the last required monthly statement and settlement.))~~ If the superior court issues a declaratory judgment under RCW 36.16.125 finding that a county officer has abandoned his or her duties, the county officer may not be paid a salary.

Sec. 3. RCW 36.22.010 and 1995 c 194 s 1 are each amended to read as follows:

The county auditor:

(1) Shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he or she is elected;

(2) Shall keep an account current with the county treasurer, charge all money received as shown by receipts issued and credit all disbursements paid out according to the record of settlement of the treasurer with the legislative authority;

(3) Shall make out and transmit to the state auditor a ~~((complete))~~ statement of the state fund account with the county ~~((for the past fiscal year certified by his or her certificate and seal, immediately after the completion of the annual settlement of the county treasurer with the legislative authority))~~ in accordance with standards developed by the state auditor. The statement must be available to the public;

(4) Shall make available a complete exhibit of the prior-year finances of the county including, but not limited to, a statement of financial condition and financial operation in accordance with standards developed by the state auditor. This exhibit shall be made available after the financial records are closed for the prior year;

(5) Shall make out a register of all warrants legally authorized and directed to be issued by the legislative body at any regular or special meeting. The auditor shall make the data available to the county treasurer. The auditor shall retain the original of the register of warrants for future reference;

(6) As clerk of the board of county commissioners, shall:

Record all of the proceedings of the legislative authority;

Make full entries of all of their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

Record the vote of each member on any question upon which there is a division or at the request of any member present;

Sign all orders made and warrants issued by order of the legislative authority for the payment of money;

Record the reports of the county treasurer of the receipts and disbursements of the county;

Preserve and file all accounts acted upon by the legislative authority;

Preserve and file all petitions and applications for franchises and record the action of the legislative authority thereon;

Record all orders levying taxes;

Perform all other duties required by any rule or order of the legislative authority.

Sec. 4. RCW 36.22.090 and 1975 c 43 s 31 are each amended to read as follows:

All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second class, who do not issue their own warrants, as well as political subdivisions within the county for which no other provision is made by law, shall be drawn and issued by the

EIGHTY-EIGHTH DAY, APRIL 9, 2009

county auditor of the county wherein such subdivision is located, upon ~~((vouchers properly approved))~~ proper approval by the governing body thereof.

Sec. 5. RCW 36.22.170 and 2005 c 442 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, a surcharge of five dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. One dollar of the surcharge shall be ~~((deposited in the county general fund to be))~~ used at the discretion of the county commissioners to promote historical preservation or historical programs, which may include preservation of historic documents.

(b) A surcharge of two dollars per instrument shall be charged by the county auditor for each document presented for recording by the employment security department, which will be in addition to any other charge authorized by law.

(2) Of the remaining revenue generated through the surcharges under subsection (1) of this section:

(a) Fifty percent shall be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in RCW 36.22.190. The county treasurer shall place the funds received in a special account titled the auditor's centennial document preservation and modernization account to be used solely for ongoing preservation of historical documents of all county offices and departments and shall not be added to the county current expense fund; and

(b) Fifty percent shall be retained by the county and deposited in the auditor's operation and maintenance fund for ongoing preservation of historical documents of all county offices and departments.

(3) The centennial document preservation and modernization account is hereby created in the custody of the state treasurer and shall be classified as a treasury trust account. State distributions from the centennial document preservation and modernization account shall be made without appropriation.

Sec. 6. RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended to read as follows:

On or before the second Monday in July of each year, the county auditor or chief financial officer designated in a charter county shall notify in writing each county official, elective or appointive, in charge of an office, department, service, or institution of the county, to file with him or her on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.

Sec. 7. RCW 36.40.030 and 1995 c 301 s 62 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the county auditor or chief financial officer designated in a charter county and classified according to the classification established by the state auditor. The county auditor or chief financial officer designated in a charter county shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the county auditor or chief financial officer ~~((shall))~~ designated in a charter county may deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ~~((ten))~~ fifty dollars for each day of

delay: PROVIDED, That the total penalty against any one official shall not exceed two hundred fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

Sec. 8. RCW 36.40.040 and 1995 c 301 s 63 and 1995 c 194 s 7 are each reenacted and amended to read as follows:

Upon receipt of the estimates the county auditor or chief financial officer designated in a charter county shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor after consultation with the Washington state association of counties and the Washington state association of county officials.

The county auditor or chief financial officer designated in a charter county shall set forth separately in the annual budget to be submitted to the county legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the legislative authority shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the legislative authority may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 9. RCW 36.40.050 and 1963 c 4 s 36.40.050 are each amended to read as follows:

The budget shall be submitted by the auditor or chief financial officer designated in a charter county to the board of county commissioners on or before the first Tuesday in September of each year. The board shall thereupon consider the same in detail, making any revisions or additions it deems advisable.

Sec. 10. RCW 36.40.130 and 1963 c 4 s 36.40.130 are each amended to read as follows:

Expenditures made, liabilities incurred, or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as in RCW 36.40.100~~((-36.40.110))~~ or 36.40.120 provided shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his or her official bond. The county auditor shall issue no warrant and the county commissioners shall approve no claim for any expenditure in

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

excess of the detailed budget appropriations or as revised under the provisions of RCW 36.40.100 through 36.40.130, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. ~~((Any county commissioner, or county auditor, approving any claim or issuing any warrant in excess of any such budget appropriation except as herein provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such county commissioner or auditor, or all of them, and the several sureties on their official bonds.))~~

Sec. 11. RCW 36.40.210 and 1963 c 4 s 36.40.210 are each amended to read as follows:

On or before the twenty-fifth day of each month the auditor shall submit or make available to the board of county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He or she shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

Sec. 12. RCW 36.96.020 and 1979 ex.s. c 5 s 2 are each amended to read as follows:

On or before June 1st of 1980, and on or before June 1st of every year thereafter, each county auditor shall search available records and notify the county legislative authority if any special purpose districts located wholly or partially within the county appear to be inactive. ~~((Each county auditor shall also provide in the notifications made in 1982 and thereafter a list of all special purpose districts located wholly or partially within the county which, for three consecutive years before the notification, have failed to file statements with the county auditor as required in RCW 36.96.090.))~~ If the territory of any special purpose district is located within more than one county, the legislative authorities of all other counties within whose boundaries such a special purpose district lies shall also be notified by the county auditor. However, the authority to dissolve such a special purpose district as provided by this chapter shall rest solely with the legislative authority of the county which contains the greatest geographic portion of such special purpose district.

Sec. 13. RCW 36.96.090 and 1979 ex.s. c 5 s 9 are each amended to read as follows:

~~((1) Every special purpose district shall file a statement with the auditor of each county in which it lies on or before December 31st of every year, beginning in the year 1979. The initial statement filed by each special purpose district shall contain))~~ For every newly created special purpose district, the auditor of each county in which the special purpose district is located shall provide the state auditor with the following information:

~~((1))~~ (1) The name of the special purpose district and a general description of its location ~~((and geographical area within the county and within any other county;~~

~~((b) The statutes under which the special purpose district operates));~~

~~((2))~~ (2) The name, address, and telephone number ~~((, and remaining term of office))~~ of each member of its governing authority; and

~~((3))~~ (3) The functions that the special purpose district is then presently performing and the purposes for which it was created.

~~((Subsequent annual statements need only identify the special purpose district and any of the above detailed information that has changed in the last year.~~

~~((2) Each county auditor, on or before January 31, 1980, and on or before January 31st each year thereafter, shall forward to the state auditor a summation of the information contained in the statements required to be filed in subsection (1) of this section together with information of each special purpose district located wholly or partially within the county that has been dissolved during the preceding year.))~~

Sec. 14. RCW 43.09.280 and 1995 c 301 s 18 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the state auditor. If the expense as certified is not paid by any local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer designated in a charter county out of the money due the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

NEW SECTION. **Sec. 15.** The following acts or parts of acts are each repealed:

1. RCW 28A.350.010 (Registering warrants--All districts) and 1990 c 33 s 373, 1975 c 43 s 27, 1973 c 111 s 2, & 1969 ex.s. c 223 s 28A.66.010;

2. RCW 28A.350.020 (Registering warrants--Second-class districts) and 1990 c 33 s 374, 1975 c 43 s 28, & 1969 ex.s. c 223 s 28A.66.020;

3. RCW 28A.350.030 (Auditing accounts--All districts) and 1969 ex.s. c 223 s 28A.66.030;

4. RCW 28A.350.040 (Auditor to draw and issue warrants--Second-class districts) and 1990 c 33 s 375, 1975 c 43 s 29, 1973 c 111 s 3, & 1969 ex.s. c 223 s 28A.66.040;

5. RCW 28A.350.050 (Teacher must qualify before warrant drawn and issued or registered--All districts) and 1973 c 72 s 1, 1971 c 48 s 45, & 1969 ex.s. c 223 s 28A.66.050;

6. RCW 28A.350.060 (Liability of auditor for warrants exceeding budget--All districts) and 1975-'76 2nd ex.s. c 118 s 31 & 1969 ex.s. c 223 s 28A.66.070;

7. RCW 28A.350.070 (Orders for warrants not transferable--Second-class districts) and 1975 c 43 s 30 & 1969 ex.s. c 223 s 28A.66.080;

8. RCW 36.18.110 (Monthly statement to county auditor) and 1985 c 44 s 3, 1984 c 128 s 3, & 1963 c 4 s 36.18.110;

9. RCW 36.18.120 (Statements to be checked) and 1985 c 44 s 4, 1984 c 128 s 4, & 1963 c 4 s 36.18.120; and

10. RCW 36.18.130 (Errors or irregularities) and 1963 c 4 s 36.18.130."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1583.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "auditors;" strike the remainder of the title and insert "amending RCW 36.17.045, 36.17.050, 36.22.010, 36.22.090, 36.22.170, 36.40.010, 36.40.030, 36.40.050, 36.40.130, 36.40.210, 36.96.020, 36.96.090, and 43.09.280; reenacting and amending RCW 36.40.040; and repealing RCW 28A.350.010, 28A.350.020, 28A.350.030, 28A.350.040, 28A.350.050, 28A.350.060, 28A.350.070, 36.18.110, 36.18.120, and 36.18.130."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1583 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1583 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1583 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Hewitt, Holmquist and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1583 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:45 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:01 p.m. by President Owen.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1951, by House Committee on General Government Appropriations (originally sponsored by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams and Van De Wege)

Regarding the operation and management of salmonid hatcheries.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds: (1) The full utilization of state salmonid hatcheries is vital to the recreational and commercial fisheries and related economic development and employment; and (2) effective measures are necessary to maintain all hatchery operations that are consistent with conservation of wild salmon populations and support sustainable fisheries.

NEW SECTION. Sec. 2. A new section is added to chapter 77.95 RCW to read as follows:

(1) The department shall establish a program that utilizes department-partner agreements for the resumption or continued operation and management of state-owned salmonid hatcheries now closed or scheduled for closure during the 2009-2011 biennium. To implement the program, the department shall accept and review applications to determine the appropriateness of the partner to manage and operate selected salmonid hatcheries. The department shall accelerate the application process relating to any hatchery currently in operation to avoid cessation of ongoing salmon production.

(2)(a) To select a partner, the department shall develop and apply criteria identifying the appropriateness of a potential partner. The criteria must seek to ensure that the partner has a long-range business plan, which may include the sale of hatchery surplus salmon, including eggs and carcasses, to ensure the long-range future solvency of the partnership.

(b) Partners under this section must be:

(i) Qualified under section 501(c)(3) of the internal revenue code;

(ii) A for-profit private entity; or

(iii) A federally recognized tribe.

(3) The department shall place a higher priority on applications from partners that provide for the maximum resumption or continuation of existing hatchery production in a manner consistent with the mandate contained in RCW 77.04.012 to maintain the economic well-being and stability of the fishing industry.

(4) Agreements entered into with partners under this section must be consistent with existing state laws, agency rules, collective bargaining agreements, hatchery management policy involving species listed under the federal endangered species act, or, in the case of a tribal partner, any applicable tribal hatchery management policy or recreational and commercial harvest policy. Agreements under this section must also require that partners conducting hatchery operations maintain staff with comparable qualifications to those identified in the class specifications for the department's fish hatchery personnel.

(5) All partnership agreements entered into under this section must contain a provision that requires the partner to hold harmless the department and the state for any civil liability arising from the partner's participation in the agreement or activities at the subject hatchery or hatcheries.

(6) All partnership agreements entered into under this section must identify any maintenance or improvements to be made to the hatchery facility, and the source of funding for such maintenance or improvements. If funding for the maintenance or improvements is to come from state funds or revenue sources previously received by the department, the work must be performed either by employees in the classified service or in compliance with the contracting procedures set forth in RCW 41.06.142.

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.95 RCW to read as follows:

The powers and authority conferred by this chapter must be construed as in addition and supplemental to powers or authority conferred by any other law and nothing contained in this chapter may be construed as limiting any other powers or authority of the department.

Sec. 4. RCW 77.95.090 and 2000 c 107 s 106 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. Except as provided in section 2 of this act, funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Second Substitute House Bill No. 1951.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "biennium;" strike the remainder of the title and insert "amending RCW 77.95.090; adding new sections to chapter 77.95 RCW; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1951 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Fairley and Hargrove were excused.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1951 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1951 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Absent: Senator Haugen

Excused: Senators Berkey, Brown and Hargrove

SECOND SUBSTITUTE HOUSE BILL NO. 1951 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1288, by Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen

Exempting the annual parental declaration of intent to home school from the public disclosure act.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1288.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1288 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Haugen

Excused: Senators Berkey, Brown and Hargrove

EIGHTY-EIGHTH DAY, APRIL 9, 2009

HOUSE BILL NO. 1288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1110, by House Committee on Education (originally sponsored by Representatives Sullivan, Liias, Upthegrove, Orwall and Simpson)

Prohibiting advertising and marketing to students receiving home-based instruction. Revised for 1st Substitute: Prohibiting advertising and marketing to students receiving home-based instruction and their parents.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1110 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Hargrove and Haugen

SUBSTITUTE HOUSE BILL NO. 1110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. As each and every one of you have probably heard in the last week, on last Saturday we had a terrible event take place in Graham and that happens to be my district and we had a thirty-four year old father shoot all five of his children. My heart goes out to that family and tonight is the memorial service at the Middle School in Orting where they went to school. Mr. President, may I read?"

REPLY BY THE PRESIDENT

President Owen: "Senator Becker."

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. 'The youngest boy, James, was described as being full of life and full of spirit and apparently was a hand full. Like most seven year old boys he liked to play video games and fish for trout in local lakes and streams. Heather was the nine year old. Neighbors say she was a chatter box who loved to read frequently asking everybody in school if she could read to them. Twelve year old Samantha was the middle child, she had long blond hair and while she kept mostly to herself she did have a few friends and got along well with others. Samantha was the only one of her siblings who had to fight her father before she was murdered. The other four children were shot in their own beds. Samantha's older sister Jamie apparently enjoyed being the social and, being a social person and talking to people. At fourteen she was becoming quite the volley ball player. Maxine was the oldest daughter. The sixteen year old had just learned how to drive and was enjoying cruising around in the old Ford Mustang her parents bought for her. She helped her mother take care of the kids and liked spending time at the Orting Library along with her siblings.' I'd like to see if it's possible if we could take a moment of silence to honor these children."

MOMENT OF SILENCE

The Senate observed a moment of silence in honor of the five Harrison children that were killed in Graham.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1319, by House Committee on Education (originally sponsored by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley)

Prohibiting school district employees from using public assets for private gain.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1319.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1319 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

Excused: Senators Berkey, Brown, Hargrove and Haugen
 SUBSTITUTE HOUSE BILL NO. 1319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby)

Expanding options for students to earn high school diplomas.

SIGNED BY THE PRESIDENT

The measure was read the second time.

The President signed:

MOTION

- SUBSTITUTE SENATE BILL NO. 5151,
- SENATE BILL NO. 5413,
- SUBSTITUTE SENATE BILL NO. 5469,
- SENATE BILL NO. 5492,
- SENATE BILL NO. 5511,
- SENATE BILL NO. 5542,
- SUBSTITUTE SENATE BILL NO. 5551,
- SENATE BILL NO. 5562,
- ENGROSSED SENATE BILL NO. 5581,
- SUBSTITUTE SENATE BILL NO. 5677,
- SUBSTITUTE SENATE BILL NO. 5705,
- SUBSTITUTE SENATE BILL NO. 5839,
- SENATE BILL NO. 5952,
- SENATE BILL NO. 5989,
- SUBSTITUTE SENATE BILL NO. 6019

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs.

SECOND READING

HOUSE BILL NO. 1675, by Representatives Sells, Anderson, Wallace, Uptegrove and Kenney

Changing the work experience provisions of the alternative route partnership grant program.

Sec. 2. RCW 28B.50.535 and 2007 c 355 s 2 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate as provided under this section.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college.

Senator McAuliffe spoke in favor of passage of the bill.
 The President declared the question before the Senate to be the final passage of House Bill No. 1675.

Sec. 3. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1675 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ((Before the 1991-92 school year,)) The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

(3) The booklet shall include:
 (a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

Excused: Senators Berkey, Brown, Hargrove and Haugen
 HOUSE BILL NO. 1675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(b) Information about the running start~~((community college or vocational-technical institute choice))~~ program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; ~~((and))~~

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1758, by House Committee on Education (originally sponsored by

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535.

Sec. 4. RCW 28A.600.320 and 2008 c 95 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

Sec. 5. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.061, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of

this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the (~~scholastic assessment test~~)SAT(~~(?)~~) or the (~~American college test~~)ACT(~~(?)~~) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test-))~~PSAT~~((s))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (i) The student's results on the Washington assessment of student learning;
- (ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (iii) Any credit deficiencies;
- (iv) The student's attendance rates over the previous two years;
- (v) The student's progress toward meeting state and local graduation requirements;
- (vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after

grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and King to the committee striking amendment be adopted.

On page 1, line 27 of the amendment, after "college" insert "upon written request from the student"

On page 1, after line 27 of the amendment, insert the following:

"(3) An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this section are not eligible for funding provided under chapter 28A.150 RCW."

Senators McAuliffe and McCaslin spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and King on page 1, line 27 to the committee striking amendment to Substitute House Bill No. 1758.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Substitute House Bill No. 1758.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

On page 1, line 2 of the title, after "diplomas;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1758 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1758 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1758 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Schentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown and Hargrove

SUBSTITUTE HOUSE BILL NO. 1758 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1943, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Goodman, Priest, Walsh, Probst, Quall, Rolfes, Kenney, Dickerson, Kelley and Santos)

Requiring recommendations for preparation and professional development for the early learning and school-age program workforce.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that well-prepared and appropriately supported teachers and caregivers are essential to improving the quality of early learning programs and enhancing the nature of children's experiences in those

programs. The legislature also finds that professional development programs and supports are most effective when they are easily accessed by workers; aligned with other elements of quality; and articulated with degree-granting programs and clearly defined career pathways. In addition, the legislature acknowledges the potential for early learning professionals to support effective and positive parenting, and the benefits of making information about early learning and development accessible to the many family, friends, and neighbors providing care for Washington's infants, toddlers, and preschoolers. The legislature further finds that the professional development consortium convened by the early learning advisory council has begun the work necessary to build an integrated system of preparation and ongoing professional development for the state's early learning and school-age program workforce. The legislature intends to promote the momentum of the consortium's work and to request periodic updates from the consortium before receiving a comprehensive report of progress and recommendations.

NEW SECTION. Sec. 2. (1) In partnership with the department of early learning, the professional development consortium convened by the early learning advisory council in response to the early learning partnership resolution between the department of early learning, the nongovernmental private-public partnership created in RCW 43.215.070, and the office of the superintendent of public instruction, shall develop recommendations for a statewide system of preparation and continuing professional development for the early learning and school-age program workforce. To develop its recommendations, the consortium shall collaborate or consult with existing work groups and similar efforts underway in Washington.

(2) The professional development consortium shall include representatives from a wide array of organizations, including but not limited to:

- (a) The department of early learning;
- (b) The Washington state department of health;
- (c) Educational service districts and school districts;
- (d) The state board for community and technical colleges;
- (e) The higher education coordinating board;
- (f) The office of the superintendent of public instruction;
- (g) Washington Indian tribes;
- (h) The nongovernmental private-public partnership created in RCW 43.215.070;

(i) The Washington state child care resource and referral network; and

(j) Any other organizations that represent, research, or provide professional development to the early learning and school-age program workforce.

(3) The professional development consortium shall map current professional development resources and strategies across the state to identify gaps in the current system and make recommendations for improving the coordination of existing resources and strategies; define core competencies or core knowledge areas for early learning professionals; and develop recommendations for a plan to implement a statewide, comprehensive, and integrated pathway of preparation and continuing professional development and support for the early learning and school-age program workforce.

(4) Recommendations for the plan shall include but not be limited to:

(a) Creation of a coherent system of professional development, including delineation of core competencies for early learning and school-age program staff, directors, and administrators;

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

(b) Requirements for articulation agreements between certificate and credential programs, degree-granting programs, professional development programs, and community-based training programs to enable students to transition effectively between two and four-year institutions of higher education and to apply approved training programs toward credit-based learning; and

(c) Creation of a comprehensive, integrated registry designed to capture information, including workforce and professional development data, for all early learning and school-age programs that is easily accessible, to the extent allowed by law, by early learning and school-age program professionals, directors, trainers, researchers, resource and referral networks, and the department of early learning.

(5) The report from the professional development consortium shall also include:

(a) An analysis of gaps in available professional development programs and recommendations for programs to address the needs of early learning and school-age providers who serve children with physical or developmental disabilities, behavioral challenges, and other special needs;

(b) A discussion of evidence-based incentives and supports for the early learning and school-age program workforce to obtain additional training and education;

(c) An analysis of evidence-based compensation policies that encourage and reward completion of professional development programs; and

(d) An exploration of strategies for providing professional development opportunities in languages other than English, and incorporation of these opportunities into the comprehensive pathway for preparation and professional development.

(6) The department of early learning and the professional development consortium shall report to the governor and the appropriate committees of the legislature by:

(a) September 15, 2009, and December 31, 2009, with a brief status update of the consortium's work plan; and

(b) December 31, 2010, with final recommendations for a comprehensive statewide integrated system of preparation and continuing professional development for the early learning and school-age program workforce.

(7) This section expires July 1, 2011."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1943.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "workforce;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1943 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1943 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1943 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Hargrove and Kohl-Welles

SUBSTITUTE HOUSE BILL NO. 1943 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2003, by House Committee on Education (originally sponsored by Representatives Orwall, Sullivan, Quall, Priest and Maxwell)

Changing professional educator standards board provisions.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.410 RCW to read as follows:

The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework.

Sec. 2. RCW 28A.410.200 and 2005 c 497 s 202 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of ~~((twenty))~~ twelve members to be appointed by the governor to four-year terms and the

EIGHTY-EIGHTH DAY, APRIL 9, 2009

superintendent of public instruction. On August 1, 2009, the board shall be reduced to twelve members.

~~(b) ((As the four-year terms of the first appointees expire or)) Vacancies ((to)) on the board ((occur for the first time,)) shall be filled by appointment or reappointment by the governor ((shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for)) to terms of four years((, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously)).~~

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall ~~((annually))~~ biennially appoint the chair of the board ~~((from among the teachers and principals on the board)).~~ No board member may serve as chair for more than ~~((two))~~ four consecutive years.

~~(2) ((Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.~~

~~(3) Public school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington public school;~~

~~(b) Be currently certificated and actively employed in a teaching position; and~~

~~(c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.~~

~~(4) Private school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington approved private school; and~~

~~(b) Be currently certificated and actively employed in a teaching position in an approved private school.~~

~~(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).~~

~~(6) School administrators appointed to the board must:~~

~~(a) Have at least three years of administrative experience in a Washington public school district;~~

~~(b) Be currently certificated and actively employed in a school administrator position; and~~

~~(c) Include two public school principals, one Washington approved private school principal, and one superintendent.~~

~~(7) Educational staff associates appointed to the board must:~~

~~(a) Have at least three years of educational staff associate experience in a Washington public school district; and~~

~~(b) Be currently certificated and actively employed in an educational staff associate position.~~

~~(8) Public school classified employees appointed to the board must:~~

~~(a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and~~

~~(b) Be currently employed in a position that requires the employee to assist in the instruction of students.~~

~~(9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by~~

each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.

~~(10) All appointments to the board made by the governor shall be subject to confirmation by the senate.~~

~~(11) The governor shall appoint the members of the initial board no later than June 1, 2000.~~

~~(12) In appointing board members, the governor shall consider the diversity of the population of the state.~~

~~(13)) A majority of the members of the board shall be active practitioners with the majority being classroom based. Membership on the board shall include individuals having one or more of the following:~~

~~(a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;~~

~~(b) Experience providing or leading a state-approved teacher or educator preparation program;~~

~~(c) Experience providing mentoring and coaching to education professionals or others; and~~

~~(d) Education-related community experience.~~

~~(3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools or private schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.~~

~~(4) All appointments to the board made by the governor are subject to confirmation by the senate.~~

~~(5) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.~~

~~((14)) (6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.~~

~~((15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.~~

~~(16)) (7) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.~~

~~(8) Members of the board may create informal advisory groups as needed to inform the board's work.~~

~~Sec. 3. RCW 28A.410.100 and 2005 c 497 s 207 are each amended to read as follows:~~

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. ~~((Any~~

EIGHTY-EIGHTH DAY, APRIL 9, 2009

2009 REGULAR SESSION

~~teacher whose certificate to teach has been revoked shall have a right of appeal to the Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.~~

~~An appeal to the Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.)~~

Sec. 4. RCW 28A.410.210 and 2008 c 176 s 1 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

~~(7) ((Hear and determine educator certification appeals as provided by RCW 28A.410.100;~~

~~(8))~~ Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

~~((9))~~ (8) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

~~((10))~~ (9) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

~~((11))~~ (10) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention,

educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

~~((12))~~ (11) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;

~~((13))~~ (12) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240;

~~((14))~~ (13) By January 2010, set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar; and

~~((15))~~ (14) Conduct meetings under the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 2003.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "duties;" strike the remainder of the title and insert "amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2003 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2003 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2003 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller,

EIGHTY-EIGHTH DAY, APRIL 9, 2009

Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Hatfield

Excused: Senators Berkey, Brown and Hargrove

SUBSTITUTE HOUSE BILL NO. 2003 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:49 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, April 10, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 10, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Berkey, Brown, Eide, Fairley, Keiser and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages Eli Perez and Amanda Marie Williams, presented the Colors. Pastor Brian Wiele of the River Ridge Covenant Church of Olympia offered the prayer.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 5015,
SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5571,
SUBSTITUTE SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5776,
SENATE BILL NO. 6068,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8013,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5233,
SUBSTITUTE SENATE BILL NO. 5271,
SENATE BILL NO. 5284,
SENATE BILL NO. 5305,
SENATE BILL NO. 5315,
SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5426,
SUBSTITUTE SENATE BILL NO. 5434,
SENATE BILL NO. 5695,
SENATE BILL NO. 5699,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5793,
SENATE BILL NO. 5980,
SUBSTITUTE SENATE BILL NO. 5987,

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE HOUSE BILL NO. 1518,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:

SUBSTITUTE SENATE BILL NO. 6000,
SUBSTITUTE SENATE BILL NO. 6024,
SENATE JOINT MEMORIAL NO. 8003,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE HOUSE BILL NO. 1010,
ENGROSSED HOUSE BILL NO. 1053,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1271,
HOUSE BILL NO. 1273,
HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED HOUSE BILL NO. 1311,
SUBSTITUTE HOUSE BILL NO. 1323,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1375,
HOUSE BILL NO. 1380,
SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
HOUSE BILL NO. 1474,
HOUSE BILL NO. 1478,
HOUSE BILL NO. 1492,
HOUSE BILL NO. 1506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1565,
HOUSE BILL NO. 1567,
ENGROSSED HOUSE BILL NO. 1568,
HOUSE BILL NO. 1596,
and the same are herewith transmitted.

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1621,
 SUBSTITUTE HOUSE BILL NO. 1663,
 SUBSTITUTE HOUSE BILL NO. 1692,
 SUBSTITUTE HOUSE BILL NO. 1808,
 SUBSTITUTE HOUSE BILL NO. 1825,
 HOUSE BILL NO. 1826,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 2013,
 SUBSTITUTE HOUSE BILL NO. 2095,
 SUBSTITUTE HOUSE BILL NO. 2214

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6153 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, Brandland and King

AN ACT Relating to replacing the tax credit for the motion picture competitiveness program with a tax credit for the program for supported employment services for individuals with developmental disabilities as they transition from high school to the workforce; amending RCW 82.04.4489; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6154 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, King and Pflug

AN ACT Relating to basic health plan eligibility; amending RCW 70.47.020 and 70.47.060; adding a new section to chapter 70.47 RCW; repealing RCW 70.47.080 and 70.47.090; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6155 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, King and Pflug

AN ACT Relating to modifying general assistance provisions; amending RCW 74.04.005 and 74.08A.100; adding a new section to chapter 74.08 RCW; repealing RCW 74.04.266, 74.50.035, and 74.50.060; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6156 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, King and Pflug

AN ACT Relating to economically responsible solutions for higher education funding and access; amending RCW 28B.10.695, 28B.15.910, and 28B.10.056; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1058, by Representatives Goodman and Rodne

Revising editorial standards for the RCW.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Berkey, Brown, Eide, Fairley, Keiser, McAuliffe and Oemig were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yeas: Senators Becker, Benton, Brandland, Carrell, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brown, Eide, Fairley, Keiser and McAuliffe

HOUSE BILL NO. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1067, by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

Creating the uniform limited partnership act.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1067.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Pflug and Zarelli

Excused: Senators Berkey, Brown, Eide and McAuliffe

SUBSTITUTE HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1195, by Representatives Haigh, Kristiansen and Hunt

Regarding payment of undisputed claims.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1195.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and McAuliffe

HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Delvin: "Would the gentleman from the Forty-Fifth District yield to a question? Senator Oemig, would you define the man?"

Senator Oemig: "In this case, the government would."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the 2009 Boys & Girls Club Youth Active Year Candidates and State Youth of the Year, Miss Christney Kpodo who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1270, by Representatives Green, Cody, Dickerson, Ericksen, Upthegrove, Springer, Roberts and Nelson

Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator King, Senators Brandland and Delvin were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1270.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brown, Carrell, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brandland, Delvin and Eide

HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1339, by Representatives Conway, Wood, Armstrong, Hunt, Condotta, Green, Williams, Crouse, Moeller and Chandler

Correcting statutory references.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1339.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Brandland and Eide

HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1010,
 ENGROSSED HOUSE BILL NO. 1053,
 HOUSE BILL NO. 1257,
 SUBSTITUTE HOUSE BILL NO. 1271,
 HOUSE BILL NO. 1273,
 HOUSE BILL NO. 1281,
 SUBSTITUTE HOUSE BILL NO. 1303,
 ENGROSSED HOUSE BILL NO. 1311,
 SUBSTITUTE HOUSE BILL NO. 1323,
 HOUSE BILL NO. 1324,
 HOUSE BILL NO. 1375,
 HOUSE BILL NO. 1380,
 SUBSTITUTE HOUSE BILL NO. 1435,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
 HOUSE BILL NO. 1474,
 HOUSE BILL NO. 1478,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1506,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
 SUBSTITUTE HOUSE BILL NO. 1518,
 SUBSTITUTE HOUSE BILL NO. 1565,
 HOUSE BILL NO. 1567,
 ENGROSSED HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1596,
 SUBSTITUTE HOUSE BILL NO. 1621,
 SUBSTITUTE HOUSE BILL NO. 1663,
 SUBSTITUTE HOUSE BILL NO. 1692,
 SUBSTITUTE HOUSE BILL NO. 1808,
 SUBSTITUTE HOUSE BILL NO. 1825,
 HOUSE BILL NO. 1826,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 2013,
 SUBSTITUTE HOUSE BILL NO. 2095,
 SUBSTITUTE HOUSE BILL NO. 2214,

SECOND READING

HOUSE BILL NO. 1515, by Representatives Driscoll, Ericksen, Cody, Ross, Morrell, Green, Upthegrove, Kelley, Johnson, Maxwell and Wood

Allowing electronic approval of vital records.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill. The President declared the question before the Senate to be the final passage of House Bill No. 1515.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1515 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Substitute House Bill No. 1791 was removed from the Consent Calendar and placed on the Second Reading Calendar.

SECOND READING

HOUSE BILL NO. 1790, by Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins

Including domestic violence court order violations to the list of offenses eligible for notification.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee amendment by the Committee on Human Services & Corrections be adopted.

On page 4, on line 9, after "9A.46.110" strike all material through "1983," on line 10

Senator Regala spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to House Bill No. 1790.

The motion by Senator Regala carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1790 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1790 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 as amended by the Senate and the bill passed the

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1790 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1852, by Representatives Appleton and Hinkle

Modifying provisions relating to record checks using fingerprints.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1852.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1852 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2157, by House Committee on General Government Appropriations (originally sponsored by Representative Springer)

Consolidating certain salmon recovery activities and programs within the recreation and conservation office.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Washington has made significant investments in watershed-based activities, including the establishment of water resource inventory area (WRIA) planning units and lead agencies, lead entities, and regional salmon recovery organizations across the state. Washington watersheds have developed subbasin plans under the Northwest power and conservation council and national oceanic and atmospheric administration-approved regional salmon recovery plans that include locally prioritized salmon recovery projects;

(2) The governor's salmon recovery office was established to support the development and implementation of regional salmon recovery plans, to assist local governments in obtaining federal assurances, and to issue a biennial state of the salmon report;

(3) The salmon recovery funding board provides grants for salmon recovery and the forum on monitoring salmon recovery and watershed health works to provide greater coordination on monitoring. Administrative support for the board and the forum are provided by the recreation and conservation office;

(4) Lead entity funding to support infrastructure and capacity needs is provided through the recreation and conservation office, which contracts with the department of fish and wildlife to implement the program. Funding for WRIA planning units and lead agencies to develop and implement watershed-based plans under RCW 90.82.040 is provided by the department of ecology; and

(5) Currently, state watershed and salmon recovery-based programs are split among several state agencies or offices. Efficient implementation of these efforts will be enhanced by promoting consolidation and integration of their activities and programs. In addition, consolidation of reporting benefits the public and decision makers regarding watershed health, which includes salmon recovery. It is also the intent of the legislature, in cooperation with local and regional officials, and respecting the ability of local citizens and officials to organize in ways best suited to address local needs, to encourage the development of incentives that consolidate existing processes and promote more effective implementation of salmon recovery plans and watershed planning and implementation.

Sec. 2. RCW 77.85.030 and 2007 c 444 s 3 are each amended to read as follows:

(1) The governor's salmon recovery office (~~is created within the office of the governor to~~) shall coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. ~~(The)~~ A primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is also responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) ~~(The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans.)~~ The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery ~~(The governor's salmon recovery office)~~ and shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans;

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to ~~((the independent)) science panels ((or other science-related panels))~~ on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~(5) ((This section expires June 30, 2015:)) For administrative purposes, the governor's salmon recovery office is located within the recreation and conservation office.~~

Sec. 3. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

Sec. 4. RCW 77.85.020 and 2007 c 444 s 2 are each amended to read as follows:

(1) ~~((No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon~~

recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report must include the following:

~~—(a) A summary of habitat projects including but not limited to:~~

~~—(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;~~

~~—(ii) A summary of salmon restoration efforts undertaken in the past two years;~~

~~—(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and~~

~~—(iv) A summary of efforts taken to protect salmon habitat;~~

~~—(b) A summary of harvest and hatchery management activities affecting salmon recovery;~~

~~—(c) A summary of the number and types of violations of existing laws pertaining to salmon. The summary may include information about the types of sanctions imposed for these violations.~~

~~—(2) The report may include the following:~~

~~—(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and~~

~~—(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.~~

~~—(3) The report shall summarize the monitoring data coordinated by the forum on monitoring salmon recovery and watershed health. The summary may include but is not limited to data and analysis related to:~~

~~—(a) Measures of progress in fish recovery;~~

~~—(b) Measures of factors limiting recovery as well as trends in such factors; and~~

~~—(c) The status of implementation of projects and activities.~~

—(4)) Beginning December 2010, the recreation and conservation office shall produce a biennial report on the statewide status of salmon recovery and watershed health, summarize projects and programs funded by the salmon recovery funding board, and summarize progress as measured by high-level indicators and state agency compliance with applicable protocols established by the forum for monitoring salmon recovery and watershed health. The report must be a consolidation of the current reporting activities, including the salmon recovery funding board and the forum on monitoring salmon recovery and watershed health, on the status of salmon recovery and watershed health in Washington state, in accordance with RCW 77.85.250(8). The report shall also include a high-level status report on watershed planning efforts under chapter 90.82 RCW as summarized by the department of ecology and on salmon recovery and watershed planning as summarized by the Puget Sound partnership. The report's introduction must include a list of high-level questions related to the status of watershed health and salmon recovery to help decision makers and the public respond to salmon recovery and watershed health management needs.

—(2) The department, the department of ecology, the department of natural resources, and the state conservation commission((, and the forum on monitoring salmon recovery and watershed health)) shall provide to the ((governor's salmon recovery)) recreation and conservation office information requested by the office necessary to prepare the ((state of the salmon report and other reports produced by the office)) consolidated report on salmon recovery and watershed health.

Sec. 5. RCW 77.85.250 and 2007 c 444 s 8 are each amended to read as follows:

(1) ~~((The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee~~

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

~~developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.~~

~~(2))~~ The forum on monitoring salmon recovery and watershed health is created to implement the Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery. For administrative purposes, the forum is located within the recreation and conservation office. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Governor's salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound ~~(action team, or a successor state agency)~~

partnership;

- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

~~((3))~~ (2) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

~~((4))~~ (3) The forum on monitoring salmon recovery and watershed health shall recommend a set of ~~((measures))~~ high-level indicators for use ~~((by the governor's salmon recovery office))~~ in the ~~((state of the salmon report))~~ consolidated report on salmon recovery and watershed health required by RCW 77.85.020 to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

~~((5))~~ (4) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

~~((6))~~ (5) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies ~~((coordinating with the governor's salmon recovery office biennial report as)).~~ This information must be included within the consolidated report on salmon recovery and watershed health required by RCW 77.85.020.

~~((7))~~ (6) The forum on monitoring salmon recovery and watershed health shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

~~((8))~~ (7) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative

committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

~~((9))~~ (8)(a) The forum on monitoring salmon recovery and watershed health shall adopt general high-level indicators for salmon recovery and watershed health in Washington by December 1, 2009. By July 1, 2010, the forum shall also adopt the protocols for monitoring these high-level indicators that will enable state-conducted or state-funded monitoring efforts to be capable of reporting results that will ensure reporting consistency and agency compliance under the consolidated reporting requirement of RCW 77.85.020. The forum on monitoring salmon recovery and watershed health shall indicate how the general high-level indicators are consistent with, and complement, the more detailed regional and local metrics used to measure watershed health and salmon recovery.

(b) High-level indicators shall inform a nontechnical summary of key metrics that indicate the state of salmon recovery and provide an index of watershed health in Washington.

(9) This section expires June 30, ~~((2015))~~ 2011.

NEW SECTION. Sec. 6. (1) By December 1, 2009, the recreation and conservation office, in consultation with the department of ecology, the department of fish and wildlife, regional fisheries enhancement groups, lead entities, planning units and lead agencies, and regional salmon recovery organizations shall provide an assessment to the governor on additional coordination and incentive opportunities with lead entities, regional salmon recovery organizations, lead agencies, and WRIA planning units, and shall include any additional coordination and incentive opportunities for those organizations that exist and operate within a shared watershed boundary or portions of a shared watershed boundary.

(2) By December 1, 2009, the recreation and conservation office and the office of regulatory assistance, working in coordination with the departments of ecology and fish and wildlife, must identify and recommend one pilot project outside of Puget Sound that will effectively integrate salmon recovery and watershed planning missions and objectives. The pilot project's purpose is to demonstrate ways to achieve efficient permitting processes to implement projects identified in local or regional salmon recovery or WRIA-based watershed plans.

(3) This section expires December 31, 2009.

NEW SECTION. Sec. 7. (1) By December 1, 2009, the department of ecology must provide recommendations to the legislature on grant programs related to restoration and protection of water quality and for increases, augmentation, or conservation of water quantity supplies that may be more effectively and efficiently funded through the salmon recovery funding board. The recommendations should include ways to integrate salmon recovery data into reporting of watershed health.

(2) This section expires December 31, 2009.

Sec. 8. RCW 77.85.140 and 2007 c 241 s 22 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year for informational purposes. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The recreation and conservation office shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

~~((3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 77.85.020.))~~

Sec. 9. RCW 77.85.005 and 2005 c 309 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a statewide strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans. The legislature also finds that a statewide salmon recovery strategy must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring system should be developed and implemented.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the governor's salmon recovery office should be created (~~((within the governor's office))~~) to provide overall coordination of the state's response; an independent science panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and

sequencing habitat projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

Sec. 10. RCW 77.85.090 and 2007 c 444 s 5 and 2007 c 341 s 49 are each reenacted and amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030(~~((during the time it is constituted.))~~) as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

Sec. 11. RCW 77.85.150 and 2007 c 444 s 6 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, (~~((during the time it is constituted.))~~) maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the governor's salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) If the strategy is updated, an active and thorough public involvement process, including early and meaningful

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

Sec. 12. RCW 43.41.270 and 2007 c 444 s 7 and 2007 c 241 s 5 are each reenacted and amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the ~~((governor's salmon recovery))~~ recreation and conservation office~~((, during the time it is constituted,))~~ shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the recreation and conservation funding board, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

Sec. 13. RCW 79A.25.240 and 2007 c 241 s 57 are each amended to read as follows:

The recreation and conservation office shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in RCW 77.85.120. The office shall also be responsible for tracking salmon recovery expenditures under RCW 77.85.140. The office shall provide all necessary administrative support to the salmon recovery funding board, and the salmon recovery funding board shall be located with the office. ~~((The office shall provide necessary coordination with the salmon recovery office.))~~

NEW SECTION. Sec. 14. Nothing in this act is intended to amend chapter 90.71 RCW.

NEW SECTION. Sec. 15. RCW 77.85.100 (Work group-- Evaluation of mitigation alternatives) and 2000 c 107 s 100 & 1998 c 246 s 16 are each repealed."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2157.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "amending RCW 77.85.030, 77.85.050, 77.85.020, 77.85.250, 77.85.140, 77.85.005, 77.85.150, and 79A.25.240; reenacting and amending RCW 77.85.090 and 43.41.270; creating new sections; repealing RCW 77.85.100; and providing expiration dates."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2157 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2157 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2157 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

SUBSTITUTE HOUSE BILL NO. 2157 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2206, by Representative Darneille

Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2206.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 2206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Transportation (originally sponsored by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Upthegrove and Eddy)

Addressing alternative student transportation.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.04 RCW to read as follows:

Concurrent with the federal safe, accountable, flexible, efficient transportation equity act of 2005, a safe routes to school program is established within the department. The purpose of the program is to:

(1) Enable and encourage children, including those with disabilities, to walk and bicycle to school;

(2) Make bicycling and walking to school a safer and more appealing transportation alternative, encouraging a healthy and active lifestyle from an early age; and

(3) Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1793.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "and adding a new section to chapter 47.04 RCW."

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1793 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1793 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1793 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator McCaslin

Excused: Senators Berkey and Eide

SUBSTITUTE HOUSE BILL NO. 1793 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1156, by Representatives Anderson, Sullivan, Priest, Haigh, Quall, Dammeier, McCune, Wallace, Kelley and Herrera

Creating a preference in the alternative route certification program for veterans and national guard members.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1156.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1156 and the bill passed the Senate by the following

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Oemig

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1437, by Representatives Dammeier, O'Brien, Pearson, Chandler, Miloscia, Haler, Armstrong, Morrell, Green, Kessler, Kristiansen and Smith

Authorizing a volunteer chaplain for the department of fish and wildlife.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Oemig were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1437.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1437 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 1437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2199, by Representatives Newhouse and Hudgins

Providing regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that restoration of degraded shoreline conditions is important to the ecological function of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts shoreline management act regulations into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The legislature intends to provide relief to property owners in such cases, while protecting the viability of shoreline restoration projects.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) The local government may grant relief from shoreline master program development standards and use regulations within urban growth areas when the following apply:

(a) A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:

(i)(A) Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

(B) Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable shoreline master program; and

(ii) Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent;

(b) The proposed relief meets the following criteria:

(i) The proposed relief is the minimum necessary to relieve the hardship;

(ii) After granting the proposed relief, there is net environmental benefit from the restoration project;

(iii) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program; and

(iv) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

(c) The application for relief must be submitted to the department for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

(i) Except as otherwise provided in subsection (2) of this section, the department shall provide at least twenty-days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on their web site.

(ii) The department shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the local government if additional public notice is not required.

(2) The public notice requirements of subsection (1)(c) of this section do not apply if the relevant shoreline restoration

EIGHTY-NINTH DAY, APRIL 10, 2009

project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

(a) The restoration plan has been approved by the department under applicable shoreline master program guidelines;

(b) The shoreline restoration project is specifically identified in the shoreline master program or restoration plan or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and

(c) The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

(3) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.

(b) "Urban growth areas" has the same meaning as defined in RCW 36.70A.030."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Murray moved that the following amendment by Senator Murray to the committee striking amendment be adopted.

On page 3, after line 16 of the amendment, insert the following:

"**Sec. 3.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values, including allowing for the restoration, replacement, augmentation, repair, or enhancement of historic floating home communities;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to ~~((insure))~~ ensure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."

On page 3, line 18 of the title amendment, after "insert" insert "amending RCW 90.58.100;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Murray, the amendment by Senator Murray on page 3, line after 16 to the committee striking amendment to House Bill No. 2199 was withdrawn.

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to House Bill No. 2199.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2199 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2199 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2199 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Ranker

Excused: Senators Berkey, Eide, Kohl-Welles and Prentice

HOUSE BILL NO. 2199 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1967, by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

Prohibiting expansions of urban growth areas into one hundred year floodplains.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and ((RCW 36.70A.110)) under this section. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of the effective date of this section and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on the effective date of this section."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Engrossed House Bill No. 1967.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "floodplains;" strike the remainder of the title and insert "and amending RCW 36.70A.110."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1967 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1967 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1967 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Rockefeller, Schoessler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield, Holmquist, Honeyford, King, McCaslin, Morton and Roach

Absent: Senator Ranker

Excused: Senators Berkey, Eide and Prentice

ENGROSSED HOUSE BILL NO. 1967 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Senator Ranker was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072, by House Committee on Transportation (originally sponsored by Representatives Wallace, Clibborn and Wood)

Concerning transportation for persons with special transportation needs.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.06B RCW to read as follows:

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

(1) In 2007, the legislature directed the joint transportation committee to conduct a study of special needs transportation to examine and evaluate the effectiveness of special needs transportation in the state. A particular goal of the study was to explore opportunities to enhance coordination of special needs transportation programs to ensure that they are delivered efficiently and result in improved access and increased mobility options for their clients. It is the intent of the legislature to further consider some of the recommendations, and to implement many of these recommendations in the form of two pilot projects that will test the potential for applying these recommendations statewide in the future.

(2) The legislature is aware that the department of social and health services submitted an application in December of 2008 to the federal centers for medicare and medicaid services, seeking approval to use the medical match system, a federal funding system that has different requirements from the federal administrative match system currently used by the department. It is the intent of the legislature to advance the goals of this act and the recommendations of the study identified in subsection (1) of this section without jeopardizing the application made by the department.

(3) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group for the purpose of identifying relevant federal requirements related to special needs transportation, and identifying solutions to streamline the requirements and increase efficiencies in transportation services provided for persons with special transportation needs. To advance its purpose, the work group shall work with relevant federal representatives and agencies to identify and address various challenges and barriers.

(4) Membership of the work group must include, but not be limited to, one or more representatives from:

- (a) The departments of transportation, veterans affairs, health, and social and health services;
- (b) Medicaid nonemergency medical transportation brokers;
- (c) Public transit agencies;
- (d) Regional and metropolitan transportation planning organizations, including a representative of the regional transportation planning organization or organizations that provide staff support to the local coordinating coalition established under section 9 of this act;
- (e) Indian tribes;
- (f) The agency council on coordinated transportation;
- (g) The local coordinating coalitions established under section 9 of this act; and
- (h) The office of the superintendent of public instruction.

(5) The work group shall elect one or more of its members to service as chair or cochairs.

(6) The work group shall immediately contact representatives of the federal congressional delegation for Washington state and the relevant federal agencies and coordinating authorities including, but not limited to, the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility, and invite the federal representatives to work collaboratively to:

- (a) Identify transportation definitions and terminology used in the various relevant state and federal programs, and establish consistent transportation definitions and terminology. For purposes of this subsection, relevant state definitions exclude terminology that requires a medical determination, including whether a trip or service is medically necessary;
- (b) Identify restrictions or barriers that preclude federal, state, and local agencies from sharing client lists or other client information, and make progress towards removing any restrictions or barriers;
- (c) Identify relevant state and federal performance and cost reporting systems and requirements, and work towards

establishing consistent and uniform performance and cost reporting systems and requirements; and

(d) Explore, subject to federal approval, opportunities to test cost allocation models, including the pilot projects established in section 11 of this act, that:

(i) Allow for cost sharing among public paratransit and medicaid nonemergency medical trips; and

(ii) Capture the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(7) By December 1, 2009, the work group shall submit a report to the joint transportation committee that explains the progress made towards the goals of this section and identifies any necessary legislative action that must be taken to implement all the provisions of this section. A second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 2. A new section is added to chapter 47.06B RCW to read as follows:

(1) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group to consider certain recommendations resulting from the study identified in section 1(1) of this act. In conducting its analysis, the work group must consult with the appropriate federal agencies, including the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility.

(2) The work group must be chaired by a representative of the agency council on coordinated transportation, and members must include one or more representatives of:

- (a) Regional and metropolitan planning organizations;
- (b) Transit agencies;
- (c) Brokerages providing nonemergency medical transportation services; and
- (d) The department of social and health services.

(3) The work group may consider any recommendation resulting from the study identified in section 1(1) of this act, and shall specifically consider the study's recommendations regarding the procurement and designation of community access managers, including:

- (a) The most appropriate agency to make those designations;
- (b) The preferred geographic regions in which to establish community access managers;
- (c) The duties and responsibilities of community access managers; and
- (d) Any study recommendations that may interfere with the department's application as described in section 1(2) of this act, and potential solutions to those issues.

(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed.

(6) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee describing the work group's findings and recommendations for implementing the study recommendations. If the work group finds that additional time is needed to complete its analysis, a second progress report must be submitted to the joint transportation committee by June 1, 2010.

Sec. 3. RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

The legislature further finds that the transportation needs of each community are unique, and that transportation services may be improved by establishing a system of statewide oversight that seeks input, collaboration, and cooperation from and among all local service providers, including public agencies, private organizations, and community-based groups.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

Sec. 4. RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The purpose of the council is to advance and improve accessibility to and coordination of special needs transportation services statewide. The council is composed of ~~((ten))~~ fourteen voting members and four nonvoting, legislative members.

(2) The ~~((ten))~~ fourteen voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((seven))~~ eleven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; ~~((and))~~

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association;

(f) One person who represents regional transportation planning organizations and metropolitan planning organizations;

(g) One representative of brokers who provide nonemergency, medically necessary trips to persons with special transportation needs under the medicaid program administered by the department of social and health services;

(h) One representative from the Washington state department of veterans affairs; and

(i) One representative of the state association of counties.

(3) The four nonvoting members are legislators as follows:

(a) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives, including at least one member from the house transportation policy and budget committee or the house appropriations committee; and

(b) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate, including at least one member from the senate transportation committee or the senate ways and means committee.

(4) gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~(5) ((The secretary of transportation or a designee shall serve as the chair.~~

~~(6))~~ The council shall vote on an annual basis to elect one of its voting members to serve as chair. The position of chair must rotate among the represented agencies, associations, and interest groups at least every two years. If the position of chair is vacated for any reason, the secretary of transportation or the secretary's designee shall serve as acting chair until the next regular meeting of the council, at which time the members will elect a chair.

(6) The council shall periodically assess its membership to ensure that there exists a balanced representation of persons with special transportation needs and providers of special transportation needs services. Recommendations for modifying the membership of the council must be included in the council's biennial report to the legislature as provided in RCW 47.06B.050.

(7) The department of transportation shall provide necessary staff support for the council.

~~((7))~~ (8) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

~~((8))~~ (9) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

~~((9))~~ (10) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

~~((10))~~ (11) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

Sec. 5. RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read as follows:

~~((+))~~ To assure implementation of an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation shall:

(1) Consistent with the policy goals set forth in RCW 47.04.280, propose statewide policies and objectives, subject to enactment by the legislature, that are designed to advance the coordination of and to increase efficiencies in special needs transportation services;

(2) Adopt a biennial work plan that must, at a minimum:

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs(~~(-~~

~~(2) The council shall.);~~

(3) Collaborate with and monitor the efforts of the local coordinating coalitions established under section 9 of this act;

(4) Establish uniform measurable outcome-based performance objectives and measures for evaluating:

(a) The effectiveness of any grant programs administered by the council;

(b) The council's progress made toward accomplishing its overall objectives; and

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

(c) In collaboration with local coordinating coalitions established under section 9 of this act, the progress made in each region toward advancing coordination of and accessibility to special needs transportation services;

(5) Periodically provide input and recommendations to local and regional planning organizations for advancing special needs coordinated transportation;

(6) Appoint members to local coordinating coalitions, as provided in section 9 of this act;

(7) Beginning with the 2009-2011 biennial transportation budget, and at the request of the department, review and assess applications made for state paratransit/special needs grants, as provided in section 223(1), chapter 121, Laws of 2008, or other special needs transportation grants administered by the department;

(8) As necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation((-

(3));

(9) To improve the service experienced by persons with special transportation needs, ((the council shall)) develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council((-

(4) The council shall); and

(10) Represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

(1) The legislature acknowledges that successful models of coordination among state, regional, and local service providers recognize that cost accounting and cost allocation are integral components in meeting the statutory obligations of the various funding sources that may be used to support the purchase of services from special needs transportation service providers. To that end, the agency council on coordinated transportation must work collaboratively with any appropriate agencies and transportation providers and organizations to:

(a) Develop and adopt common units of service definitions including, but not limited to, definitions for vehicle miles, vehicle hours, and passenger trips, consistent with any relevant definitions established under section 1 of this act. For purposes of this subsection, "common units of service" excludes elements involving medical determinations, including whether a trip type or transportation service is medically necessary; and

(b) Develop uniform performance and cost reporting systems, consistent with performance and cost reporting systems established under section 1 of this act.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 7. A new section is added to chapter 47.06B RCW to read as follows:

(1) In cooperation with the department of social and health services and the Washington state patrol, the agency council on coordinated transportation shall make progress toward the goal

of establishing a single clearinghouse for driver background checks within the department of social and health services or another appropriate agency. To that end, the council shall, at a minimum:

(a) Review any previous relevant studies;

(b) Identify and collaborate with agencies engaged in background check analysis; and

(c) Develop a work plan to achieve the objectives identified in this subsection.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

Sec. 8. RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read as follows:

The agency council on coordinated transportation shall submit a progress report ((on council activities)) to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in achieving its objectives and in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The report must also include the required performance measure evaluations established in RCW 47.06B.030(4). The information will be reported in a form established by the council.

NEW SECTION. Sec. 9. A new section is added to chapter 47.06B RCW to read as follows:

(1) A local coordinating coalition is created in each nonemergency medical transportation brokerage region, as designated by the department of social and health services, that encompasses:

(a) A single county that has a population of more than seven hundred fifty thousand but less than one million; and

(b) Five counties, and is comprised of at least one county that has a population of more than four hundred thousand.

(2) The purpose of a local coordinating coalition is to advance local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, contributing to the overall objectives and goals of the agency council on coordinated transportation. The local coordinating coalition shall serve in an advisory capacity to the agency council on coordinated transportation by providing the council with a focused and ongoing assessment of the special transportation needs and services provided within its region.

(3) The composition and size of each local coordinating coalition may vary by region. Local coordinating coalition members, appointed by the chair of the agency council on coordinated transportation to two-year terms, must reflect a balanced representation of the region's providers of special needs transportation services and must include:

(a) Members of existing local coordinating coalitions, with approval by those members;

(b) One or more representatives of the public transit agency or agencies serving the region;

(c) One or more representatives of private service providers;

(d) A representative of civic or community-based service providers;

(e) A consumer of special needs transportation services;

(f) A representative of nonemergency medical transportation Medicaid brokers;

(g) A representative of social and human service programs;

(h) A representative of local high school districts; and

(i) A representative from the Washington state department of veterans affairs.

(4) Each coalition shall vote on an annual basis to elect one of its members to serve as chair. The position of chair must rotate among the represented members at least every two years. If the position of chair is vacated for any reason, the member representing the regional transportation planning organization described in subsection (6) of this section shall serve as acting chair until the next regular meeting of the coalition, at which time the members will elect a chair.

(5) Regular meetings of the local coordinating coalition may be convened at the call of the chair or by a majority of the members. Meetings must be open to the public, and held in locations that are readily accessible to public transportation.

(6) The regional transportation planning organization, as described in chapter 47.80 RCW, serving the region in which the local coordinating coalition is created shall provide necessary staff support for the local coordinating coalition. In regions served by more than one regional transportation planning organization, unless otherwise agreed to by the relevant planning organizations, the regional transportation planning organization serving the largest population within the region shall provide the necessary staff support.

NEW SECTION. Sec. 10. A new section is added to chapter 47.06B RCW to read as follows:

Local coordinating coalitions established under section 9 of this act shall:

(1) Identify, to the greatest extent possible, all local transportation facilities, services, and providers serving persons with special transportation needs in the region, including public transit agencies, private companies, nonprofit organizations, and community-based groups. For each service provider, the coalition shall identify the boundaries within which services are provided;

(2) Identify local service needs, including connectivity gaps and other barriers to reliable and efficient transportation within and across service boundaries;

(3) Consider strategies to address the local service needs and gaps identified in subsection (2) of this section;

(4) In consultation with the agency council on coordinated transportation, collaborate with local service providers and operators to identify and propose common connectivity standards. The connectivity standards must, at a minimum, address signage, transit information, schedule coordination, and services provided to address access to and from a transit stop or facility; and

(5) Beginning December 1, 2009, submit an annual report to the agency council on coordinated transportation that must, at a minimum, describe local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, and progress made in addressing the duties described in this section.

NEW SECTION. Sec. 11. A new section is added to chapter 47.06B RCW to read as follows:

(1) In addition to the duties identified in sections 9 and 10 of this act, each local coordinating coalition shall develop or implement a pilot project within the coalition's region, as described under section 9(1) of this act, for the purpose of demonstrating cost sharing and cost saving opportunities as described in subsection (2) of this section, and shall keep the agency council on coordinated transportation informed of progress made toward implementing the pilot project. In developing or implementing the pilot project, the local coordinating coalition shall collaborate with the appropriate federal agencies, including the federal transit authority and United States department of health and human services, and may collaborate with other agencies and organizations as deemed appropriate.

(2) The pilot project must be designed to:

(a) Demonstrate opportunities for cost sharing, including but not limited to opportunities among public paratransit and medicaid nonemergency medical trips; and

(b) Test the feasibility of capturing the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(3) By December 1, 2009, and by June 1, 2010, each local coordinating coalition shall submit a status report to the joint transportation committee and agency council on coordinated transportation describing progress made in implementing the pilot project. By December 1, 2010, each local coordinating coalition shall issue a final report to the joint transportation committee and the agency council on coordinated transportation describing progress made in implementing the pilot project.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall provide information annually to the agency council on coordinated transportation, created in chapter 47.06B RCW, on total expenditures related to the transportation of homeless students.

NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW to read as follows:

A municipality, as defined in RCW 35.58.272, and each regional transit authority shall work collaboratively with the appropriate local coordinating coalition or coalitions as described under section 9 of this act to advance the coordination of and maximize efficiencies in transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

Sec. 14. RCW 36.73.020 and 2006 c 311 s 25 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

(h) Optimal performance of the system through time; ~~((and))~~

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and

~~(j) Other criteria, as adopted by the governing body.~~

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

NEW SECTION. Sec. 15. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collect and track data related to transportation purchased for all of its clients. Except as provided in subsection (2) of this section, the data must identify the number of trips provided by service providers, number of clients served, cost per trip, and total cost of transportation provided. For purposes of this subsection, a "trip" means transportation provided from a place of origin to a single point of destination.

(2) The department may comply with the requirements of subsection (1) of this section as provided below:

(a) If transportation services are bundled or combined with other services, the department may report the number of clients that receive transportation services bundled or combined with other services;

(b) If the department purchases a transit pass or voucher that is valid for more than one trip, the department may report the number and cost of multitrip vouchers and passes purchased and issued to clients;

(c) If the department provides mileage reimbursement for client transportation, the department may report the total number of miles submitted for reimbursement and the total cost of the reimbursement; and

(d) The department may exclude any incidental transportation provided to clients by agency staff if mileage or other reimbursement is not requested.

(3) The data collected in subsections (1) and (2) of this section must identify which administration within the department purchased the transportation.

(4) Beginning in September 2009, the department shall provide the agency council on coordinated transportation, as provided under chapter 47.06B RCW, with quarterly reports detailing the data collected under subsections (1) and (2) of this section.

Sec. 16. RCW 47.80.023 and 2007 c 421 s 5 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

~~(7)~~ Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

~~((7))~~ (8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

~~((8))~~ (9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

~~((9))~~ (10) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

NEW SECTION. Sec. 17. A new section is added to chapter 47.01 RCW to read as follows:

(1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input from the agency council on coordinated transportation, as provided in chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council.

Sec. 18. RCW 47.06B.900 and 2007 c 421 s 8 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2010))~~ 2011, as provided in RCW 47.06B.901.

Sec. 19. RCW 47.06B.901 and 2007 c 421 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2011))~~ 2012:

(1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act), 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

(2) RCW 47.06B.012 and 1999 c 385 § 2;

(3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act), 2007 c 421 § 2, & 1998 c 173 § 2;

(4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act), 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

(5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6;
~~((amd))~~

(6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) & 2007 c 421 § 6;

(7) Section 1 of this act;

(8) Section 2 of this act;

(9) Section 6 of this act;

(10) Section 7 of this act;

(11) Section 9 of this act;

(12) Section 10 of this act; and

(13) Section 11 of this act.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus transportation appropriations act, this act is null and void."

MOTION

Senator Tom moved that the following committee

amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation be adopted.

Beginning on page 1, line 3 of the striking amendment, strike all material through page 20, line 10, and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.06B RCW to read as follows:

(1) In 2007, the legislature directed the joint transportation committee to conduct a study of special needs transportation to examine and evaluate the effectiveness of special needs transportation in the state. A particular goal of the study was to explore opportunities to enhance coordination of special needs transportation programs to ensure that they are delivered efficiently and result in improved access and increased mobility options for their clients. It is the intent of the legislature to further consider some of the recommendations, and to implement many of these recommendations in the form of two pilot projects that will test the potential for applying these recommendations statewide in the future.

(2) The legislature is aware that the department of social and health services submitted an application in December of 2008 to the federal centers for medicare and medicaid services, seeking approval to use the medical match system, a federal funding system that has different requirements from the federal administrative match system currently used by the department. It is the intent of the legislature to advance the goals of this act and the recommendations of the study identified in subsection (1) of this section without jeopardizing the application made by the department.

(3) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group for the purpose of identifying relevant federal requirements related to special needs transportation, and identifying solutions to streamline the requirements and increase efficiencies in transportation services provided for persons with special transportation needs. To advance its purpose, the work group shall work with relevant federal representatives and agencies to identify and address various challenges and barriers.

(4) Membership of the work group must include, but not be limited to, one or more representatives from:

(a) The departments of transportation, veterans affairs, health, and social and health services;

(b) Medicaid nonemergency medical transportation brokers;

(c) Public transit agencies;

(d) Regional and metropolitan transportation planning organizations, including a representative of the regional transportation planning organization or organizations that provide staff support to the local coordinating coalition established under section 9 of this act;

(e) Indian tribes;

(f) The agency council on coordinated transportation;

(g) The local coordinating coalitions established under section 9 of this act; and

(h) The office of the superintendent of public instruction.

(5) The work group shall elect one or more of its members to service as chair or cochairs.

(6) The work group shall immediately contact representatives of the federal congressional delegation for Washington state and the relevant federal agencies and coordinating authorities including, but not limited to, the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility, and invite the federal representatives to work collaboratively to:

(a) Identify transportation definitions and terminology used in the various relevant state and federal programs, and establish consistent transportation definitions and terminology. For purposes of this subsection, relevant state definitions exclude

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

terminology that requires a medical determination, including whether a trip or service is medically necessary;

(b) Identify restrictions or barriers that preclude federal, state, and local agencies from sharing client lists or other client information, and make progress towards removing any restrictions or barriers;

(c) Identify relevant state and federal performance and cost reporting systems and requirements, and work towards establishing consistent and uniform performance and cost reporting systems and requirements; and

(d) Explore, subject to federal approval, opportunities to test cost allocation models, including the pilot projects established in section 11 of this act, that:

(i) Allow for cost sharing among public paratransit and medicaid nonemergency medical trips; and

(ii) Capture the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(7) By December 1, 2009, the work group shall submit a report to the joint transportation committee that explains the progress made towards the goals of this section and identifies any necessary legislative action that must be taken to implement all the provisions of this section. A second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.06B RCW to read as follows:

(1) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group to consider certain recommendations resulting from the study identified in section 1(1) of this act. In conducting its analysis, the work group must consult with the appropriate federal agencies, including the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility.

(2) The work group must be chaired by a representative of the agency council on coordinated transportation, and members must include one or more representatives of:

(a) Regional and metropolitan planning organizations;

(b) Transit agencies;

(c) Brokerages providing nonemergency medical transportation services; and

(d) The department of social and health services.

(3) The work group may consider any recommendation resulting from the study identified in section 1(1) of this act, and shall specifically consider the study's recommendations regarding the procurement and designation of community access managers, including:

(a) The most appropriate agency to make those designations;

(b) The preferred geographic regions in which to establish community access managers;

(c) The duties and responsibilities of community access managers; and

(d) Any study recommendations that may interfere with the department's application as described in section 1(2) of this act, and potential solutions to those issues.

(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed.

(6) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint

transportation committee describing the work group's findings and recommendations for implementing the study recommendations. If the work group finds that additional time is needed to complete its analysis, a second progress report must be submitted to the joint transportation committee by June 1, 2010.

Sec. 3. RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

The legislature further finds that the transportation needs of each community are unique, and that transportation services may be improved by establishing a system of statewide oversight that seeks input, collaboration, and cooperation from and among all local service providers, including public agencies, private organizations, and community-based groups.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

Sec. 4. RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The purpose of the council is to advance and improve accessibility to and coordination of special needs transportation services statewide. The council is composed of ~~((ten))~~ fourteen voting members and four nonvoting, legislative members.

(2) The ~~((ten))~~ fourteen voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((seven))~~ eleven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; ~~((and))~~

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association;

(f) One person who represents regional transportation planning organizations and metropolitan planning organizations;

(g) One representative of brokers who provide nonemergency, medically necessary trips to persons with special transportation needs under the medicaid program administered by the department of social and health services;

(h) One representative from the Washington state department of veterans affairs; and

(i) One representative of the state association of counties.

(3) The four nonvoting members are legislators as follows:

(a) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives, including at least one member

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

from the house transportation policy and budget committee or the house appropriations committee; and

(b) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate, including at least one member from the senate transportation committee or the senate ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~(5) ((The secretary of transportation or a designee shall serve as the chair.~~

~~(6))~~ The council shall vote on an annual basis to elect one of its voting members to serve as chair. The position of chair must rotate among the represented agencies, associations, and interest groups at least every two years. If the position of chair is vacated for any reason, the secretary of transportation or the secretary's designee shall serve as acting chair until the next regular meeting of the council, at which time the members will elect a chair.

(6) The council shall periodically assess its membership to ensure that there exists a balanced representation of persons with special transportation needs and providers of special transportation needs services. Recommendations for modifying the membership of the council must be included in the council's biennial report to the legislature as provided in RCW 47.06B.050.

(7) The department of transportation shall provide necessary staff support for the council.

~~((7))~~ (8) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

~~((8))~~ (9) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

~~((9))~~ (10) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

~~((10))~~ (11) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

Sec. 5. RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read as follows:

~~((11))~~ To assure implementation of an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation shall:

(1) Consistent with the policy goals set forth in RCW 47.04.280, propose statewide policies and objectives, subject to enactment by the legislature, that are designed to advance the coordination of and to increase efficiencies in special needs transportation services;

(2) Adopt a biennial work plan that must, at a minimum:

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs((-

(2) The council shall);

(3) Collaborate with and monitor the efforts of the local coordinating coalitions established under section 9 of this act;

(4) Establish uniform measurable outcome-based performance objectives and measures for evaluating:

(a) The effectiveness of any grant programs administered by the council;

(b) The council's progress made toward accomplishing its overall objectives; and

(c) In collaboration with local coordinating coalitions established under section 9 of this act, the progress made in each region toward advancing coordination of and accessibility to special needs transportation services;

(5) Periodically provide input and recommendations to local and regional planning organizations for advancing special needs coordinated transportation;

(6) Appoint members to local coordinating coalitions, as provided in section 9 of this act;

(7) Beginning with the 2009-2011 biennial transportation budget, and at the request of the department, review and assess applications made for state paratransit/special needs grants, as provided in section 223(1), chapter 121, Laws of 2008, or other special needs transportation grants administered by the department;

(8) As necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation((-

(3));

(9) To improve the service experienced by persons with special transportation needs, ((the council shall)) develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council((-

(4) The council shall); and

(10) Represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

(1) The legislature acknowledges that successful models of coordination among state, regional, and local service providers recognize that cost accounting and cost allocation are integral components in meeting the statutory obligations of the various funding sources that may be used to support the purchase of services from special needs transportation service providers. To that end, the agency council on coordinated transportation must work collaboratively with any appropriate agencies and transportation providers and organizations to:

(a) Develop and adopt common units of service definitions including, but not limited to, definitions for vehicle miles, vehicle hours, and passenger trips, consistent with any relevant definitions established under section 1 of this act. For purposes of this subsection, "common units of service" excludes elements involving medical determinations, including whether a trip type or transportation service is medically necessary; and

(b) Develop uniform performance and cost reporting systems, consistent with performance and cost reporting systems established under section 1 of this act.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 7. A new section is added to chapter 47.06B RCW to read as follows:

(1) In cooperation with the department of social and health services and the Washington state patrol, the agency council on coordinated transportation shall make progress toward the goal of establishing a single clearinghouse for driver background checks within the most cost-effective agency. To that end, the council shall, at a minimum:

- (a) Review any previous relevant studies;
- (b) Identify and collaborate with agencies engaged in background check analysis; and
- (c) Develop a work plan to achieve the objectives identified in this subsection.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

Sec. 8. RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read as follows:

The agency council on coordinated transportation shall submit a progress report (~~(on council activities)~~) to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in achieving its objectives and in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The report must also include the required performance measure evaluations established in RCW 47.06B.030(4). The information will be reported in a form established by the council.

NEW SECTION. Sec. 9. A new section is added to chapter 47.06B RCW to read as follows:

(1) A local coordinating coalition is created in each nonemergency medical transportation brokerage region, as designated by the department of social and health services, that encompasses:

- (a) A single county that has a population of more than seven hundred fifty thousand but less than one million; and
- (b) Five counties, and is comprised of at least one county that has a population of more than four hundred thousand.

(2) The purpose of a local coordinating coalition is to advance local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, contributing to the overall objectives and goals of the agency council on coordinated transportation. The local coordinating coalition shall serve in an advisory capacity to the agency council on coordinated transportation by providing the council with a focused and ongoing assessment of the special transportation needs and services provided within its region.

(3) The composition and size of each local coordinating coalition may vary by region. Local coordinating coalition members, appointed by the chair of the agency council on coordinated transportation to two-year terms, must reflect a balanced representation of the region's providers of special needs transportation services and must include:

- (a) Members of existing local coordinating coalitions, with approval by those members;
- (b) One or more representatives of the public transit agency or agencies serving the region;
- (c) One or more representatives of private service providers;
- (d) A representative of civic or community-based service providers;
- (e) A consumer of special needs transportation services;

(f) A representative of nonemergency medical transportation medicaid brokers;

- (g) A representative of social and human service programs;
- (h) A representative of local high school districts; and
- (i) A representative from the Washington state department of veterans affairs.

(4) Each coalition shall vote on an annual basis to elect one of its members to serve as chair. The position of chair must rotate among the represented members at least every two years. If the position of chair is vacated for any reason, the member representing the regional transportation planning organization described in subsection (6) of this section shall serve as acting chair until the next regular meeting of the coalition, at which time the members will elect a chair.

(5) Regular meetings of the local coordinating coalition may be convened at the call of the chair or by a majority of the members. Meetings must be open to the public, and held in locations that are readily accessible to public transportation.

(6) The regional transportation planning organization, as described in chapter 47.80 RCW, serving the region in which the local coordinating coalition is created shall provide necessary staff support for the local coordinating coalition. In regions served by more than one regional transportation planning organization, unless otherwise agreed to by the relevant planning organizations, the regional transportation planning organization serving the largest population within the region shall provide the necessary staff support.

NEW SECTION. Sec. 10. A new section is added to chapter 47.06B RCW to read as follows:

Local coordinating coalitions established under section 9 of this act shall:

(1) Identify, to the greatest extent possible, all local transportation facilities, services, and providers serving persons with special transportation needs in the region, including public transit agencies, private companies, nonprofit organizations, and community-based groups. For each service provider, the coalition shall identify the boundaries within which services are provided;

(2) Identify local service needs, including connectivity gaps and other barriers to reliable and efficient transportation within and across service boundaries;

(3) Consider strategies to address the local service needs and gaps identified in subsection (2) of this section;

(4) In consultation with the agency council on coordinated transportation, collaborate with local service providers and operators to identify and propose common connectivity standards. The connectivity standards must, at a minimum, address signage, transit information, schedule coordination, and services provided to address access to and from a transit stop or facility; and

(5) Beginning December 1, 2009, submit an annual report to the agency council on coordinated transportation that must, at a minimum, describe local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, and progress made in addressing the duties described in this section.

NEW SECTION. Sec. 11. A new section is added to chapter 47.06B RCW to read as follows:

(1) In addition to the duties identified in sections 9 and 10 of this act, each local coordinating coalition shall develop or implement a pilot project within the coalition's region, as described under section 9(1) of this act, for the purpose of demonstrating cost sharing and cost saving opportunities as described in subsection (2) of this section, and shall keep the agency council on coordinated transportation informed of progress made toward implementing the pilot project. In developing or implementing the pilot project, the local coordinating coalition shall collaborate with the appropriate federal agencies, including the federal transit authority and

EIGHTY-NINTH DAY, APRIL 10, 2009

United States department of health and human services, and may collaborate with other agencies and organizations as deemed appropriate.

(2) The pilot project must be designed to:

(a) Demonstrate opportunities for cost sharing, including but not limited to opportunities among public paratransit and medicaid nonemergency medical trips; and

(b) Test the feasibility of capturing the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(3) By December 1, 2009, and by June 1, 2010, each local coordinating coalition shall submit a status report to the joint transportation committee and agency council on coordinated transportation describing progress made in implementing the pilot project. By December 1, 2010, each local coordinating coalition shall issue a final report to the joint transportation committee and the agency council on coordinated transportation describing progress made in implementing the pilot project.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall provide information annually to the agency council on coordinated transportation, created in chapter 47.06B RCW, on total expenditures related to the transportation of homeless students.

NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW to read as follows:

A municipality, as defined in RCW 35.58.272, and each regional transit authority shall work collaboratively with the appropriate local coordinating coalition or coalitions as described under section 9 of this act to advance the coordination of and maximize efficiencies in transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

Sec. 14. RCW 36.73.020 and 2006 c 311 s 25 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time; ~~((and))~~

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and

(j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

Sec. 15. RCW 47.80.023 and 2007 c 421 s 5 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

(7) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(10) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

NEW SECTION. Sec. 16. A new section is added to chapter 47.01 RCW to read as follows:

(1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input

from the agency council on coordinated transportation, as provided in chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council.

Sec. 17. RCW 47.06B.900 and 2007 c 421 s 8 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2010))~~ 2011, as provided in RCW 47.06B.901.

Sec. 18. RCW 47.06B.901 and 2007 c 421 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2011))~~ 2012:

(1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act), 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

(2) RCW 47.06B.012 and 1999 c 385 § 2;

(3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act), 2007 c 421 § 2, & 1998 c 173 § 2;

(4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act), 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

(5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; ~~((and))~~

(6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) & 2007 c 421 § 6;

(7) Section 1 of this act;

(8) Section 2 of this act;

(9) Section 6 of this act;

(10) Section 7 of this act;

(11) Section 9 of this act;

(12) Section 10 of this act; and

(13) Section 11 of this act.

NEW SECTION. Sec. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus transportation appropriations act, this act is null and void."

Senator Tom spoke in favor of adoption of the committee amendment by the committee on Ways & Means to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2072.

The motion by Senator Tom carried and the committee amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 2072.

The motion by Senator Jarrett carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 47.01 RCW; creating a new section; and providing an effective date."

On page 20, line 16 of the title amendment, strike "adding a new section to chapter 43.20A RCW;"

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 2072 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2072 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2072 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2313, by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville, Van De Wege, Nelson, Green, Liias, Blake, Darneille, Sells, Wallace, Simpson, Eddy, Carlyle, White, Williams, McCoy, Orwall, Moeller, Chase, Hurst, Hunter, Rolfes, Finn, Sullivan, Springer, Jacks, Kelley, Seaquist, Clibborn, Probst, Cody, Hasegawa, Hudgins, Roberts, Kessler, Ormsby, O'Brien, Dickerson, Takko, Kenney, Morrell, Santos, Hunt, Miloscia and Goodman

Extending the length of commercial and farm vehicle permits.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.162 and 2006 c 337 s 3 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds

for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for ~~((the period remaining in the first month of monthly license))~~ thirty consecutive calendar days, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 2313.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "and amending RCW 46.16.162."

MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 2313 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2313 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2313 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 2313 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2223, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Johnson and Morrell)

Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.25.060 and 2007 c 418 s 1 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person is a resident of this state, has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely, and has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars for each classified skill examination or combination of classified skill examinations conducted by the department.

(b) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section under the following conditions:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. part 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(c) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars for each classified skill

examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(2) The department shall work with the office of the superintendent of public instruction to develop modified P1 and P2 skill examinations that also include the skill examination components required to obtain an "S" endorsement. In no event may a new applicant for an "S" endorsement be required to take two separate examinations to obtain an "S" endorsement and either a P1 or P2 endorsement, unless that applicant is upgrading his or her existing commercial driver's license to include an "S" endorsement. The combined P1/S or P2/S skill examination must be offered to the applicant at the same cost as a regular P1 or P2 skill examination.

(3)(a) The department may waive the skills test and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. part 383.77.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (3)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

This subsection (3)(b) expires July 1, 2011.

(4) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(5)(a) The department may issue a commercial driver's instruction permit to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has submitted a proper application, passed the general knowledge examination required for issuance of a commercial driver's license under subsection (1) of this section, and paid the appropriate fee for the knowledge examination and an application fee of ten dollars.

(b) A commercial driver's instruction permit may not be issued for a period to exceed six months. Only one renewal or reissuance may be granted within a two-year period.

(c) The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. The holder of a commercial driver's

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

instruction permit is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(d) The department shall transmit the fees collected for commercial driver's instruction permits to the state treasurer."

Senator Jarrett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2223.

The motion by Senator Jarrett carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 46.25.060; and providing an expiration date."

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 2223 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2223 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2223 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

SUBSTITUTE HOUSE BILL NO. 2223 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1513, by Representative Haler

Allowing municipalities to participate in financing the development of water or sewer facility projects.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

ENGROSSED HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1548, by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Kelley, Simpson, Morrell and Ormsby

Addressing interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1548.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1548 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:59 a.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

The Senate was called to order at 11:08 a.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1844, by Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell

Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1844.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1844 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1059, by Representatives Goodman, Kelley and Rodne

Making technical corrections to various statutes at the request of the statute law committee.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed House Bill No. 1059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1059.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown,

Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

ENGROSSED HOUSE BILL NO. 1059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1068, by Representatives Pedersen and Rodne

Revising the Washington business corporation act.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1068.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1068 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1551, by Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby

Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1551.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1551 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Kelley and Kenney)

Registering business entities and associations with the secretary of state.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Carrell and McCaslin be adopted.

On page 10, beginning on line 23, after "the secretary" strike "is not required to" and insert "shall"

On page 10, beginning on line 24, after "dissolved" strike "for not complying with this section" and insert "under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution"

On page 11, line 10, after "of state" strike "may" and insert "shall"

On page 11, line 14, after "within" strike "fifteen days" and insert "five years"

On page 11, line 20, after "circumstances" strike "giving rise to" and insert "of"

On page 11, line 21, after "filing or lapse," insert "that disproportionate harm would occur to the corporation sole if relief were not granted,"

Senator Hargrove spoke in favor of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Carrell and McCaslin on page 10, line 23 to Substitute House Bill No. 1592.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1592 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1592 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brandland, Brown, Carrell, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Holmquist and Stevens

Excused: Senators Berkey, Eide and Fairley

SUBSTITUTE HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. We also have a Senator on the floor today whose birthday is today and I believe he is, I think fifty-six. Although I am dyslexic, I'm not sure."

REMARKS BY THE PRESIDENT

President Owen: "And with your dyslexia can you point out the Senator for us? Senator Carrell. Happy Birthday Senator Carrell."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1953, by House Committee on Ways & Means (originally sponsored by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle)

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1953.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett,

EIGHTY-NINTH DAY, APRIL 10, 2009

2009 REGULAR SESSION

Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Fairley

SUBSTITUTE HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:39 a.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Monday, April 13, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 13, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Haugen, Jacobsen, Pflug and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Casandra Howder and Kayla Howder, presented the Colors. Senator Regala offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

April 10, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LARRY DITTMAN, appointed April 2, 2009, for the term ending June 17, 2011, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE SENATE BILL NO. 5151,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5469,
SENATE BILL NO. 5511,
SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5551,
SENATE BILL NO. 5562,
ENGROSSED SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5705,

SUBSTITUTE SENATE BILL NO. 5839,
SENATE BILL NO. 5952,
SENATE BILL NO. 5989,
SUBSTITUTE SENATE BILL NO. 6019,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2009

MR. PRESIDENT:

The Speaker has signed the following:

HOUSE BILL NO. 1000,
HOUSE BILL NO. 1042,
ENGROSSED HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1110,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1288,
SUBSTITUTE HOUSE BILL NO. 1319,
HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1437,
ENGROSSED HOUSE BILL NO. 1513,
HOUSE BILL NO. 1515,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1551,
HOUSE BILL NO. 1675,
HOUSE BILL NO. 1844,
HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 1953,
HOUSE BILL NO. 2206,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2009

MR. PRESIDENT:

The Speaker has signed the following:

HOUSE BILL NO. 1058,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6157 by Senators Prentice, Tom, Hobbs and Fraser

AN ACT Relating to the calculation of compensation for public retirement purposes during the 2009-2011 fiscal biennium; and amending RCW 41.40.010.

Referred to Committee on Ways & Means.

ESB 6158 by Senators Keiser, Brown, Prentice and Tom

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

AN ACT Relating to delaying the implementation of the family leave insurance program; and amending RCW 49.86.030 and 49.86.210.

INTRODUCTION OF SPECIAL GUESTS

Referred to Committee on Ways & Means.

The President welcomed and introduced Susan Johnson, 2009 Teacher of the Year from Cle Elum-Roslyn High School who was seated in the gallery.

MOTION

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

MOTION

Senator Parlette moved that Gubernatorial Appointment No. 9094, Philip G. Rasmussen, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senator McAuliffe moved adoption of the following resolution:

Senator Parlette spoke in favor of the motion.

SENATE RESOLUTION
8652

MOTION

By Senators McAuliffe, Holmquist, King, McDermott, Roach, Oemig, Hobbs, Jarrett, and Brandland

On motion of Senator Marr, Senators Brown, Haugen and Jacobsen were excused.

MOTION

WHEREAS, Providing all Washington State children a public education is the paramount duty of the state; and

On motion of Senator Brandland, Senators Benton, Pflug and Zarelli were excused.

WHEREAS, Teachers are essential in providing students with a quality public education anchored in producing well-educated and capable citizens; and

APPOINTMENT OF PHILIP G. RASMUSSEN

WHEREAS, Teachers are integral parts of the community through their own leadership and their cultivation of future community leaders; and

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9094, Philip G. Rasmussen as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

WHEREAS, Teachers are seldom recognized for their relentless pursuit of results and countless hours spent imparting on every child an ability to achieve beyond bounds; and

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9094, Philip G. Rasmussen as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

WHEREAS, There are over sixty thousand dedicated teachers in Washington State; and

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

WHEREAS, Students are integral to our future and their education is paramount in their ability to effect change and progress in that future; and

Excused: Senators Benton, Haugen, Jacobsen, Pflug and Zarelli

WHEREAS, Teachers are rising to the challenge of meeting higher state and federal standards; and

Gubernatorial Appointment No. 9094, Philip G. Rasmussen, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

WHEREAS, Washington State students have had their education significantly enhanced by excellent teachers; and

SECOND READING

WHEREAS, Teachers have approached the classroom with a deep passion to teach to the whole child; not only teaching them to make a living, but also to make a life by discovering their own strengths and talents; and

WHEREAS, Each year one teacher is selected from the nine educational service districts as Washington's Teacher of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Susan Johnson, language arts teacher at Cle Elum-Roslyn High School as the 2009 Teacher of the Year as she has embodied all the aforementioned values of teaching and is an exceptional representative of her profession and a mentor for her students to look up to; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Susan Johnson.

Senators McAuliffe and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

SUBSTITUTE HOUSE BILL NO. 1022, by House Committee on Judiciary (originally sponsored by Representatives Williams, Warnick, Kelley, Rodne, Dickerson and Moeller)

Changing provisions regarding statutory costs. Revised for 1st Substitute: Modifying statutory cost provisions.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

SUBSTITUTE HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, by House Committee on Judiciary (originally sponsored by Representatives Appleton and Hasegawa)

Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that restoration of the right to vote and serve on a jury, for individuals who have satisfied every other obligation of their sentence, best serves to reintegrate them into society, even if a no-contact order exists. Therefore, the legislature further finds clarification of the existing statute is desirable to provide clarity to the courts that a certificate of discharge shall be issued, while the no-contact order remains in effect, once other obligations are completed.

Sec. 2. RCW 9.94A.637 and 2007 c 171 s 1 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the

sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2)(a) For purposes of this subsection (2), a no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or business or coming within a set distance of any specified location.

(b) In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the appropriate filing fee associated with the petition for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

(i)(A) The court shall issue a certificate of discharge and a separate no-contact order under this subsection (2) if the court determines that the offender has completed all requirements of the sentence, including all legal financial obligations. The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

(B) The clerk of the court shall send a copy of the new no-contact order to the individuals protected by the no-contact order, along with an explanation of the reason for the change, if there is an address available in the court file. If no address is available, the clerk of the court shall forward a copy of the order to the prosecutor, who shall send a copy of the no-contact order

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

with an explanation of the reason for the change to the last known address of the protected individuals.

(ii) Whenever an order under this subsection (2) is issued, the clerk of the court shall forward a copy of the order to the appropriate law enforcement agency specified in the order on or before the next judicial day. The clerk shall also include a cover sheet that indicates the case number of the judgment and sentence that has been discharged. Upon receipt of the copy of the order and cover sheet, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in this system until it expires. The new order, and case number of the discharged judgment and sentence, shall be linked in the criminal intelligence information system for purposes of enforcing the no-contact order.

(iii) A separately issued no-contact order may be enforced under chapter 26.50 RCW.

(iv) A separate no-contact order issued under this subsection (2) is not a modification of the offender's sentence.

(3) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

~~((3))~~ (4) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

~~((4) Except as provided in subsection (5) of this section,))~~

(5) The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

~~((5))~~ (6) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order ~~((issued under chapter 10.99 RCW))~~ that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

~~((6))~~ (7) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 3. RCW 26.50.110 and 2007 c 173 s 2 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,

or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or

(iv) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show

cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1002.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "location;" strike the remainder of the title and insert "amending RCW 9.94A.637 and 26.50.110; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1002 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1002 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1002 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123, by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Morrell, Hunter, Pedersen, Chase, Ormsby, Simpson, Wood and Conway)

Reducing the spread of multidrug resistant organisms.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.41 RCW to read as follows:

(1) Each hospital licensed under this chapter shall, by January 1, 2010, adopt a policy regarding methicillin-resistant staphylococcus aureus. The policy shall, at a minimum, contain the following elements:

(a) A requirement to test any patient for methicillin-resistant staphylococcus aureus who is a member of a patient population identified as appropriate to test based on the hospital's risk assessment for methicillin-resistant staphylococcus aureus;

(b) A requirement that a patient in the hospital's adult or pediatric, but not neonatal, intensive care unit be tested for methicillin-resistant staphylococcus aureus within twenty-four hours of admission unless the patient has been previously tested during that hospital stay or has a known history of methicillin-resistant staphylococcus aureus;

(c) Appropriate procedures to help prevent patients who test positive for methicillin-resistant staphylococcus aureus from transmitting to other patients. For purposes of this subsection, "appropriate procedures" include, but are not limited to, isolation or cohorting of patients colonized or infected with methicillin-resistant staphylococcus aureus. In a hospital where patients, whose methicillin-resistant staphylococcus aureus status is either unknown or uncolonized, may be roomed with colonized or infected patients, patients must be notified they may be roomed with patients who have tested positive for methicillin-resistant staphylococcus aureus; and

(d) A requirement that every patient who has a methicillin-resistant staphylococcus aureus infection receive oral and written instructions regarding aftercare and precautions to prevent the spread of the infection to others.

(2) A hospital that has identified a hospitalized patient who has a diagnosis of methicillin-resistant staphylococcus aureus shall report the infection to the department using the department's comprehensive hospital abstract reporting system. When making its report, the hospital shall use codes used by the United States centers for medicare and medicaid services, when available.

Sec. 2. RCW 43.70.056 and 2007 c 261 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(iii) Beginning January 1, 2010, surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) Hysterectomy, abdominal and vaginal.

(b) Until required otherwise under (c) of this subsection, a hospital must routinely collect and submit the data required to be collected under (a) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, 2011, submit a report to the appropriate committees of the legislature based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations;

(c) Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; and

(e) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals. Annually, beginning January 1, 2011, the advisory committee shall also make a recommendation to the department as to whether current science supports expanding presurgical screening for methicillin-resistant staphylococcus aureus prior to open chest cardiac, total hip, and total knee elective surgeries.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 70.58 RCW to read as follows:

In completing a certificate of death in compliance with this chapter, a physician, physician assistant, or advanced registered nurse practitioner must note the presence of methicillin-resistant staphylococcus aureus, if it is a cause or contributing factor in the patient's death."

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 1123.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "aureus;" strike the remainder of the title and insert "amending RCW 43.70.056; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 70.58 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1123 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1123 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1123 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. It's come to my attention through a scientific process known as carbon dating that a senior member has a birthday today. It's believed that with this technology we now have found a member that was here at statehood, here at the repeal of prohibition and someone we all love dearly from the Fourth Legislative District. We know that he's truthful in his bio about his age unlike other senior members, and we'd like to wish Senator McCaslin a Happy Birthday today."

PERSONAL PRIVILEGE

Senator McCaslin: "Well, this is a scientist and you're way off on your carbon dating. My birthday is April, the 20th. Now, I expect a lot of accolades on the 20th of April. You the only other famous person, if I'm famous is Adolf Hitler and I'm serious about that. He was born April 20. Not the same year Mr. President. Could we hold all these congratulatory messages until my actual birthday?"

PERSONAL PRIVILEGE

Senator Schoesler: "My deepest apologies to the Senator from the Fourth District. I had my Mondays confused and I really hope he is here with us next Monday."

PERSONAL PRIVILEGE

Senator McCaslin: "I wish you'd smile once in awhile when I get up. You look like a previous President that frowned every time he saw me move. I just want to point out to the body that's not the only thing Senator Schoesler confused on."

PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. Well, today is a birthday for somebody in my family. It happens to be my father's birthday and my dad is eighty-six years old today. So, I have to tell you a funny little story. First of all a little background, my father is a World War II Marine and September this year, September 3, will be married to my mother sixty-five years. Last week they just purchased their seasons pass for skiing at Mission Ridge for next year. I'm a very lucky person to have parents in such good health. But, here's something interesting that happened yesterday at church in Chelan. Of course, we honored my father for his eighty-sixth birthday but we also honored another gentleman who stood up because he happens to be ninety-seven years old today and he said to my father, whose nick name is Toad, 'You are just a whipper snapper.' So, to all those people in their eighties, including the good Senator from the Fourth District next week, you are all just whipper snappers."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1309, by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Ericksen, Appleton, Hinkle, Morrell, Rolfes, Cody, Moeller, Chase, Conway, Kenney, Goodman, Nelson and Roberts)

Regarding dental hygiene.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.29.056 and 2007 c 270 s 1 are each amended to read as follows:

(1)(a) Subject to RCW 18.29.230 and ((~~(e)~~)) (e) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may be employed ((~~(e)~~))₂

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

retained, or contracted by health care facilities and senior centers to perform authorized dental hygiene operations and services without dental supervision(=);

(b) Subject to RCW 18.29.230 and (e) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may perform authorized dental hygiene operations and services without dental supervision under a lease agreement with a health care facility or senior center.

(c) Dental hygienists performing operations and services under (a) or (b) of this subsection are limited to removal of deposits and stains from the surfaces of the teeth, application of topical preventive or prophylactic agents, polishing and smoothing restorations, and performance of root planing and soft-tissue curettage, but shall not perform injections of anesthetic agents, administration of nitrous oxide, or diagnosis for dental treatment.

~~((b))~~ (d) The performance of dental hygiene operations and services in health care facilities shall be limited to patients, students, and residents of the facilities.

~~((c))~~ (e) A dental hygienist employed ~~((or))~~, retained, or contracted to perform services under this section or otherwise performing services under a lease agreement under this section in a senior center must, before providing services:

(i) Enter into a written practice arrangement plan, approved by the department, with a dentist licensed in this state, under which the dentist will provide off-site supervision of the dental services provided. This agreement does not create an obligation for the dentist to accept referrals of patients receiving services under the program;

(ii) Collect data on the patients treated by dental hygienists under the program, including age, treatments rendered, insurance coverage, if any, and patient referral to dentists. This data must be submitted to the department of health at the end of each annual quarter, ~~((commencing))~~ during the period of time between October 1, 2007, and October 1, 2013; and

(iii) Obtain information from the patient's primary health care provider about any health conditions of the patient that would be relevant to the provision of preventive dental care. The information may be obtained by the dental hygienist's direct contact with the provider or through a written document from the provider that the patient presents to the dental hygienist.

~~((d))~~ (f) For dental planning and dental treatment, dental hygienists shall refer patients to licensed dentists.

(2) For the purposes of this section:

(a) "Health care facilities" are limited to hospitals; nursing homes; home health agencies; group homes serving the elderly, individuals with disabilities, and juveniles; state-operated institutions under the jurisdiction of the department of social and health services or the department of corrections; and federal, state, and local public health facilities, state or federally funded community and migrant health centers, and tribal clinics. ~~((Until July 1, 2009, "health care facilities" also include senior centers.))~~

(b) "Senior center" means a multipurpose community facility operated and maintained by a nonprofit organization or local government for the organization and provision of a ~~((broad spectrum of))~~ combination of some of the following: Health, social, nutritional, ~~((and))~~ educational services, and recreational activities for persons sixty years of age or older.

Sec. 2. RCW 18.29.220 and 2007 c 270 s 2 are each amended to read as follows:

For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions, a dental hygienist licensed in this state may

assess for and apply sealants and apply fluoride varnishes, and may remove deposits and stains from the surfaces of teeth ~~((until July 1, 2009;))~~ in community-based sealant programs carried out in schools:

(1) Without attending the department's school sealant endorsement program if the dental hygienist was licensed as of April 19, 2001; or

(2) If the dental hygienist is school sealant endorsed under RCW 43.70.650.

A hygienist providing services under this section must collect data on patients treated, including age, treatment rendered, methods of reimbursement for treatment, evidence of coordination with local public health jurisdictions and local oral health coalitions, and patient referrals to dentists. ~~((These))~~ ~~((This))~~ This data must be submitted to the department of health at the end of each annual quarter, ~~((commencing))~~ during the period of time between October 1, 2007, and October 1, 2013.

NEW SECTION. Sec. 3. The secretary of health, in consultation with representatives of dental hygienists and dentists, shall provide a report to the appropriate committees of the legislature by December 1, 2013, that provides a summary of the information about patients receiving dental hygiene services in senior centers that is collected under RCW 18.29.056(1)(e)(ii), and in community-based sealant programs carried out in schools under RCW 18.29.220. This report must also include the following:

(1) For patients receiving scaling and root planning in senior center practices, an evaluation of the patient's need for pain control;

(2) For community-based sealant programs in schools, the number of sealants applied; the teeth cleaning method selected for the patient; whether the patient was reevaluated at a recall appointment; and the need for reapplication of the sealant at the recall appointment; and

(3) For patients receiving treatment in either the senior center practices or the community-based sealant programs in schools, the number of referred patients that are seen by a dentist; the lessons learned from these practices; and any unintended consequences or outcomes."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Pflug to the committee striking amendment be adopted.

On page 3, line 36 of the amendment, after "outcomes." insert the following:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Pflug on page 3, line 36 to the committee striking amendment to Substitute House Bill No. 1309.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

NINETY-SECOND DAY, APRIL 13, 2009

Committee on Health & Long-Term Care as amended to Substitute House Bill No. 1309.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted:

On page 1, line 1 of the title, after "hygiene;" strike the remainder of the title and insert "amending RCW 18.29.056 and 18.29.220; and creating a new section."

On page 4, line 3 of the title amendment, after "18.29.220;" strike the remainder of the title amendment and insert "creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1309 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1309 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1309 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

SUBSTITUTE HOUSE BILL NO. 1309 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1532, by House Committee on Local Government & Housing (originally sponsored by Representatives Rolfes, Chandler, Seaquist, Johnson, Upthegrove, Blake and Miloscia)

Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. Revised for 1st Substitute: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1532 was advanced to

2009 REGULAR SESSION

third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1532.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1532 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, Honeyford, McCaslin, Roach, Schoesler and Stevens

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

SUBSTITUTE HOUSE BILL NO. 1532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1578, by Representatives Driscoll, Ormsby, Wood and Williams

Regarding the board of directors of an air pollution control authority.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1578.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1578 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senators Carrell and Kohl-Welles

Excused: Senators Benton, Jacobsen, Pflug and Zarelli

HOUSE BILL NO. 1578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NINETY-SECOND DAY, APRIL 13, 2009
 SECOND READING

2009 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 2119, by House Committee on Ways & Means (originally sponsored by Representatives Wallace, Carlyle, Sullivan, Morrell, Quall, Santos and Ormsby)

Expanding dual credit opportunities.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the economy of the state of Washington requires a well-prepared workforce. To meet the need, more Washington students need to be prepared for postsecondary education and training. Further, the personal enrichment and success of Washington citizens increasingly relies on their ability to use the state's postsecondary education and training system. To accomplish those ends, the legislature desires to increase the number of students who begin earning college credits while still in high school.

(2) The legislature further finds that dual credit programs introduce students to college-level work, provide a jump start on getting a college degree, and, perhaps most importantly, show students that they can succeed in college. Dual credit programs also provide another avenue of student financial aid, since many programs are offered for little or no cost to students.

(3) The legislature also finds that students must be provided a choice when selecting a dual credit program that is right for them. Options should be available for the student who wants to learn on a college campus and the student who wants to stay at the high school and take college-level courses. Options must also be available for the hands-on learner who seeks to complete an apprenticeship program.

(4) The legislature intends to blur the line between high school and college by articulating a vision to dramatically increase participation in dual credit programs. It is for this reason that the legislature should call on all education stakeholders to come together to coordinate resources, track outcomes, and improve program availability.

(5) The legislature further intends to provide high schools, colleges, and universities with a set of tools for growing and coordinating dual credit programs. Institutions should be given some flexibility in determining the best methods to secure long-term, ample financial support for these programs, while students should be given some help in offsetting instructional costs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the Washington state apprenticeship and training council, the workforce training and education coordinating board, the higher education coordinating board, and the public baccalaureate institutions, shall report by September 1, 2010, and annually thereafter to the education and higher education committees of the legislature regarding participation in dual credit programs. The report shall include:

(a) Data about student participation rates and academic performance including but not limited to running start, college

in the high school, tech prep, international baccalaureate, advanced placement, and running start for the trades;

(b) Data on the total unduplicated head count of students enrolled in at least one dual credit program course; and

(c) The percentage of students who enrolled in at least one dual credit program as percent of all students enrolled in grades nine through twelve.

(2) Data on student participation shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the public baccalaureate institutions shall jointly develop and each adopt rules governing the college in the high school program. The association of Washington school principals shall be consulted during the rules development. The rules shall be written to encourage the maximum use of the program and may not narrow or limit the enrollment options.

(2) College in the high school programs shall each be governed by a local contract between the district and the institution of higher education, in compliance with the guidelines adopted by the superintendent of public instruction, the state board for community and technical colleges, and the public baccalaureate institutions.

(3) The college in the high school program must include the provisions in this subsection.

(a) The high school and institution of higher education together shall define the criteria for student eligibility. The institution of higher education may charge tuition fees to participating students.

(b) School districts shall report no student for more than one full-time equivalent including college in the high school courses.

(c) The funds received by the institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(d) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(e) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(f) An institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or major requirements. If no comparable course is offered by the college, the institution of higher education at which the teacher of the program course is employed shall determine how many credits to award for the course and whether the course fulfills general education or major requirements. Evidence of successful

NINETY-SECOND DAY, APRIL 13, 2009

completion of each program course must be included in the student's college transcript.

(g) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may participate in the college in the high school program.

(h) Participating school districts must provide general information about the college in the high school program to all students in grades ten, eleven, and twelve and to the parents and guardians of those students.

(i) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(4) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the meaning in RCW 28B.10.016 and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

The superintendent of public instruction and the higher education coordinating board shall develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid.

Sec. 5. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((community college or vocational-technical institute))~~ choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 6. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and

students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as ~~((work-based))~~ worksite learning, ~~((school-to-work transition))~~ internships, tech prep, ~~((vocational+))~~ career and technical education, running start, college in the high school, running start for the trades, and preparation for technical college, community college, or university education.

Sec. 7. RCW 28A.600.300 and 2005 c 207 s 5 are each amended to read as follows:

(1) The program established in this section through RCW 28A.600.400 shall be known as the running start program.

(2) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

~~((+))~~ (a) A community or technical college as defined in RCW 28B.50.030;

~~((+))~~ (b) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

~~((+))~~ (c) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.

Sec. 8. RCW 28A.600.310 and 2005 c 125 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041, running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college; and all other institutions of higher education operating a running start program may charge technology fees. The fees charged shall be prorated based on credit load.

(3) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. ~~((The institution of higher education shall not require the pupil to pay any other fees.))~~ The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of ~~((determining any))~~ meeting enrollment ~~((restrictions imposed by the state on the institution of higher education))~~ targets established in the omnibus appropriations act. However, such students may be counted for purposes of meeting enrollment targets established for the individual colleges by the state board for community and technical colleges."

On page 1, line 1 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 28A.225.290, 28A.600.160, 28A.600.300, and 28A.600.310; adding new sections to chapter 28A.600 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2119.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the economy of the state of Washington requires a well-prepared workforce. To meet the need, more Washington students need to be prepared for postsecondary education and training. Further, the personal enrichment and success of Washington citizens increasingly relies on their ability to use the state's postsecondary education and training system. To accomplish those ends, the legislature desires to increase the number of students who begin earning college credits while still in high school.

(2) The legislature further finds that dual credit programs introduce students to college-level work, provide a jump start on getting a college degree, and, perhaps most importantly, show students that they can succeed in college. Dual credit programs also provide another avenue of student financial aid, since many programs are offered for little or no cost to students.

(3) The legislature also finds that students must be provided a choice when selecting a dual credit program that is right for them. Options should be available for the student who wants to learn on a college campus and the student who wants to stay at the high school and take college-level courses. Options must also be available for the hands-on learner who seeks to complete an apprenticeship program.

(4) The legislature intends to blur the line between high school and college by articulating a vision to dramatically increase participation in dual credit programs. It is for this reason that the legislature should call on all education stakeholders to come together to coordinate resources, track outcomes, and improve program availability.

(5) The legislature further intends to provide high schools, colleges, and universities with a set of tools for growing and coordinating dual credit programs. Institutions should be given some flexibility in determining the best methods to secure long-term, ample financial support for these programs, while students should be given some help in offsetting instructional costs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the Washington state apprenticeship and training council, the workforce training and education coordinating board, the higher education coordinating board, and the public baccalaureate institutions, shall report by September 1, 2010, and annually thereafter to the education and higher education committees of the legislature regarding participation in dual credit programs. The report shall include:

(a) Data about student participation rates and academic performance including but not limited to running start, college in the high school, tech prep, international baccalaureate, advanced placement, and running start for the trades;

(b) Data on the total unduplicated head count of students enrolled in at least one dual credit program course; and

(c) The percentage of students who enrolled in at least one dual credit program as percent of all students enrolled in grades nine through twelve.

(2) Data on student participation shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the public baccalaureate institutions shall jointly develop and each adopt rules governing the college in the high school program. The association of Washington school principals shall be consulted during the rules development. The rules shall be written to encourage the maximum use of the program and may not narrow or limit the enrollment options.

(2) College in the high school programs shall each be governed by a local contract between the district and the

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

institution of higher education, in compliance with the guidelines adopted by the superintendent of public instruction, the state board for community and technical colleges, and the public baccalaureate institutions.

(3) The college in the high school program must include the provisions in this subsection.

(a) The high school and institution of higher education together shall define the criteria for student eligibility. The institution of higher education may charge tuition fees to participating students.

(b) School districts shall report no student for more than one full-time equivalent including college in the high school courses.

(c) The funds received by the institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(d) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(e) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(f) An institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or major requirements. If no comparable course is offered by the college, the institution of higher education at which the teacher of the program course is employed shall determine how many credits to award for the course and whether the course fulfills general education or major requirements. Evidence of successful completion of each program course must be included in the student's college transcript.

(g) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may participate in the college in the high school program.

(h) Participating school districts must provide general information about the college in the high school program to all students in grades ten, eleven, and twelve and to the parents and guardians of those students.

(i) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(4) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the meaning in RCW 28B.10.016 and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

The superintendent of public instruction and the higher education coordinating board shall develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid.

Sec. 5. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((community college or vocational-technical institute))~~ choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 6. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as ~~((work-based))~~ worksite learning, ~~((school-to-work transition))~~ internships, tech prep, ~~((vocational))~~ career and technical education, running start, college in the high school, running start for the trades, and preparation for technical college, community college, or university education.

Sec. 7. RCW 28A.600.300 and 2005 c 207 s 5 are each amended to read as follows:

(1) The program established in this section through RCW 28A.600.400 shall be known as the running start program.

(2) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

~~((+))~~ (a) A community or technical college as defined in RCW 28B.50.030;

~~((+))~~ (b) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

~~((+))~~ (c) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.

Sec. 8. RCW 28A.600.310 and 2005 c 125 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high

NINETY-SECOND DAY, APRIL 13, 2009

school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041, running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college; and all other institutions of higher education operating a running start program may charge technology fees. The fees charged shall be prorated based on credit load.

(3) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. ~~((The institution of higher education shall not require the pupil to pay any other fees.))~~ The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall ~~((not))~~ be counted for the purpose of ~~((determining any))~~ meeting enrollment ~~((restrictions~~

2009 REGULAR SESSION

~~imposed by the state on the institution of higher education)) targets in accordance with terms and conditions specified in the omnibus appropriations act.~~

(5) The state board for community and technical colleges, in collaboration with the other institutions of higher education that participate in the running start program and the office of the superintendent of public instruction, shall identify, assess, and report on alternatives for providing ongoing and adequate financial support for the program. Such alternatives shall include but are not limited to student tuition, increased support from local school districts, and reallocation of existing state financial support among the community and technical college system to account for differential running start enrollment levels and impacts. The state board for community and technical colleges shall report the assessment of alternatives to the governor and to the appropriate fiscal and policy committees of the legislature by September 1, 2010."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe and others to Second Substitute House Bill No. 2119.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 28A.225.290, 28A.600.160, 28A.600.300, and 28A.600.310; adding new sections to chapter 28A.600 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2119 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2119 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2119 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Holmquist and Stevens

Excused: Senators Jacobsen and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 2119 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

NINETY-SECOND DAY, APRIL 13, 2009

SUBSTITUTE HOUSE BILL NO. 1984, by House Committee on Ecology & Parks (originally sponsored by Representatives Finn, Armstrong, Uphthegrove and Wood)

Authorizing the use of a safe alternative refrigerant in motor vehicle air conditioning equipment.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1984 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen and Zarelli

SUBSTITUTE HOUSE BILL NO. 1984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208, by House Committee on Finance (originally sponsored by Representatives Takko and Alexander)

Concerning property tax administration.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.40.042 and 2008 c 17 s 1 are each amended to read as follows:

(1) When real property is divided in accordance with chapter 58.17 RCW, the assessor shall carefully investigate and ascertain the true and fair value of each lot and assess each lot on that same basis, unless specifically provided otherwise by law. For purposes of this section, "lot" has the same definition as in RCW 58.17.020.

(a) For each lot on which an advance tax deposit has been paid in accordance with RCW 58.08.040, the assessor shall

establish the true and fair value by October 30th of the year following the recording of the plat, replat, or altered plat. The value established shall be the value of the lot as of January 1st of the year the original parcel of real property was last revalued. An additional property tax shall not be due on the land until the calendar year following the year for which the advance tax deposit was paid if the deposit was sufficient to pay the full amount of the taxes due on the property.

(b) For each lot on which an advance tax deposit has not been paid, the assessor shall establish the true and fair value not later than the calendar year following the recording of the plat, map, subdivision, or replat. For purposes of this section, "subdivision" means a division of land into two or more lots.

(c) For each subdivision, all current year and delinquent taxes and assessments on the entire tract must be paid in full in accordance with RCW 58.17.160 and 58.08.030 except when property is being acquired by a government for public use. For purposes of this section, "current year taxes" means taxes that are collectible under RCW 84.56.010 subsequent to ~~((February 14th))~~ completing the tax roll for current year collection.

(2) When the assessor is required by law to segregate any part or parts of real property, assessed before or after July 27, 1997, as one parcel or when the assessor is required by law to combine parcels of real property assessed before or after July 27, 1997, as two or more parcels, the assessor shall carefully investigate and ascertain the true and fair value of each part or parts of the real property and each combined parcel and assess each part or parts or each combined parcel on that same basis.

Sec. 2. RCW 84.56.070 and 2007 c 295 s 5 are each amended to read as follows:

~~((On the fifteenth day of February succeeding the levy of taxes.))~~ The county treasurer shall proceed to collect all personal property taxes after first completing the tax roll for the current year's collection. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

his or her legal representative: PROVIDED, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distrain sufficient goods and chattels to pay the same.

Sec. 3. RCW 86.09.490 and 1937 c 72 s 164 are each amended to read as follows:

The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which the assessment becomes due and payable, but as between grantor and grantee such lien shall not attach until the ~~((fifteenth day of February of such year, which))~~ county treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020. The lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except a lien for undelinquent flood control district assessments, diking or drainage, or diking or drainage improvement, district assessments and for unpaid and outstanding general ad valorem taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law.

Sec. 4. RCW 84.60.050 and 1994 c 301 s 54 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as

provided in RCW 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede ~~((February 15th of))~~ the completion of the property tax rolls for the current year's collection in the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW 84.48.065.

Sec. 5. RCW 87.03.265 and 1939 c 171 s 2 are each amended to read as follows:

The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which it is levied, but as between grantor and grantee such lien shall not attach until the ~~((fifteenth day of February of))~~ county treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020 in the year in which the assessment is payable, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the lien for all payments due or to become due under any contract with the United States, or the state of Washington, accompanying which bonds of the district have not been deposited with the United States or the state of Washington, as in RCW 87.03.140 provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

Sec. 6. RCW 87.03.270 and 1988 c 134 s 13 are each amended to read as follows:

The assessment roll, before its equalization and adoption, shall be checked and compared as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall become due and payable ~~((on the fifteenth day of February following))~~ after the county treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020.

All assessments on said roll shall become delinquent on the first day of May following the filing of the roll unless the assessments are paid on or before the thirtieth day of April of said year: PROVIDED, That if an assessment is ten dollars or more for said year and if one-half of the assessment is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date. All delinquent assessments shall bear interest at the rate of twelve percent per annum, computed on a monthly basis and without compounding, from the date of delinquency until paid.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

proceedings relating to the payment and collection of said assessments.

On or before April 1st of each year, the treasurer of the district shall send a statement of assessments due. County treasurers who collect irrigation district assessments may send the statement of irrigation district assessments together with the statement of general taxes.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed.

It shall be the duty of the treasurer of the district to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request. All statements of irrigation district assessments covering any land in the district shall show the amount of the irrigation district assessment, the dates on which the assessment is due, the place of payment, and, if the property was sold for delinquent assessments in a prior year, the amount of the delinquent assessment and the notation "certificate issued": ~~PROVIDED,~~ That the failure of the treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

When the treasurer collects a delinquent assessment, the treasurer shall collect any other amounts due by reason of the delinquency, including accrued costs, which shall be deposited to the treasurer's operation and maintenance fund.

Sec. 7. RCW 85.08.480 and 1933 c 125 s 2 are each amended to read as follows:

The respective installments of assessments for construction or maintenance of improvements made under the provisions of this chapter, shall be collected in the same manner and shall become delinquent at the same time as general taxes, certificates of delinquency shall be issued, and the lien of the assessment shall be enforced by foreclosure and sale of the property assessed, as in the case of general taxes, all according to the laws in force on January 1, 1923, except as hereinafter specifically provided.

The annual assessments or installments of assessments, both for construction and for maintenance and repairs of the diking and/or drainage system shall become due in two equal installments, one-half being payable on or before ~~((May)) April 30th,~~ and the other half on or before ~~((November 30th)) October 31st;~~ and delinquency interest thereon shall run from said dates on said respective halves of said assessments.

The rate of interest thereon after delinquency, also the rate of interest borne by certificates of delinquency, shall be ~~((ten)) twelve~~ percent per annum. Certificates of delinquency for any assessment or installment thereof shall be issued upon demand and payment of such delinquent assessment and the fee for the same at any time after the expiration of twelve months after the date of delinquency thereof. In case no certificate of delinquency be issued after the expiration of four years from date of delinquency of assessments for construction costs, or after the expiration of two years from date of delinquency of assessments for maintenance or repairs, certificates of

delinquency shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided in ~~((sections 11292 to 11317 inclusive))~~ chapter 84.64 RCW.

The holder of a certificate of delinquency for any drainage, diking or sewerage improvement district or consolidated district assessment or installment thereof may pay any delinquent general taxes upon the property described therein, and may redeem any certificate of delinquency for general taxes against said property and the amount so paid together with interest thereon at the rate provided by law shall be included in the lien of said certificate of delinquency.

The expense of foreclosure proceedings by the county shall be paid by the districts whose liens are foreclosed: Costs of foreclosure by the county or private persons as provided by law, shall be included in the judgment of foreclosure.

Sec. 8. RCW 82.45.090 and 2003 c 53 s 404 are each amended to read as follows:

(1) Except for a sale of a beneficial interest in real property where no instrument evidencing the sale is recorded in the official real property records of the county in which the property is located, the tax imposed by this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. In collecting the tax the treasurer shall act as agent for the state. The county treasurer shall cause a ~~((stamp))~~ verification of payment evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the ~~((stamp))~~ verification of payment affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer. Any time there is a sale of a used mobile home, used manufactured home, used park model, or used floating home that has not been title eliminated, property taxes must be current in order to complete the processing of the real estate excise tax affidavit or other documents transferring title. Verification that the property taxes are current must be noted on the mobile home real estate excise tax affidavit or on a form approved by the county treasurer. For the purposes of this subsection, "mobile home," "manufactured home," and "park model" have the same meaning as provided in RCW 59.20.030.

(2) For a sale of a beneficial interest in real property where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located, the sale shall be reported to the department of revenue within five days from the date of the sale on such returns or forms and according to such procedures as the department may prescribe. Such forms or returns shall be signed by both the transferor and the transferee and shall be accompanied by payment of the tax due.

(3) Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter is guilty of perjury under chapter 9A.72 RCW.

Sec. 9. RCW 84.69.030 and 1991 c 245 s 32 are each amended to read as follows:

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

~~((Except in cases wherein the county legislative authority acts upon its own motion.))~~ No orders for a refund under this chapter shall be made except on a claim:

- (1) Verified by the person who paid the tax, the person's guardian, executor or administrator; and
- (2) Filed with the county treasurer within three years after ~~((making))~~ the due date of the payment sought to be refunded; and
- (3) Stating the statutory ground upon which the refund is claimed."

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Fairley to the committee striking amendment be adopted.

On page 9, after line 29 of the amendment, insert the following:

"**NEW SECTION. Sec. 10.** A new section is added to chapter 84.69 RCW to read as follows:

Taxing districts other than the state may levy a tax upon all the taxable property within the district for the purpose of:

- (1) Funding refunds paid or to be paid under this chapter, except for refunds under RCW 84.69.020(1), including interest, as ordered by the county treasurer or county legislative authority within the preceding twelve months; and
- (2) Reimbursing the taxing district for taxes abated under RCW 84.70.010 within the preceding twelve months. This subsection (2) only applies to abatements that do not require a refund under this chapter. Abatements that require a refund are included within the scope of subsection (1) of this section.

Sec. 11. RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply to a levy, including the state levy, or that portion of a levy, made by or for a taxing district:

- (1) For the purpose of funding a property tax refund paid ~~((or to be paid pursuant to))~~ under the provisions of chapter 84.68 RCW ~~((or attributable to a property tax refund paid or to be paid pursuant to the provisions of chapter 84.69 RCW.))~~;
- (2) Under section 10 of this act; or
- (3) Attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

NEW SECTION. Sec. 12. Sections 10 and 11 of this act apply retroactively to January 1, 2009, and apply to taxes levied under section 10 of this act for collection in 2010 and thereafter."

Senator Swecker spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Fairley on page 9, after line 29 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1208.

The motion by Senator Swecker carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Fairley to the committee striking amendment be adopted.

On page 9, after line 29 of the amendment, insert the following:

"Sec. 10. RCW 84.34.037 and 1992 c 69 s 6 are each amended to read as follows:

(1) Applications for classification or reclassification under RCW 84.34.020(1) shall be made to the county legislative authority. An application made for classification or reclassification of land under RCW 84.34.020(1) (b) and (c) which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.

(2) In determining whether an application made for classification or reclassification under RCW 84.34.020(1) (b) and (c) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider:

- (a) The resulting revenue loss or tax shift;
- (b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
- (c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

(3) If a public benefit rating system is adopted under RCW 84.34.055, the county legislative authority shall rate property for which application for classification has been made under RCW 84.34.020(1) (b) and (c) according to the public benefit rating system in determining whether an application should be approved or disapproved, but when such a system is adopted, open space properties then classified under this chapter which do not qualify under the system shall not be removed from classification but may be rated according to the public benefit rating system.

(4) The granting authority may approve the application with respect to only part of the land which is the subject of the application. If any part of the application is denied, the applicant may withdraw the entire application. The granting authority in approving in part or whole an application for land classified or reclassified pursuant to RCW 84.34.020(1) may also require that certain conditions be met, including but not limited to the granting of easements. As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW 84.34.020(1)(b)(iii) for the purpose of promoting conservation of wetlands.

(5) The granting or denial of the application for current use classification or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

Sec. 11. RCW 84.34.041 and 2002 c 315 s 2 are each amended to read as follows:

An application for current use classification or reclassification under RCW 84.34.020(3) shall be made to the county legislative authority.

(1) The application shall be made upon forms prepared by the department of revenue and supplied by the granting authority and shall include the following elements that constitute a timber management plan:

(a) A legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified as timber land;

(b) The date or dates of acquisition of the land;

(c) A brief description of the timber on the land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for the land;

(e) If so, the nature and extent of implementation of the plan;

(f) Whether the land is used for grazing;

(g) Whether the land has been subdivided or a plat filed with respect to the land;

(h) Whether the land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(i) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(j) Whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

(2) An application made for classification of land under RCW 84.34.020(3) shall be acted upon after a public hearing and after notice of the hearing is given by one publication in a newspaper of general circulation in the area at least ten days before the hearing. Application for classification of land in an incorporated area shall be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.

(3) The granting authority shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain a stand of timber as defined in chapter 76.09 RCW and applicable rules, except this reason shall not alone be sufficient to deny the application (i) if the land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or the longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions;

(b) The applicant, with respect to the land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(4) The timber management plan must be filed with the county legislative authority either: (a) When an application for classification under this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter or from designated forest land is received. The application for reclassification shall be accepted, but shall not be processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied.

If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

The granting authority may approve the application with respect to only part of the land that is described in the application, and if any part of the application is denied, the applicant may withdraw the entire application. The granting authority, in approving in part or whole an application for land classified pursuant to RCW 84.34.020(3), may also require that certain conditions be met.

Granting or denial of an application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions. The granting authority may not require the granting of easements for land classified pursuant to RCW 84.34.020(3).

The granting authority shall approve or disapprove an application made under this section within six months following the date the application is received."

Senator Swecker spoke in favor of adoption of the amendment to the committee striking amendment.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Fairley on page 9, after line 29 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1208.

The motion by Senator Swecker carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections as amended to Engrossed Second Substitute House Bill No. 1208.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "and amending RCW 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030."

On page 10, line 4 of the title amendment, after "82.45.090," strike the remainder of the title and insert "84.69.030, and 84.55.070; adding a new section to chapter 84.69 RCW; and creating a new section."

On page 10, line 4 of the title amendment, after "82.45.090," strike the remainder of the title and insert "84.69.030, 84.34.037, and 84.34.041."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Second Substitute House Bill No. 1208 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1208 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1208 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, McCaslin, Parlette, Roach, Sheldon and Stevens

Excused: Senators Jacobsen, Prentice and Zarelli

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208 as amended by the Senate, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Senator Brandland gave notice of his intent to move to reconsider the vote by which Engrossed Second Substitute House Bill No. 1208 passed the Senate.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

ENGROSSED HOUSE BILL NO. 1087, by Representatives Kenney, Pettigrew, Hasegawa, Darneille, Chase, Nelson, Sullivan, Dickerson, Hudgins, White and Uptegrove

Improving the effectiveness of the office of minority and women's business enterprises.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall, in consultation with the office of minority and women's business enterprises and any advisory committee, develop a strategic plan to improve the effectiveness of all state agencies in carrying out the purposes of chapter 39.19 RCW, including assisting small minority and women's business enterprises in competing for and receiving state contracts and otherwise succeeding in this state. The plan must be updated at least annually and must include timelines and, at a minimum, strategies to:

(a) Facilitate communication with and among minority and women's business enterprises on contracting with the state, including providing for a central depository of information accessible to small businesses and to individual contracting agencies and officers;

(b) Increase the effectiveness of existing outreach from the office of minority and women's business enterprises to small businesses, including publicizing the value of certification under chapter 39.19 RCW, and increase outreach by individual agencies;

(c) Streamline the statewide certification process under chapter 39.19 RCW;

(d) Focus technical assistance to small businesses and certified firms;

(e) Provide an effective training program to contracting officers at all state agencies on the certification process in chapter 39.19 RCW and ways to increase the role of minority and women-owned businesses in state contracting;

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(f) Address barriers to inclusion of certified firms in the state procurement process;

(g) Increase selection of firms certified under chapter 39.19 RCW as prime contractors and subcontractors in contracts awarded by state agencies and educational institutions; and

(h) Develop accountability measures to use in reporting progress by state agencies and educational institutions in achieving the purposes of this chapter.

(2) The office must report on the strategic plan and its assessment of progress to the governor and the appropriate committees of the legislature, with a preliminary report by September 1, 2009, and annual reports beginning December 1, 2009. The report must include relevant fiscal information.

NEW SECTION. Sec. 2. A new section is added to chapter 43.41 RCW to read as follows:

(1) For the purpose of annual reporting on progress required by section 1 of this act, each state agency and educational institution shall submit data to the office and the office of minority and women's business enterprises on the participation by qualified minority and women-owned and controlled businesses in the agency's or institution's contracts and other related information requested by the director. The director of the office of minority and women's business enterprises shall determine the content and format of the data and the reporting schedule, which must be at least annually.

(2) The office must develop and maintain a list of contact people at each state agency and educational institution that is able to present to hearings of the appropriate committees of the legislature its progress in carrying out the purposes of chapter 39.19 RCW.

(3) The office must submit a report aggregating the data received from each state agency and educational institution to the legislature and the governor.

Sec. 3. RCW 39.19.041 and 1995 c 269 s 1302 are each amended to read as follows:

(1) The director may establish (~~ad hoc advisory committees, as necessary~~) advisory committees on various aspects of minority and women's business enterprises on an ad hoc basis to assist in the development of policies to carry out the purposes of this chapter and to provide the director with policy advice on current issues.

(2) The advisory committees may meet as often as necessary.

(3) Advisory committee membership:

(a) Must be as diverse and representative as possible of businesses certified under this chapter unless such a requirement would reduce the number of members with relevant knowledge and experience;

(b) Should include organizations that represent minority and women-owned businesses;

(c) Should reflect statewide geographic distribution of small businesses; and

(d) May include nonvoting representatives of state and local government."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Innovation by Engrossed House Bill No. 1087.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "enterprises;" strike the remainder of the title and insert "amending RCW 39.19.041; and adding new sections to chapter 43.41 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed House Bill No. 1087 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1087 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1087 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Holmquist, Honeyford, McCaslin, Morton and Stevens

Excused: Senators Jacobsen, Prentice and Zarelli

ENGROSSED HOUSE BILL NO. 1087 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349, by House Committee on Human Services (originally sponsored by Representatives Green, Moeller, Dickerson, Cody and Kenney)

Renewing orders for less restrictive treatment.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that many persons who are released from involuntary mental health treatment in an inpatient setting would benefit from an order for less restrictive treatment in order to provide the structure and support necessary to facilitate long-term stability and success in the community.

(2) The legislature intends to make it easier to renew orders for less restrictive treatment following a period of inpatient commitment in cases in which a person has been involuntarily committed more than once and is likely to benefit from a renewed order for less restrictive treatment.

(3) The legislature finds that public safety is enhanced when a designated mental health professional is able to file a petition

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

to revoke an order for less restrictive treatment under RCW 71.05.340 before a person who is the subject of the petition becomes ill enough to present a likelihood of serious harm.

Sec. 2. RCW 71.05.320 and 2008 c 213 s 9 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment(~~(: PROVIDED, That (a))~~). If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

~~((b) If the committed person has a developmental disability and has been determined incompetent pursuant to RCW 10.77.086(4), and the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.))~~

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment(~~(: PROVIDED, That)~~). If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional (~~or developmental disabilities professional~~), files a new petition for involuntary treatment on the grounds that the committed person(~~(:)~~):

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to (~~reprove that element~~) prove such conduct again. (~~Such~~)

(4) For a person committed under subsection (2) of this section who has been remanded to a period of less restrictive treatment, in addition to the grounds specified in subsection (3) of this section, the designated mental health professional may file a new petition for continued less restrictive treatment if:

(a) The person was previously committed by a court to detention for involuntary mental health treatment during the thirty-six months that preceded the person's initial detention date during the current involuntary commitment cycle, excluding any time spent in a mental health facility or in confinement as a result of a criminal conviction;

(b) In view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and

(c) Outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

(5) A new petition for involuntary treatment filed under subsection (3) or (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this (~~subsection~~) section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this (~~subsection~~) section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. However, a commitment is not permissible under subsection (4) of this section if thirty-six months have passed since the last date of discharge from detention for inpatient treatment that preceded the current less restrictive alternative order, nor shall a commitment under subsection (4) of this section be permissible

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

if the likelihood of serious harm in subsection (4)(c) of this section is based solely on harm to the property of others.

((4)) (7) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

When appropriate and subject to available funds, the treatment and training of a person with a developmental disability who is committed to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment under RCW 71.05.320 must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1349.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 71.05.320; adding a new section to chapter 71.05 RCW; and creating a new section."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1349 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1349 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1349 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1395, by Representatives Wallace, Anderson, Hasegawa, Sells, Chase and Kenney

Clarifying terms for workforce and economic development.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.030 and 2007 c 277 s 301 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the workforce training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(20) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the higher education coordinating board for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

(21) "High employer demand program of study" means an apprenticeship, or an undergraduate or graduate certificate or degree program in which the number of students prepared for employment per year from in-state institutions is substantially less than the number of projected job openings per year in that field, statewide or in a substate region.

Sec. 2. RCW 28B.50.273 and 2008 c 14 s 10 are each amended to read as follows:

For the purposes of identifying opportunity grant-eligible programs of study and other job training programs, the college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify high employer demand programs of study offered by qualified postsecondary institutions that lead to a credential, certificate, or degree;

(2) Identify job-specific training programs offered by qualified postsecondary institutions that lead to a credential,

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

certificate, or degree in green industry occupations as established in chapter 14, Laws of 2008(~~, and other high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized~~);

~~((2))~~ (3) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

~~((3))~~ (4) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

Sec. 3. RCW 50.22.130 and 2000 c 2 s 6 are each amended to read as follows:

It is the intent of the legislature that a training benefits program be established to provide unemployment insurance benefits to unemployed individuals who participate in training programs necessary for their reemployment.

The legislature further intends that this program serve the following goals:

(1) Retraining should be available for those unemployed individuals whose skills are no longer in demand;

(2) To be eligible for retraining, an individual must have a long-term attachment to the labor force;

(3) Training must enhance the individual's marketable skills and earning power; and

(4) Retraining must be targeted to ~~((those industries or skills that are in high demand within the labor market))~~ high-demand occupations.

Individuals unemployed as a result of structural changes in the economy and technological advances rendering their skills obsolete must receive the highest priority for participation in this program. It is the further intent of the legislature that individuals for whom suitable employment is available are not eligible for additional benefits while participating in training.

The legislature further intends that funding for this program be limited by a specified maximum amount each fiscal year.

Sec. 4. RCW 50.22.150 and 2009 c 3 s 5 are each amended to read as follows:

(1) This section applies to claims with an effective date before April 5, 2009.

(2) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (3) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (1) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days

after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(3) Until June 30, 2002, the following individuals who meet the requirements of subsection (2) of this section may, without regard to the tenure requirements under subsection (2)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(4) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high-demand occupation. Beginning July 1, 2001, the assessment of high-demand occupations authorized for training under this section

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

must be substantially based on labor market and employment information developed by local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (11) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the workforce training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(6) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhautees who are eligible under subsection (2) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhautees who are eligible under subsection (3) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(iii) For exhautees eligible under subsection (2) of this section from industries listed under subsection (3)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(7) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(8)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned the standard industrial code "372" or the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year

limitation of this section and without regard to the requirement of subsection (2)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(9) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(10) All base year employers are interested parties to the approval of training and the granting of training benefits.

(11) By July 1, 2001, each local workforce development council, in cooperation with the employment security department and its labor market information division, must identify ~~((occupations and skill sets that are declining and occupations and skill sets that are in))~~ high-demand occupations and occupations in declining employer demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high-demand occupation" means ~~((demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area))~~ an occupation with a substantial number of current or projected employment opportunities. Local workforce development councils must use state and locally developed labor market information. Thereafter, each local workforce development council shall update this information annually or more frequently if needed.

(12) The commissioner shall adopt rules as necessary to implement this section.

Sec. 5. RCW 51.32.099 and 2007 c 72 s 2 are each amended to read as follows:

(1)(a) The legislature intends to create improved vocational outcomes for Washington state injured workers and employers through legislative and regulatory change under a pilot program for the period of January 1, 2008, through June 30, 2013. This pilot vocational system is intended to allow opportunities for eligible workers to participate in meaningful retraining in high-demand occupations, improve successful return to work and achieve positive outcomes for workers, reduce the incidence of repeat vocational services, increase accountability and responsibility, and improve cost predictability. To facilitate the study and evaluation of the results of the proposed changes, the department shall establish the temporary funding of certain state fund vocational costs through the medical aid account to ensure the appropriate assessments to employers for the costs of their claims for vocational services in accordance with RCW 51.32.0991.

(b) An independent review and study of the effects of the pilot program shall be conducted to determine whether it has achieved the appropriate outcomes at reasonable cost to the system. The review shall include, at a minimum, a report on the department's performance with regard to the provision of vocational services, the skills acquired by workers who receive retraining services, the types of training programs approved, whether the workers are employed, at what jobs and wages after

completion of the training program and at various times subsequent to their claim closure, the number and demographics of workers who choose the option provided in subsection (4)(b) of this section, and their employment and earnings status at various times subsequent to claim closure. The department may adopt rules, in collaboration with the subcommittee created under (c)(iii) of this subsection, to further define the scope and elements of the required study. Reports of the independent researcher are due on December 1, 2010, December 1, 2011, and December 1, 2012.

(c) In implementing the pilot program, the department shall:

(i) Establish a vocational initiative project that includes participation by the department as a partner with WorkSource, the established state system that administers the federal workforce investment act of 1998. As a partner, the department shall place vocational professional full-time employees at pilot WorkSource locations; refer some workers for vocational services to these vocational professionals; and work with employers in work source pilot areas to market the benefits of on-the-job training programs and with community colleges to reserve slots in high employer demand programs of study as defined in RCW 28B.50.030. These on-the-job training programs and community college slots may be considered by both department and private sector vocational professionals for vocational plan development. The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals.

(ii) Develop and maintain a register of state fund and self-insured workers who have been retrained or have selected any of the vocational options described in this section for at least the duration of the pilot program.

(iii) Create a vocational rehabilitation subcommittee made up of members appointed by the director for at least the duration of the pilot program. This subcommittee shall provide the business and labor partnership needed to maintain focus on the intent of the pilot program, as described in this section, and provide consistency and transparency to the development of rules and policies. The subcommittee shall report to the director at least annually and recommend to the director and the legislature any additional statutory changes needed, which may include extension of the pilot period. The subcommittee shall provide input and oversight with the department concerning the study required under (b) of this subsection. The subcommittee shall provide recommendations for additional changes or incentives for injured workers to return to work with their employer of injury.

(iv) The department shall develop an annual report concerning Washington's workers' compensation vocational rehabilitation system to the legislature and to the subcommittee by December 1, 2009, and annually thereafter with the final report due by December 1, 2012. The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed. The final report shall include the department's assessment and recommendations for further legislative action, in collaboration with the subcommittee.

(2)(a) For the purposes of this section, the day the worker commences vocational plan development means the date the department or self-insurer notifies the worker of his or her eligibility for plan development services.

(b) When vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, he or she shall be provided with services necessary to develop a vocational plan that, if completed, would render the worker employable. The vocational professional assigned to the claim shall, at the initial meeting with the worker, fully inform the worker of the return-to-work priorities set forth in RCW 51.32.095(2) and of his or her rights and responsibilities under the workers' compensation vocational system. The department shall provide tools to the vocational professional for communicating this and other information required by RCW 51.32.095 and this section to the worker.

(c) On the date the worker commences vocational plan development, the department shall also inform the employer in writing of the employer's right to make a valid return-to-work offer during the first fifteen days following the commencement of vocational plan development. To be valid, the offer must be for bona fide employment with the employer of injury, consistent with the worker's documented physical and mental restrictions as provided by the worker's health care provider. When the employer makes a valid return-to-work offer, the vocational plan development services and temporary total disability compensation shall be terminated effective ~~((on))~~ on the starting date for the job without regard to whether the worker accepts the return-to-work offer. Following the fifteen-day period, the employer may still provide, and the worker may accept, any valid return-to-work offer. The worker's acceptance of such an offer shall result in the termination of vocational plan development or implementation services and temporary total disability compensation effective the day the employment begins.

(3)(a) All vocational plans must contain an accountability agreement signed by the worker detailing expectations regarding progress, attendance, and other factors influencing successful participation in the plan. Failure to abide by the agreed expectations shall result in suspension of vocational benefits pursuant to RCW 51.32.110.

(b) Any formal education included as part of the vocational plan must be for an accredited or licensed program or other program approved by the department. The department shall develop rules that provide criteria for the approval of nonaccredited or unlicensed programs.

(c) The vocational plan for an individual worker must be completed and submitted to the department within ninety days of the day the worker commences vocational plan development. The department may extend the ninety days for good cause. Criteria for good cause shall be provided in rule. The frequency and reasons for good cause extensions shall be reported to the subcommittee created under subsection (1)(c)(iii) of this section.

(d) Costs for the vocational plan may include books, tuition, fees, supplies, equipment, child or dependent care, training fees for on-the-job training, the cost of furnishing tools and other equipment necessary for self-employment or reemployment, and other necessary expenses in an amount not to exceed twelve thousand dollars. This amount shall be adjusted effective July 1 of each year for vocational plans or retraining benefits available under subsection (4)(b) of this section approved on or after this date but before June 30 of the next year based on the average percentage change in tuition for the next fall quarter for all Washington state community colleges.

(e) The duration of the vocational plan shall not exceed two years from the date the plan is implemented. The worker shall receive temporary total disability compensation under RCW 51.32.090 and the cost of transportation while he or she is actively and successfully participating in a vocational plan.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(f) If the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(4) Vocational plan development services shall be completed within ninety days of commencing. During vocational plan development the worker shall, with the assistance of a vocational professional, participate in vocational counseling and occupational exploration to include, but not be limited to, identifying possible job goals, training needs, resources, and expenses, consistent with the worker's physical and mental status. A vocational rehabilitation plan shall be developed by the worker and the vocational professional and submitted to the department or self-insurer. Following this submission, the worker shall elect one of the following options:

(a) Option 1: The department or self-insurer implements and the worker participates in the vocational plan developed by the vocational professional and approved by the worker and the department or self-insurer. For state fund claims, the department must review and approve the vocational plan before implementation may begin. If the department takes no action within fifteen days, the plan is deemed approved. The worker may, within fifteen days of approval of the plan by the department, elect option 2.

(i) Following successful completion of the vocational plan, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of transferable skills obtained in the vocational plan.

(ii) If a vocational plan is successfully completed on a claim which is thereafter reopened as provided in RCW 51.32.160, the cost and duration available for any subsequent vocational plan is limited to that in subsection (3)(d) and (e) of this section, less that previously expended.

(b) Option 2: The worker declines further vocational services under the claim and receives an amount equal to six months of temporary total disability compensation under RCW 51.32.090. The award is payable in biweekly payments in accordance with the schedule of temporary total disability payments, until such award is paid in full. These payments shall not include interest on the unpaid balance. However, upon application by the worker, and at the discretion of the department, the compensation may be converted to a lump sum payment. The vocational costs defined in subsection (3)(d) of this section shall remain available to the worker, upon application to the department or self-insurer, for a period of five years. The vocational costs shall, if expended, be available for programs or courses at any accredited or licensed institution or program from a list of those approved by the department for tuition, books, fees, supplies, equipment, and tools, without department or self-insurer oversight. The department shall issue an order as provided in RCW 51.52.050 confirming the option 2 election, setting a payment schedule, and terminating temporary total disability benefits. The department shall thereafter close the claim.

(i) If within five years from the date the option 2 order becomes final, the worker is subsequently injured or suffers an occupational disease or reopens the claim as provided in RCW 51.32.160, and vocational rehabilitation is found both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1), the duration of any vocational plan under subsection (3)(e) of this section shall not exceed eighteen months.

(ii) If the available vocational costs are utilized by the worker, any subsequent assessment of whether vocational

rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of the transferable skills obtained.

(iii) If the available vocational costs are utilized by the worker and the claim is thereafter reopened as provided in RCW 51.32.160, the cost available for any vocational plan is limited to that in subsection (3)(d) of this section less that previously expended.

(iv) Option 2 may only be elected once per worker.

(c) The director, in his or her sole discretion, may provide the worker vocational assistance not to exceed that in subsection (3) of this section, without regard to the worker's prior option selection or benefits expended, where vocational assistance would prevent permanent total disability under RCW 51.32.060.

(5)(a) As used in this section, "vocational plan interruption" means an occurrence which disrupts the plan to the extent the employability goal is no longer attainable. "Vocational plan interruption" does not include institutionally scheduled breaks in educational programs, occasional absence due to illness, or modifications to the plan which will allow it to be completed within the cost and time provisions of subsection (3)(d) and (e) of this section.

(b) When a vocational plan interruption is beyond the control of the worker, the department or self-insurer shall recommence plan development. If necessary to complete vocational services, the cost and duration of the plan may include credit for that expended prior to the interruption. A vocational plan interruption is considered outside the control of the worker when it is due to the closure of the accredited institution, when it is due to a death in the worker's immediate family, or when documented changes in the worker's accepted medical conditions prevent further participation in the vocational plan.

(c) When a vocational plan interruption is the result of the worker's actions, the worker's entitlement to benefits shall be suspended in accordance with RCW 51.32.110. If plan development or implementation is recommenced, the cost and duration of the plan shall not include credit for that expended prior to the interruption. A vocational plan interruption is considered a result of the worker's actions when it is due to the failure to meet attendance expectations set by the training or educational institution, failure to achieve passing grades or acceptable performance review, unaccepted or postinjury conditions that prevent further participation in the vocational plan, or the worker's failure to abide by the accountability agreement per subsection (3)(a) of this section.

Sec. 6. RCW 74.08A.250 and 2006 c 107 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed twenty-four months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand (field) occupation, as determined by the employment security department. No internship or practicum shall exceed twelve months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

- (5) Job search and job readiness assistance;
- (6) Community service programs;
- (7) Vocational educational training, not to exceed twelve months with respect to any individual;
- (8) Job skills training directly related to employment;
- (9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED;
- (10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(3) and 74.08A.010(3) to become employable; and

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable.

NEW SECTION. Sec. 7. Section 5 of this act expires June 30, 2013."

Senator Kilmer spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to House Bill No. 1395.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "development:" strike the remainder of the title and insert "amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date."

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1395 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1395 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1395 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen and Zarelli

HOUSE BILL NO. 1395 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1426, by Representatives Hunt and Condotta

Regarding the use of certified mail.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1426.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1426 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Absent: Senator Jarrett

Excused: Senators Jacobsen and Zarelli

HOUSE BILL NO. 1426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Becker was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1461, by Representatives Bailey, Hunt, Alexander, Hinkle, Haigh, Johnson, Haler, Ericksen, Chandler, Orcutt, Kretz and Kelley

Regarding options for determining the pay periods for county employees.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1461.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1461 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Becker, Jacobsen and Zarelli

ENGROSSED HOUSE BILL NO. 1461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1000,
HOUSE BILL NO. 1042,
HOUSE BILL NO. 1058,
ENGROSSED HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1067,
HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1110,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1288,
SUBSTITUTE HOUSE BILL NO. 1319,
HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1437,
ENGROSSED HOUSE BILL NO. 1513,
HOUSE BILL NO. 1515,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1551,
HOUSE BILL NO. 1675,
HOUSE BILL NO. 1844,
HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 1953,
HOUSE BILL NO. 2206,

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1733, by House Committee on Finance (originally sponsored by Representatives Goodman, Blake, Springer, Eddy, Dunshee, Rolfes and Kessler)

Concerning the property tax current use valuation programs.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1733.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1733 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen and Zarelli

SUBSTITUTE HOUSE BILL NO. 1733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1498, by Representatives Hunter, Blake, Kretz, Pedersen, Goodman, Williams, Carlyle, Roberts, McCune, Ericks, White, Hasegawa, Kagi, Nelson and Warnick

Concerning provisions governing firearms possession by persons who have been involuntarily committed.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Fraser, Morton, Pflug, Regala, Stevens, Swecker and Zarelli were excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1498.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1498 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 4; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senator Brandland

Absent: Senators Jarrett, Kline, McAuliffe and Oemig

Excused: Senators Brown, Fraser, Jacobsen, Pflug and Swecker

HOUSE BILL NO. 1498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1816, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins)

Regarding wireless phone numbers used by directory providers.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.250.005 and 2008 c 271 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Directory" or "directory form" means a categorized list of phone numbers in written, audio, electronic, digital, or any other format.

(2) "Directory provider" means any person in the business of marketing, selling, or sharing the phone number of any subscriber in directory form for commercial purposes.

~~((2))~~ (3) "Radio communications service company" has the same meaning as in RCW 80.04.010.

~~((3))~~ (4) "Reverse phone number search services" means a service that provides the name of a subscriber associated with a phone number when the phone number is supplied.

~~((4))~~ (5) "Subscriber" means a person who resides in the state of Washington and subscribes to radio communications services, radio paging, or cellular communications service with a Washington state area code.

~~((5))~~ (6) "Wireless phone number" means a phone number unique to the subscriber that permits the subscriber to receive radio communications, radio paging, or cellular communications from others.

Sec. 2. RCW 19.250.030 and 2008 c 271 s 5 are each amended to read as follows:

(1) A subscriber ~~((who provides express, opt-in consent under RCW 19.250.010 and 19.250.020 may revoke that consent))~~ may request that a directory provider or a radio communications service company remove their wireless phone number from a directory of any form at any time. A radio communications service company ((and) or a directory provider shall, at no cost to the subscriber, comply with the subscriber's request to ((opt-out)) remove their wireless phone number from a directory of any form within a reasonable period of time, not to exceed sixty days for printed directories and not to exceed thirty days for online or other directories.

(2) At the subscriber's request, a provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed in the reverse phone number search service. If the subscriber finds that his or her wireless phone number is contained in the reverse phone number search service, the subscriber may ~~((opt-out of having))~~ request that his or her wireless phone number ((included in)) be removed from the reverse phone number search service at any time. The provider of the reverse phone number search service must, at no cost to the subscriber, comply with the subscriber's request ((to opt-out)) within a reasonable period of time, not to exceed thirty days.

~~((3) A subscriber shall not be charged for opting out of having his or her wireless phone number listed in a directory or reverse phone number search service.))~~

Sec. 3. RCW 19.250.070 and 2008 c 271 s 9 are each amended to read as follows:

~~((This chapter does not apply to the provision of wireless phone numbers, for the purposes indicated, to:))~~

(1) The provision or maintenance of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided or maintained by:

(a) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or ((private for-profit)) corporation operating under contract with, and at the direction of, one or more of these agencies, ((for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to subsection (2) of this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with the administration of the services specified in this subsection)) when carrying out official duties;

~~((2) A))~~ (b) A person carrying out a lawful order or process issued under state or federal law;

~~((3))~~ (c) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;

~~((4))~~ (d) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;

~~((5))~~ (e) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies;

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

~~((6)) (f)~~ A sales agent to provide the subscriber's wireless phone numbers to the radio communications service company for the limited purpose of billing and customer service;

~~((7) A directory provider that has undertaken a reasonable investigation pursuant to RCW 19.250.020 and is unable to determine whether the phone number is a wireless phone number;~~

~~((8)) (g)~~ A directory provider ~~((that publishes a subscriber's wireless phone number in))~~ via a directory that is obtained directly from a radio communications service company and that radio communications service company has obtained the required express, opt-in consent for including in any directory the subscriber's wireless phone number as specified in RCW 19.250.010;

~~((9)) (h)~~ A person ~~((that publishes a subscriber's wireless phone number in))~~ via a directory where the subscriber pays a fee to have the number published for commercial purposes;

~~((10)) (i)~~ A person ~~((that publishes a subscriber's wireless phone number that was))~~ who ported the number from listed wireline service to wireless service within the previous fifteen months; ~~and~~

~~((11) A consumer reporting agency as defined in RCW 19.182.010 for use as a unique identifier of a consumer in a consumer report as defined in RCW 19.182.010))~~

(j) A person for uses permitted or authorized under the federal fair credit reporting act (15 U.S.C. Sec. 1681(b)), or for uses permitted or authorized under Title V of the Gramm-Leach-Bliley Act (15 U.S.C. Sec. 6801, et seq.); and

(k) A person in comprehensive reports or legal records when the legal record is not altered from its original form. For purposes of this subsection, a comprehensive report means law enforcement investigations, risk and security analysis, legal research and case management, legal compliance analysis, and academic research and solutions.

(2) The provision of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided to any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or corporation operating under contract with, and at the direction of, one or more of these agencies, when carrying out official duties. Information or records provided to a corporation pursuant to this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with carrying out an agency's official duties.

Sec. 4. RCW 19.250.050 and 2008 c 271 s 7 are each amended to read as follows:

(1) Every knowing violation of RCW 19.250.010 is punishable by a fine of not less than two thousand dollars and no more than fifty thousand dollars for each violation.

(2) Including a wireless phone number in a directory without a subscriber's express, opt-in consent pursuant to RCW 19.250.020 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars unless the directory provider first conducted a reasonable investigation as required in RCW 19.250.020 and was unable to determine if the published number was a wireless phone number.

~~((2)) (3)~~ Failure to remove a wireless phone number from a directory of any form within a reasonable period of time as required in RCW 19.250.030 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars.

(4) The attorney general may bring actions to enforce compliance with this section. For the first violation by any

company, organization, or person under this chapter, the attorney general may notify the company, organization, or person with a letter of warning that this chapter has been violated.

~~((3)) (5)~~ A telecommunications company or directory provider, or any official or employee of a telecommunications company or directory provider, is not subject to criminal or civil liability for the release of customer information as authorized by this chapter.

NEW SECTION. Sec. 5. RCW 19.250.020 (Reasonable investigation required--Consent) and 2008 c 271 s 4 are each repealed."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 19.250.005, 19.250.030, 19.250.070, and 19.250.050; repealing RCW 19.250.020; and prescribing penalties."

The President declared the question before the Senate to be the motion by Senator Kastama to not adopt the committee striking amendment by the Committee on Economic Development, Trade & Innovation to Substitute House Bill No. 1816.

The motion by Senator Kastama carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.250.005 and 2008 c 271 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Directory" or "directory form" means a categorized list or compilation of phone numbers, or a single phone number, in written, audio, electronic, digital, or any other format.

(2) "Directory provider" means any person in the business of marketing, selling, or sharing the phone number of any subscriber in directory form for commercial purposes.

~~((2)) (3)~~ "Radio communications service company" has the same meaning as in RCW 80.04.010.

~~((3)) (4)~~ "Reverse phone number search services" means a service that provides the name of a subscriber associated with a phone number when the phone number is supplied.

~~((4)) (5)~~ "Subscriber" means a person who resides in the state of Washington and subscribes to radio communications services, radio paging, or cellular communications service with a Washington state area code.

~~((5)) (6)~~ "Wireless phone number" means a phone number unique to the subscriber that permits the subscriber to receive radio communications, radio paging, or cellular communications from others.

Sec. 2. RCW 19.250.030 and 2008 c 271 s 5 are each amended to read as follows:

(1) A subscriber ~~((who provides express, opt-in consent under RCW 19.250.010 and 19.250.020 may revoke that consent))~~ may request that a directory provider or a radio communications service company remove their wireless phone number from a directory of any form at any time. A radio communications service company ~~((and))~~ or a directory provider shall, at no cost to the subscriber, comply with the subscriber's request to ~~((opt out))~~ remove their wireless phone number from a directory of any form within a reasonable period of time, not to exceed sixty days for printed directories and not to exceed thirty days for online or other directories.

(2) At the subscriber's request, a provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine

NINETY-SECOND DAY, APRIL 13, 2009

whether the subscriber's wireless phone number is listed in the reverse phone number search service. If the subscriber finds that his or her wireless phone number is contained in the reverse phone number search service, the subscriber may ~~((opt out of having))~~ request that his or her wireless phone number ~~((included in))~~ be removed from the reverse phone number search service at any time. The provider of the reverse phone number search service must, at no cost to the subscriber, comply with the subscriber's request ~~((to opt out))~~ within a reasonable period of time, not to exceed thirty days.

~~((3)) A subscriber shall not be charged for opting out of having his or her wireless phone number listed in a directory or reverse phone number search service.)~~

Sec. 3. RCW 19.250.070 and 2008 c 271 s 9 are each amended to read as follows:

~~((This chapter does not apply to the provision of wireless phone numbers, for the purposes indicated, to:))~~

(1) The provision or maintenance of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided or maintained by:

~~(a) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or ((private for-profit)) corporation operating under contract with, and at the direction of, one or more of these agencies, ((for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to subsection (2) of this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with the administration of the services specified in this subsection)) when carrying out official duties;~~

~~((2)) A person carrying out a lawful order or process issued under state or federal law;~~

~~((3)) C) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;~~

~~((4)) D) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;~~

~~((5)) E) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies;~~

~~((6)) F) A sales agent to provide the subscriber's wireless phone numbers to the radio communications service company for the limited purpose of billing and customer service;~~

~~((7)) A directory provider that has undertaken a reasonable investigation pursuant to RCW 19.250.020 and is unable to determine whether the phone number is a wireless phone number;~~

~~((8)) G) A directory provider ((that publishes a subscriber's wireless phone number in)) via a directory that is obtained directly from a radio communications service company and that radio communications service company has obtained the required express, opt-in consent for including in any directory the subscriber's wireless phone number as specified in RCW 19.250.010;~~

~~((9)) H) A person ((that publishes a subscriber's wireless phone number in)) via a directory where the subscriber pays a fee to have the number published for commercial purposes;~~

~~((10)) I) A person ((that publishes a subscriber's wireless phone number that was)) who ported the number from listed wireline service to wireless service within the previous fifteen months; ~~(and~~~~

2009 REGULAR SESSION

~~((11)) A consumer reporting agency as defined in RCW 19.182.010 for use as a unique identifier of a consumer in a consumer report as defined in RCW 19.182.010))~~

~~(j) A person for uses permitted or authorized under the federal fair credit reporting act (15 U.S.C. Sec. 1681(b)), or for uses permitted or authorized under Title V of the Gramm-Leach-Bliley Act (15 U.S.C. Sec. 6801, et seq.); and~~

~~(k) A person in comprehensive reports or public records when the public record is not altered from its original form. For purposes of this subsection, a comprehensive report means law enforcement investigations, risk and security analysis for employment or vendor evaluation, legal research and case management, legal compliance analysis, and academic research.~~

~~(2) The provision of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided to any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or corporation operating under contract with, and at the direction of, one or more of these agencies, when carrying out official duties. Information or records provided to a corporation pursuant to this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with carrying out an agency's official duties.~~

Sec. 4. RCW 19.250.050 and 2008 c 271 s 7 are each amended to read as follows:

(1) Every knowing violation of RCW 19.250.010 is punishable by a fine of not less than two thousand dollars and no more than fifty thousand dollars for each violation.

(2) Including a wireless phone number in a directory without a subscriber's express, opt-in consent pursuant to RCW 19.250.020 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars unless the directory provider first conducted a reasonable investigation as required in RCW 19.250.020 and was unable to determine if the published number was a wireless phone number.

~~((2)) (3) Failure to remove a wireless phone number from a directory of any form within a reasonable period of time as required in RCW 19.250.030 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars.~~

(4) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company, organization, or person under this chapter, the attorney general may notify the company, organization, or person with a letter of warning that this chapter has been violated.

~~((3)) (5) A telecommunications company or directory provider, or any official or employee of a telecommunications company or directory provider, is not subject to criminal or civil liability for the release of customer information as authorized by this chapter.~~

NEW SECTION. Sec. 5. RCW 19.250.060 (Directories maintained before June 12, 2008--Application of section) and 2008 c 271 s 8 are each repealed."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Zarelli to Substitute House Bill No. 1816.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 19.250.005,

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

19.250.030, 19.250.070, and 19.250.050; repealing RCW 19.250.060; and prescribing penalties."

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1816 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Eide, the Senate reverted to the fourth order of business.

Senator Kastama spoke in favor of passage of the bill.

MESSAGE FROM THE HOUSE

April 10, 2009

MOTION

On motion of Senator Eide, Senators Jarrett, McAuliffe and Oemig were excused.

MR. PRESIDENT:
The Speaker has signed the following:
SENATE BILL NO. 5492,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

POINT OF INQUIRY

SIGNED BY THE PRESIDENT

Senator Benton: "Would Senator Kastama yield to a question? Thank you, Senator. In the previous version the actual amendment that was adopted in committee which was in our bill book. There was an amendment that was adopted in committee that would reinstate the prohibition on publishing your cell phone number which had been left out of the house bill as it came over to the Senate. But, we did not adopt the committee amendment and so in your striking amendment is that provision preserved so that there's still a prohibition on publishing your cell phone number in a directory?"

The President signed:
SENATE BILL NO. 5015,
SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5571,
SUBSTITUTE SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5776,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
SENATE BILL NO. 6068,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8013,

Senator Kastama: "Very good question. Actually, Senator, the bill as it came over from the house had inadvertently struck that provision so in fact you would be able to in fact publish all those. We restored it so that that will not happen with this amendment."

MOTION

Senator Benton: "That was restored in the committee amendment. Has it also been restored in the amendment we adopted here today?"

Senator Brandland withdrew his notice to, move to reconsider the vote by which Engrossed Second Substitute House Bill No. 1208 passed the Senate.

Senator Kastama: "Yes, this amendment here is a clarifying amendment worked out with the Attorney General's Office and we do in fact restore that language. You cannot publish your cell phone numbers in a directory with this."

MOTION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1816 as amended by the Senate.

At 1:16 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:43 p.m. by President Owen.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute House Bill No. 1816 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

HOUSE BILL NO. 2014, by Representatives Kelley, Ericksen, Green and Morrell

Requiring tamper-resistant prescription pads.

The measure was read the second time.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

Excused: Senators Brown, Fraser, Jacobsen and Pflug
SUBSTITUTE HOUSE BILL NO. 1816 as amended by the Senate, having received the constitutional majority, was

"NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) Effective July 1, 2010, every prescription written in this state by a licensed practitioner must be written on a tamper-resistant prescription pad or paper approved by the board.

(2) A pharmacist may not fill a written prescription from a licensed practitioner unless it is written on an approved tamper-resistant prescription pad or paper, except that a pharmacist may provide emergency supplies in accordance with the board and other insurance contract requirements.

(3) If a hard copy of an electronic prescription is given directly to the patient, the manually signed hard copy prescription must be on approved tamper-resistant paper that meets the requirements of this section.

(4) For the purposes of this section, "tamper-resistant prescription pads or paper" means a prescription pad or paper that has been approved by the board for use and contains the following characteristics:

(a) One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

(b) One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription form by the practitioner; and

(c) One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

(5) Practitioners shall employ reasonable safeguards to assure against theft or unauthorized use of prescriptions.

(6) All vendors must have their tamper-resistant prescription pads or paper approved by the board prior to the marketing or sale of pads or paper in Washington state.

(7) The board shall create a seal of approval that confirms that a pad or paper contains all three industry-recognized characteristics required by this section. The seal must be affixed to all prescription pads or paper used in this state.

(8) The board may adopt rules necessary for the administration of this act.

(9) The tamper-resistant prescription pad or paper requirements in this section shall not apply to:

(a) Prescriptions that are transmitted to the pharmacy by telephone, facsimile, or electronic means; or

(b) Prescriptions written for inpatients of a hospital, outpatients of a hospital, residents of a nursing home, inpatients or residents of a mental health facility, or individuals incarcerated in a local, state, or federal correction facility, when the health care practitioner authorized to write prescriptions writes the order into the patient's medical or clinical record, the order is given directly to the pharmacy, and the patient never has the opportunity to handle the written order.

(10) All acts related to the prescribing, dispensing, and records maintenance of all prescriptions shall be in compliance with applicable federal and state laws, rules, and regulations."

Senator Keiser spoke in favor of the adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 2014.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "pads;" strike the remainder of the title and insert "and adding a new section to chapter 18.64 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2014 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2014 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2014 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Delvin and Kauffman

Excused: Senator Jacobsen

HOUSE BILL NO. 2014 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

SECOND READING

SENATE BILL NO. 6109, by Senators Haugen, Rockefeller, Kilmer, Sheldon, King and Swecker

Concerning ferries.

MOTION

On motion of Senator Jarrett, Substitute Senate Bill No. 6109 was substituted for Senate Bill No. 6109 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature that final recommendations from the joint transportation committee ferry study, submitted to the legislature during the 2009 regular legislative session, be enacted by the legislature and implemented by the department of transportation as soon as practicable in order to benefit from the efficiencies and cost savings identified in the recommendations. It is also the intent of the legislature to make various additional policy changes aimed at further efficiencies and cost savings. Since the study began in 2006, recommendations have been made with regard to long range planning and implementing the most efficient and

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

effective balance between ferry capital and operating investments. It is intended that this act, the 2009-2011 omnibus transportation appropriations act, and subsequent transportation appropriations acts serve as vehicles for enacting these recommendations in order to maximize the utilization of existing capacity and to make the most efficient use of existing assets and tax dollars.

Sec. 2. RCW 47.60.355 and 2007 c 512 s 11 are each amended to read as follows:

(1) Terminal and vessel preservation funding requests received after the effective date of this section shall only be for assets in the life-cycle cost model.

(2) Terminal and vessel preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

Sec. 3. RCW 47.60.365 and 2007 c 512 s 12 are each amended to read as follows:

The department shall develop terminal and vessel design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in RCW 47.60.327; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

Sec. 4. RCW 47.60.375 and 2008 c 124 s 3 are each amended to read as follows:

(1) The capital plan must adhere to the following:

(a) A current ridership demand forecast;

(b) Vehicle level of service standards as described in RCW 47.06.140;

(c) Operational strategies as described in RCW 47.60.327; and

(d) Terminal and vessel design standards as described in RCW 47.60.365.

(2) The capital plan must include the following:

(a) A current vessel preservation plan;

(b) A current systemwide vessel rebuild and replacement plan as described in RCW 47.60.377;

(c) A current vessel deployment plan; and

(d) A current terminal preservation plan that adheres to the life-cycle cost model on capital assets as described in RCW 47.60.345.

Sec. 5. RCW 47.60.385 and 2008 c 124 s 6 are each amended to read as follows:

(1) Terminal improvement, vessel improvement, and vessel acquisition project funding requests received after the effective date of this section must adhere to the capital plan(~~(:~~

~~(2) Requests for terminal improvement design and construction funding must))~~ and be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; ~~((and))~~

(g) Identifies all contingency amounts(~~(:~~

~~—(h)(3))~~ When planning for new vessel acquisitions, the department must evaluate the long-term vessel operating costs related to fuel efficiency and staffing);

(h) Identifies any terminal, vessel, or other capital modifications that would be required as a result of the proposed capital project;

(i) Includes an analysis of the effect of the proposed capital project on the entire route;

(j) Includes planned service modifications as a result of the proposed capital project, and the consistency of those service modifications with the capital plan; and

(k) Demonstrates the evaluation of long-term operating costs including fuel efficiency, staffing, and preservation.

(2) The department shall prioritize vessel preservation and acquisition funding requests over vessel improvement funding requests.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

(1) In addition to the requirements of RCW 47.60.385(1), initial requests for, and substantial modification requests to, vessel acquisition funding must be submitted with a predesign study that:

(a) Includes a business decision case on vessel sizing;

(b) Includes an updated vessel deployment plan demonstrating maximum use of existing vessels, and an updated systemwide vessel rebuild and replacement plan;

(c) Includes an analysis that demonstrates that acquiring a new vessel or improving an existing vessel is more cost-effective than other alternatives considered. At a minimum, alternatives explored must include:

(i) Alternatives to new vessel construction that increase capacity of existing vessels;

(ii) Service level changes in lieu of adding vessel capacity; and

(iii) Existing vessels or vessel plans;

(d) Includes documentation of community reaction to proposed vessel capacity changes;

(e) Demonstrates that the vessel proposed for improvement, construction, or purchase, if intended to replace an existing vessel or to place an existing vessel into inactive or reserve status, is consistent with the scheduled replacements in the rebuild and replacement plan.

(2) In addition to the requirements of RCW 47.60.385(1), initial requests for, and substantial modification requests to, vessel improvement funding must be submitted with a predesign study that includes:

(a) An explanation of any regulatory changes necessitating the improvement;

(b) The requirements under subsection (1) of this section, if the improvement modifies the capacity of a vessel;

(c) A cost-benefit analysis of any modifications designed to improve fuel efficiency, including potential impacts on vessel maintenance and repair; and

(d) An assessment of out-of-service time associated with making the improvement and ongoing preservation of the improvement.

Sec. 7. RCW 47.28.030 and 2007 c 218 s 90 are each amended to read as follows:

(1)(a) A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right-of-way purposes may be repaired or renovated pending the use of such right-of-way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof are:

(i) Less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars(~~(- PROVIDED, That));~~ or

(ii) Subject to subsection (4) of this section, less than one hundred thousand dollars for work performed on ferry vessels or terminals.

(b) When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(c) When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor.

(d) To enable a larger number of small businesses, and minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

(2) The rules adopted under this section:

~~((+))~~ (a) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

~~((+))~~ (b) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

~~((+))~~ (c) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

(3) The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

(4) The department and the unions representing workers at the Eagle Harbor maintenance facility shall report to the transportation committees of the legislature by December 1, 2009, on what steps they have taken to reduce vessel out-of-service time. The report must address all identifiable obstacles to reducing vessel out-of-service time.

Sec. 8. RCW 47.60.315 and 2007 c 512 s 6 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year, including options for active demand management pricing strategies;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may

not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) Before raising fares due to predicted increased fuel costs, the commission shall verify that the department has considered operational changes to reduce fuel consumption.

(8) When setting ferry fares to raise required total system revenues, first consideration must be given to raising revenues through increased off-peak vehicle ridership.

(9) The commission may authorize a fuel surcharge effective no sooner than July 1, 2013.

Sec. 9. RCW 47.60.290 and 2007 c 512 s 5 are each amended to read as follows:

(1) The department shall annually review fares and pricing policies applicable to the operation of the Washington state ferries.

(2) Beginning in 2008, the department shall develop fare and pricing policy proposals that must:

(a) Recognize that each travel shed is unique, and might not have the same farebox recovery rate and the same pricing policies;

(b) Use data from the current survey conducted under RCW 47.60.286;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the survey conducted in RCW 47.60.286;

(d) Generate the amount of revenue required by the biennial transportation budget;

(e) Consider the impacts on users, capacity, and local communities; and

(f) Keep fare schedules as simple as possible.

(3) While developing fare and pricing policy proposals, the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

(4) Before proposing fare increases due to predicted increased fuel costs, the department shall consider operational changes to reduce fuel consumption.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

The legislature finds measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next transportation budget.

Sec. 11. RCW 43.19.642 and 2007 c 348 s 201 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) For the 2009-2011 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, then the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.

(5) By December 1, 2009, the department of general administration shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

Sec. 12. RCW 47.60.310 and 1988 c 100 s 1 are each amended to read as follows:

(1) The department is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. ~~(In order that local representation may be established, the department)~~ The department shall meet the requirements of this section by means of no more than quarterly meetings with the legislative authority of each ferry-served county. This subsection may not be construed to limit the number of meetings that legislative authorities of ferry-served counties or ferry advisory committees may conduct.

(2) The legislative authorities of ferry-served counties:

(a) Shall give prior notice of ~~(the review)~~ meetings described in subsection (1) of this section to the ferry advisory committees established in this section and to the governing officials of cities or towns with ferry terminals;

(b) Shall update the membership of the ferry advisory committees to reflect statutory requirements regarding numbers of members, expiration of terms, and diversity of representation on the committees; and

(c) May request the ferry advisory committees to conduct public outreach to gather community input, document the method and findings of the public outreach, and report the results at the meetings with the department.

~~((2))~~ (3) The legislative authorities of San Juan, Skagit, Clallam, and Jefferson counties shall each appoint a committee to consist of ~~((five))~~ a maximum of six members to serve as an advisory committee to the ~~((department or its designated representative))~~ legislative authorities of ferry-served counties in such review. The legislative authority of Kitsap county shall appoint a maximum of five members for each terminal area to serve as advisory committees. The legislative authorities of other counties that contain ferry terminals shall appoint ferry advisory committees consisting of ~~((three))~~ a maximum of four members for each terminal area in each county, except for Vashon Island, which shall have one committee, and its members shall be appointed ~~((by))~~ in consultation with the Vashon/Maury Island community council. ~~((At least one person appointed to))~~

(4) Membership in each ferry advisory committee shall be representative of ~~((an))~~ established ferry user ~~((group or of frequent users of the ferry system))~~ groups consistent with the most recent ferry ridership survey conducted by the Washington state transportation commission. The membership of county ferry advisory committees shall include an elected local official and a representative of commercial users. Each member shall

reside in the vicinity of the terminal that the advisory committee represents.

~~((3))~~ (5) The members of the ~~((San Juan, Clallam, and Jefferson county))~~ ferry advisory committees shall be appointed for four-year terms. ~~((The initial terms shall commence on July 1, 1982, and end on June 30, 1986;))~~ Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. ~~((At least one person appointed to the advisory committee shall be representative of an established ferry-user group or of frequent users of the ferry system, at least one shall be representative of persons or firms using or depending upon the ferry system for commerce, and one member shall be representative of a local government planning body or its staff. Every member shall be a resident of the county upon whose advisory committee he or she sits, and not more than three members shall at the time of their appointment be members of the same major political party;))~~

~~((4))~~ The members of each terminal area committee shall be appointed for four-year terms. The initial terms of the members of each terminal area committee shall be staggered as follows: All terms shall commence September 1, 1988, with one member's term expiring August 31, 1990, one member's term expiring August 31, 1991, and the remaining member's term expiring August 31, 1992. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. Not more than two members of any terminal-area committee may be from the same political party at the time of their appointment, and in a county having more than one committee, the overall party representation shall be as nearly equal as possible.

~~((5))~~ The chairmen of the several committees constitute an executive committee of the Washington state ferry users. The executive committee shall meet twice each year with representatives of the marine division of the department to review ferry system issues.

~~((6))~~ The committees to be appointed by the county legislative authorities shall serve without fee or compensation.

NEW SECTION. Sec. 13. RCW 47.60.395 (Evaluation of cost allocation methodology and preservation and improvement costs) and 2007 c 512 s 15 are each repealed.

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.60.355, 47.60.365, 47.60.375, 47.60.385, 47.28.030, 47.60.315, 47.60.290, 43.19.642, and 47.60.310; adding new sections to chapter 47.60 RCW; creating a new section; and repealing RCW 47.60.395."

Senator Haugen spoke in favor of adoption of the striking amendment.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others to the striking amendment be adopted.

Beginning on page 8, line 14 of the amendment, strike all of section 11

ReNUMBER the remaining sections consecutively.

On page 11, line 19 of the title amendment, after "47.60.290," strike "43.19.642,"

Senators Holmquist, Hewitt, Honeyford, Pridemore and Hargrove spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Jarrett spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

MOTION

On motion of Senator Marr, Senator Kline was excused.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 8, line 14 to the striking amendment to Substitute Senate Bill No. 6109.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and others and the amendment was adopted by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jarrett, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Oemig, Prentice, Regala, Sheldon, Shin and Tom

Excused: Senators Jacobsen and Kline

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6109 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Nelson, White, Cody, Carlyle, Orwall, McCoy, Darneille and Ormsby)

Providing fee and installment plan assistance for borrowers at risk of default on small loans.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

Beginning on page 3, line 35, strike all material through "(22)" on page 4, line 1 and insert the following:

~~"((20))(22) "Successive loan((s))" means a ((series of loans made by the same licensee to the same borrower in such a manner that no more than three business days separate the termination date of any one loan and the origination date of any other loan in the series)) loan made to a borrower within thirty days of when a previous small loan by any licensee was paid.~~
(23)"

On page 5, line 8 after "(5)" insert "A licensee is prohibited from making a successive loan to a borrower."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Pridemore spoke in favor of adoption of the amendment.

Senator Franklin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 3, line 35 to Engrossed Substitute House Bill No. 1709.

The motion by Senator Pridemore failed and the amendment was not adopted by voice vote.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 5, line 3, strike "eight" and insert "six"

On page 5, line 6, strike "eight" and insert "six"

Senator Pridemore spoke in favor of adoption of the amendment.

Senator Franklin spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 5, line 3 to Engrossed Substitute House Bill No. 1709.

The motion by Senator Pridemore failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following striking amendment by Senator Benton be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 31.45.073 and 2003 c 86 s 8 are each amended to read as follows:

(1) No licensee may engage in the business of making small loans without first obtaining a small loan endorsement to its license from the director in accordance with this chapter. An endorsement will be required for each location where a licensee engages in the business of making small loans, but a small loan endorsement may authorize a licensee to make small loans at a location different than the licensed locations where it cashes or sells checks. A licensee may have more than one endorsement.

(2) The termination date of a small loan may not exceed the origination date of that same small loan by more than forty-five days, including weekends and holidays, unless the term of the loan is extended by agreement of both the borrower and the licensee and no additional fee or interest is charged. The maximum principal amount of any small loan, or the outstanding principal balances of all small loans made by ((a)) all licensees to a single borrower at any one time, may not exceed seven hundred dollars or thirty percent of the gross monthly income of the borrower, whichever is lower.

(3) A licensee that has obtained the required small loan endorsement may charge interest or fees for small loans not to exceed in the aggregate fifteen percent of the first five hundred dollars of principal. If the principal exceeds five hundred dollars, a licensee may charge interest or fees not to exceed in the aggregate ten percent of that portion of the principal in excess of five hundred dollars. If a licensee makes more than one loan to a single borrower, and the aggregated principal of all loans made to that borrower exceeds five hundred dollars at any one time, the licensee may charge interest or fees not to exceed in the aggregate ten percent on that portion of the aggregated principal of all loans at any one time that is in excess of five hundred dollars. The director may determine by rule which fees, if any, are not subject to the interest or fee limitations described in this section. It is a violation of this chapter for any licensee to knowingly loan to a single borrower at any one time, in a single loan or in the aggregate, more than the maximum principal amount described in this section.

(4) In connection with making a small loan, a licensee may advance moneys on the security of a postdated check. The licensee may not accept any other property, title to property, or other evidence of ownership of property as collateral for a small loan. The licensee may accept only one postdated check per loan as security for the loan. A licensee may permit a borrower to

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

redeem a postdated check with a payment of cash or the equivalent of cash. The licensee may disburse the proceeds of a small loan in cash, in the form of a check, or in the form of the electronic equivalent of cash or a check.

(5) No person may at any time cash or advance any moneys on a postdated check or draft in excess of the amount of goods or services purchased without first obtaining a small loan endorsement to a check casher or check seller license.

NEW SECTION. Sec. 2. A new section is added to chapter 31.45 RCW to read as follows:

(1) The director must, by contract with a vendor or service provider or otherwise, develop and implement a system by means of which a licensee may determine:

(a) Whether a consumer has an outstanding small loan;

(b) The number of small loans the consumer has outstanding;

(c) Whether the borrower is eligible for a loan under RCW 31.45.073;

(d) Whether the borrower is in a payment plan; and

(e) Any other information necessary to comply with chapter 31.45 RCW.

(2) The director may specify the form and contents of the system by rule. Any system must provide that the information entered into or stored by the system is:

(a) Accessible to and usable by licensees and the director from any location in this state; and

(b) Secured against public disclosure, tampering, theft, or unauthorized acquisition or use.

(3) If the system described in subsection (1) of this section is developed and implemented, a licensee making small loans under chapter 31.45 RCW must enter or update the required information in subsection (1) of this section at the time that the small loan transaction is conducted by the licensee.

(4) A licensee must continue to enter and update all required information for any loans subject to chapter 31.45 RCW that are outstanding or have not yet expired after the date on which the licensee no longer has the license or small loan endorsement required by this chapter. Within ten business days after ceasing to make loans subject to chapter 31.45 RCW, the licensee must submit a plan for continuing compliance with this subsection to the director for approval. The director must promptly approve or disapprove the plan and may require the licensee to submit a new or modified plan that ensures compliance with this subsection.

(5) If the system described in subsection (1) of this section is developed and implemented, the director shall adopt rules to set the fees licensees shall pay to the vendor or service provider for the operation and administration of the system and the administration of this chapter by the department.

(6) The director shall adopt rules establishing standards for the retention, archiving, and deletion of information entered into or stored by the system described in subsection (1) of this section.

(7) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure under chapter 42.56 RCW.

Sec. 3. RCW 42.56.230 and 2008 c 200 s 5 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340

or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; ~~((and))~~

(5) Personal and financial information related to a small loan or any system of authorizing a small loan in section 1 of this act; and

(6) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

NEW SECTION. Sec. 4. The director or the director's designee may take the actions necessary to ensure this act is implemented on its effective date.

NEW SECTION. Sec. 5. This act takes effect January 1, 2010.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the striking amendment.

Senator Kohl-Welles spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Benton to Engrossed Substitute House Bill No. 1709.

The motion by Senator Benton carried and the striking amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert the following: "amending 31.45.073 and 42.56.230; adding new sections to chapter 31.45 RCW; creating new sections; and providing an effective date".

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute House Bill No. 1709 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1709 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1709 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley, Hatfield, Holmquist, Kline, Murray, Pridemore, Ranker and Regala

Excused: Senator Jacobsen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 as amended by the Senate, having received the constitutional

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1419, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton)

Revising provisions affecting sexually aggressive youth.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1419 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Jacobsen

SUBSTITUTE HOUSE BILL NO. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1505, by House Committee on Human Services (originally sponsored by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa)

Authorizing diversion for sexually exploited juveniles.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1505.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1505 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Jacobsen

SUBSTITUTE HOUSE BILL NO. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1212, by Representatives Kirby, Green, Williams, Roberts, Ormsby, Appleton and Wood

Regarding industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the current system of stopping payment of industrial insurance death benefits to surviving spouses upon the remarriage of the surviving spouse may be based on archaic notions that are not in-line with modern society. Many pension programs, including the law enforcement officers' and firefighters' retirement system, have removed the remarriage prohibition and allow surviving spouses to continue to receive benefits after remarriage. The legislature further finds that some surviving spouses of law enforcement officers' and firefighters' retirement system members have expressed concerns that terminating benefits upon remarriage penalizes the spouse for moving on with his or her life. The legislature declares that it is time to study the policy of terminating industrial insurance death benefits upon remarriage of the surviving spouse and determine whether changes need to be made to the workers' compensation system.

(2) The workers' compensation advisory committee must study the current practice of terminating industrial insurance death benefits upon remarriage of the surviving spouse of a law enforcement officers' and firefighters' retirement system member. The study must address the following:

(a) The reasons behind the policy of terminating death benefits upon remarriage of the surviving spouse;

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

SECOND READING

(b) Potential costs to the workers' compensation system if industrial insurance death benefits are continued after remarriage of the surviving spouse of a law enforcement officers' and firefighters' retirement system member, and potential costs if this policy were applied to all workers;

(c) Methods to offset potential costs, including providing a reduced benefit if the surviving spouse chooses to receive benefits for life;

(d) How workers' compensation death benefits are administered in other states and whether any state continues these benefits after remarriage; and

(e) Such other items the workers' compensation advisory committee deems necessary.

(3) The workers' compensation advisory committee must report its findings to the appropriate committees of the legislature by December 1, 2010.

(4) This section expires January 1, 2011."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to House Bill No. 1212.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1212 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1212 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1212 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Jacobsen

HOUSE BILL NO. 1212 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Morrell, Uptegrove, Hudgins and Moeller)

Adding products to the energy efficiency code. Revised for 1st Substitute: Adding products to the energy efficiency code. (REVISED FOR ENGROSSED: Adding products to and removing products from the energy efficiency code.)

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

~~(2) ("Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.~~

~~(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.~~

~~(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.~~

~~(3) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandising cabinets, drawer warmers, or cook and hold appliances.~~

~~((5))~~ (4)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

NINETY-SECOND DAY, APRIL 13, 2009

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

~~((6))~~ (5) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(6) "Cook and hold appliance" means a multiple mode appliance intended for cooking food that may be used to hold the temperature of the food that has been cooked in the same appliance.

(7) "Department" means the department of community, trade, and economic development.

~~(8) ("High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.~~

~~(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.~~

~~(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp)~~ "Drawer warmer" means an appliance that consists of one or more heated drawers and that is designed to hold hot food that has been cooked in a separate appliance at a specified temperature.

(9) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with seventy percent or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

(10) "Hot water dispenser" means a small electric water heater that has a measured storage volume of no greater than one gallon.

(11) "Minitank electric water heater" means a small electric water heater that has a measured storage volume of more than one gallon and a rated storage of volume less than twenty gallons.

~~((11))~~ (12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

~~((12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.)~~

(13) "Point-of-use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.

(14) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar applications.

(15) "Portable electric spa" means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.

(16) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

~~((14))~~ (17) "Residential pool pump" means a pump used to circulate and filter pool water in order to maintain clarity and sanitation.

(18)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

~~((15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.~~

~~(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.~~

~~(16))~~ (19) "Showerhead" means a device through which water is discharged for a shower bath.

(20) "Showerhead tub spout diverter combination" means a group of plumbing fittings sold as a matched set and consisting of a control valve, a tub spout diverter, and a showerhead.

(21) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

~~((17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.~~

~~(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.~~

~~(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner)~~

(22) "Tub spout diverter" means a device designed to stop the flow of water into a bathtub and to divert it so that the water discharges through a showerhead.

(23) "Wine chillers designed and sold for use by an individual" means refrigerators designed and sold for the cooling and storage of wine by an individual.

Sec. 2. RCW 19.260.030 and 2006 c 194 s 2 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state:

(a) Automatic commercial ice cube machines;

(b) ~~((commercial clothes washers; (c) commercial pre-rinse spray valves; (d))~~ Commercial refrigerators and freezers; ~~((e))~~

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

metal halide lamp fixtures; (f) single-voltage external AC to DC power supplies; (g))

(c) State-regulated incandescent reflector lamps; ((and (h) unit heaters))

(d) Wine chillers designed and sold for use by an individual;

(e) Hot water dispensers and minitank electric water heaters;

(f) Bottle-type water dispensers and point-of-use water dispensers;

(g) Pool heaters, residential pool pumps, and portable electric spas;

(h) Tub spout diverters; and

(i) Commercial hot food holding cabinets.

(2) This chapter applies equally to products whether they are sold, offered for sale, or installed as ((a)) stand-alone products or as ((a)) components of ((another)) other products.

((2)) (3) This chapter does not apply to:

(a) New products manufactured in the state and sold outside the state(;)₂

(b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state(;)₂

(c) Products installed in mobile manufactured homes at the time of construction(;)₂ or

(d) Products designed expressly for installation and use in recreational vehicles.

Sec. 3. RCW 19.260.040 and 2006 c 194 s 3 are each amended to read as follows:

The ((legislature establishes the following)) minimum efficiency standards ((for)) specified in this section apply to the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		>=450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		>=1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		>=934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		>=200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		>=175	9.80	Not applicable

Where H= harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value.

"Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice- making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2) ((Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.

—(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials' "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.

~~(4))~~(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
	Transparent	0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours

V = total volume (ft³)

AV = adjusted volume = [1.63 x freezer volume (ft³)] + refrigerator volume (ft³)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees F and cool those beverages to a stable temperature of 38 degrees F within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 + 2
Freezer	0 + 2

~~((5) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.~~

~~(6)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:~~

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
Maximum Energy Consumption in No-Load Mode	
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) = Natural Logarithm of the nameplate output expressed in Watts

~~(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies," by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.~~

~~(7)) (3)(a) The lamp electrical power input of state-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps (~~contained~~) specified in 42 U.S.C. Sec. 6295(i)(1)(A)-(B).~~

(b) The following types of incandescent lamps are exempt from these requirements:

- (i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;
- (ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and
- (iii) R 20 lamps of forty-five watts or less.

~~((8) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.)~~

~~(4)(a) Wine chillers designed and sold for use by an individual must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.~~

~~(b) Wine chillers designed and sold for use by an individual shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(5)(a) The standby energy consumption of bottle-type water dispensers, and point-of-use water dispensers, dispensing both hot and cold water, manufactured on or after January 1, 2010, shall not exceed 1.2 kWh/day.~~

~~(b) The test method for water dispensers shall be the environmental protection agency energy star program requirements for bottled water coolers version 1.1.~~

~~(6)(a) The standby energy consumption of hot water dispensers and minitank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts.~~

~~(b) This subsection does not apply to any water heater:~~

- ~~(i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or 6311(1);~~
- ~~(ii) That has a rated storage volume of less than 20 gallons; and~~
- ~~(iii) For which there is no federal test method applicable to that type of water heater.~~

~~(c) Hot water dispensers shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

(d) Minitank electric water heaters shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

(7) The following standards are established for pool heaters, residential pool pumps, and portable electric spas:

(a) Natural gas pool heaters shall not be equipped with constant burning pilots.

(b) Residential pool pump motors manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.

(c) Portable electric spas manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.

(d) Portable electric spas must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

(8)(a) The leakage rate of tub spout diverters shall be no greater than the applicable requirements shown in the following table:

Appliance	Testing Conditions	Maximum Leakage Rate
		Effective January 1, 2009
	When new	0.01 gpm
Tub spout diverters	After 15,000 cycles of diverting	0.05 gpm

(b) Showerhead-tub spout diverter combinations shall meet both the standard for showerheads and the standard for tub spout diverters.

(9)(a) The idle energy rate of commercial hot food holding cabinets manufactured on or after January 1, 2010, shall be no greater than 40 watts per cubic foot of measured interior volume.

(b) The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-01 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height x interior width x interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

Sec. 4. RCW 19.260.050 and 2006 c 194 s 4 are each amended to read as follows:

(1) No new (~~commercial prerinse spray valve, commercial clothes washer,~~) commercial refrigerator or freezer(~~(~~or~~) or state-regulated incandescent reflector lamp(~~(~~or~~ unit heater)~~)~~) manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. No new automatic commercial ice cube machine(~~(~~or~~ single-voltage external AC to DC power supply, or metal halide lamp fixtures)~~) manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(2) On or after January 1, 2008, no new (~~commercial prerinse spray valve, commercial clothes washer,~~) commercial refrigerator or freezer(~~(~~or~~ single-voltage external AC to DC power supply,~~) or state-regulated incandescent reflector lamp(~~(~~or~~ unit heater)~~)) manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine (~~(~~or~~ metal halide lamp fixtures)~~) manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for (~~metal halide lamp fixtures and~~) state-regulated incandescent reflector lamps are effective on the dates in subsections (1) and (2) of this section.

(4) The following products, if manufactured on or after January 1, 2010, may not be sold or offered in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) Wine chillers designed and sold for use by an individual;

(b) Hot water dispensers and minitank electric water heaters;

(c) Bottle-type water dispensers and point-of-use water dispensers;

(d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and

(f) Commercial hot food holding cabinets.

(5) The following products, if manufactured on or after January 1, 2010, may not be installed for compensation in the state on or after January 1, 2011, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) Wine chillers designed and sold for use by an individual;

(b) Hot water dispensers and minitank electric water heaters;

(c) Bottle-type water dispensers and point-of-use water dispensers;

(d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and

(f) Commercial hot food holding cabinets.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "revising the energy efficiency code; and amending RCW 19.260.020, 19.260.030, 19.260.040, and 19.260.050."

The President declared the question before the Senate to be the motion by Senator Rockefeller to not adopt the committee striking amendment by the Committee on Environment, Water & Energy to Engrossed Substitute House Bill No. 1004.

The motion by Senator Rockefeller carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and

NINETY-SECOND DAY, APRIL 13, 2009

harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) ~~("Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.~~

~~(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.~~

~~(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.~~

(3) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandising cabinets, drawer warmers, or cook and hold appliances.

~~((5))~~ (4)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

~~((6))~~ (5) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(6) "Cook and hold appliance" means a multiple mode appliance intended for cooking food that may be used to hold the temperature of the food that has been cooked in the same appliance.

(7) "Department" means the department of community, trade, and economic development.

~~((8))~~ "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

~~(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.~~

~~(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.) "Drawer warmer" means an appliance that consists of one or more heated drawers and that is designed to hold hot food that has been cooked in a separate appliance at a specified temperature.~~

(9) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with seventy percent or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

(10) "Hot water dispenser" means a small electric water heater that has a measured storage volume of no greater than one gallon.

(11) "Mini-tank electric water heater" means a small electric water heater that has a measured storage volume of more than one gallon and a rated storage volume of less than twenty gallons.

~~((11))~~ (12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

~~((12))~~ "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.)

(13) "Point-of-use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.

(14) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar applications.

(15) "Portable electric spa" means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.

(16) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

~~((14))~~ (17) "Residential pool pump" means a pump used to circulate and filter pool water in order to maintain clarity and sanitation.

(18)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

~~((15))~~(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

~~(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.~~

~~((16))~~ (19) "Showerhead" means a device through which water is discharged for a shower bath.

(20) "Showerhead tub spout diverter combination" means a group of plumbing fittings sold as a matched set and consisting of a control valve, a tub spout diverter, and a showerhead.

(21) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, ((that)) has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, ((and)) a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and ((that)) falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches; or

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

~~((17))~~ "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

~~(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.~~

~~(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner)) (22) "Tub spout diverter" means a device designed to stop the flow of water into a bathtub and to divert it so that the water discharges through a showerhead.~~

~~(23) "Wine chillers designed and sold for use by an individual" means refrigerators designed and sold for the cooling and storage of wine by an individual.~~

Sec. 2. RCW 19.260.030 and 2006 c 194 s 2 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state:

- (a) Automatic commercial ice cube machines;
- ~~(b) ((commercial clothes washers; (c) commercial prerinse spray valves; (d))~~ Commercial refrigerators and freezers; ~~((e) metal halide lamp fixtures; (f) single-voltage external AC to DC power supplies; (g))~~
- ~~(c) State-regulated incandescent reflector lamps; ((and (h) unit heaters))~~
- ~~(d) Wine chillers designed and sold for use by an individual;~~
- ~~(e) Hot water dispensers and mini-tank electric water heaters;~~
- ~~(f) Bottle-type water dispensers and point-of-use water dispensers;~~
- ~~(g) Pool heaters, residential pool pumps, and portable electric spas;~~
- ~~(h) Tub spout diverters; and~~
- ~~(i) Commercial hot food holding cabinets.~~

(2) This chapter applies equally to products whether they are sold, offered for sale, or installed as ~~((a))~~ stand-alone products or as ~~((a))~~ components of ~~((another))~~ other products.

~~((2))~~ (3) This chapter does not apply to:

- (a) ~~New~~ products manufactured in the state and sold outside the state~~((:));~~
- (b) ~~New~~ products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state~~((:));~~
- (c) ~~Products~~ installed in mobile manufactured homes at the time of construction~~((:));~~ or
- (d) ~~Products~~ designed expressly for installation and use in recreational vehicles.

Sec. 3. RCW 19.260.040 and 2006 c 194 s 3 are each amended to read as follows:

The ~~((legislature establishes the following))~~ minimum efficiency standards ~~((for))~~ specified in this section apply to the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		>=450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		>=1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		>=934	5.3	Not applicable

Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		>=200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		>=175	9.80	Not applicable

Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value.

"Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

~~(2) ((Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.~~

~~(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.~~

~~(4))(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:~~

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
	Transparent	0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours

V = total volume (ft³)

AV = adjusted volume = [1.63 x freezer volume (ft³)] + refrigerator volume (ft³)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 + 2
Freezer	0 + 2

~~((5) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.~~

~~(6)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:~~

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
Maximum Energy Consumption in No-Load Mode	
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) = Natural Logarithm of the nameplate output expressed in Watts

~~(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies," by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.~~

~~(7))(3)(a) The lamp electrical power input of state-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps ((contained)) specified in 42 U.S.C. Sec. 6295(i)(1)(A)-(B).~~

(b) The following types of incandescent lamps are exempt from these requirements:

(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;

(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and

(iii) R 20 lamps of forty-five watts or less.

~~((8) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.)~~

~~(4)(a) Wine chillers designed and sold for use by an individual must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.~~

~~(b) Wine chillers designed and sold for use by an individual shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(5)(a) The standby energy consumption of bottle-type water dispensers, and point-of-use water dispensers, dispensing both hot and cold water, manufactured on or after January 1, 2010, shall not exceed 1.2 kWh/day.~~

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(b) The test method for water dispensers shall be the environmental protection agency energy star program requirements for bottled water coolers version 1.1.

(6)(a) The standby energy consumption of hot water dispensers and mini-tank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts.

(b) This subsection does not apply to any water heater:

(i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or 6311(1);

(ii) That has a rated storage volume of less than 20 gallons; and

(iii) For which there is no federal test method applicable to that type of water heater.

(c) Hot water dispensers shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

(d) Mini-tank electric water heaters shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

(7) The following standards are established for pool heaters, residential pool pumps, and portable electric spas:

(a) Natural gas pool heaters shall not be equipped with constant burning pilots.

(b) Residential pool pump motors manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.

(c) Portable electric spas manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.

(d) Portable electric spas must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

(8)(a) The leakage rate of tub spout diverters shall be no greater than the applicable requirements shown in the following table:

Appliance	Testing Conditions	Maximum Leakage Rate Effective January 1, 2009
Tub spout diverters	When new	0.01 gpm
	After 15,000 cycles of diverting	0.05 gpm

(b) Showerhead tub spout diverter combinations shall meet both the federal standard for showerheads established pursuant to 42 U.S.C. Sec. 6291 et seq. and the standard for tub spout diverters specified in this section.

(9)(a) The idle energy rate of commercial hot food holding cabinets manufactured on or after January 1, 2010, shall be no greater than 40 watts per cubic foot of measured interior volume.

(b) The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-01 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height x interior width x interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

Sec. 4. RCW 19.260.050 and 2006 c 194 s 4 are each amended to read as follows:

(1) No new ((commercial prerinse spray valve, commercial clothes washer;)) commercial refrigerator or freezer(;) or state-regulated incandescent reflector lamp(, or unit heater) manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. No new automatic commercial ice cube

machine((, single-voltage external AC to DC power supply, or metal halide lamp fixtures)) manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(2) On or after January 1, 2008, no new ((commercial prerinse spray valve, commercial clothes washer;)) commercial refrigerator or freezer((, single-voltage external AC to DC power supply;)) or state-regulated incandescent reflector lamp((, or unit heater)) manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine ((or metal halide lamp fixtures)) manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for ((metal halide lamp fixtures and)) state-regulated incandescent reflector lamps are effective on the dates specified in subsections (1) and (2) of this section.

(4) The following products, if manufactured on or after January 1, 2010, may not be sold or offered in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) Wine chillers designed and sold for use by an individual;

(b) Hot water dispensers and mini-tank electric water heaters;

(c) Bottle-type water dispensers and point-of-use water dispensers;

(d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and

(f) Commercial hot food holding cabinets.

(5) The following products, if manufactured on or after January 1, 2010, may not be installed for compensation in the state on or after January 1, 2011, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

(a) Wine chillers designed and sold for use by an individual;

(b) Hot water dispensers and mini-tank electric water heaters;

(c) Bottle-type water dispensers and point-of-use water dispensers;

(d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and

(f) Commercial hot food holding cabinets.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Engrossed Substitute House Bill No. 1004.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "and amending RCW 19.260.020, 19.260.030, 19.260.040, and 19.260.050."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 1004 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1004 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1004 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Delvin, Haugen, Holmquist, Roach, Schoesler, Sheldon and Stevens

Excused: Senators Brown, Fairley and Jacobsen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1063, by Representatives Takko, Simpson and Moeller

Removing the termination date for the salmon and steelhead recovery program under RCW 77.85.200.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1063.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-

Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler and Zarelli

Excused: Senators Brown, Fairley and Jacobsen

HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, by House Committee on Environmental Health (originally sponsored by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood and Dickerson)

Requiring the use of alternatives to lead wheel weights.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Environmental health hazards associated with lead wheel weights are a preventable problem. People are exposed to lead fragments and dust when lead wheel weights fall from motor vehicles onto Washington roadways and are then abraded and pulverized by traffic. Lead wheel weights on and alongside roadways can contribute to soil, surface, and groundwater contamination and pose hazards to downstream aquatic life.

(2) Lead negatively affects every bodily system. While it is injurious to people of all ages, lead is especially harmful to fetuses, children, and adults of childbearing age. Effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. Irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(3) There are no federal regulatory controls governing use of lead wheel weights. The legislature recognizes the state's need to protect the public from exposure to lead hazards.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Environmentally preferred wheel weight" means any wheel weight used for balancing motor vehicle wheels that do not include more than 0.5 percent by weight of any chemical, group of chemicals, or metal of concern identified by rule under chapter 173-333 WAC.

(3) "Lead wheel weight" means any externally affixed or attached wheel weight used for balancing motor vehicle wheels and composed of greater than 0.1 percent lead by weight.

(4) "Person" includes any individual, firm, association, partnership, corporation, governmental entity, organization, or joint venture.

(5) "Vehicle" means any motor vehicle registered in Washington with a wheel diameter of less than 19.5 inches or a gross vehicle weight of fourteen thousand pounds or less.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 3. (1) On and after January 1, 2011, a person who replaces or balances motor vehicle tires must replace lead wheel weights with environmentally preferred wheel weights on all vehicles when they replace or balance tires in Washington. However, the person may use alternatives to lead wheel weights that are determined by the department to not qualify as environmentally preferred wheel weights for up to two years following the date of that determination, but must thereafter use environmentally preferred wheel weights.

(2) A person who is subject to the requirement in subsection (1) of this section must recycle the lead wheel weights that they remove.

(3) A person who fails to comply with subsection (1) of this section is subject to penalties prescribed in section 5 of this act. A violation of subsection (1) of this section occurs with respect to each vehicle for which lead wheel weights are not replaced in compliance with subsection (1) of this section.

(4) An owner of a vehicle is not subject to any requirement in this section.

NEW SECTION. Sec. 4. (1) The department shall achieve compliance with section 3 of this act through the enforcement scheme specified in this section.

(2) To provide assistance in identifying environmentally preferred wheel weights, the department shall, by October 1, 2010, prepare and distribute information regarding this chapter to the maximum extent practicable to:

(a) Persons that replace or balance motor vehicle tires in Washington; and

(b) Persons generally in the motor vehicle tire and wheel weight manufacturing, distribution, wholesale, and retail industries.

(3) The department shall issue a warning letter to a person who fails to comply with section 3 of this act and offer information or other appropriate assistance. If the person does not comply with section 3(1) of this act within one year of the department's issuance of the warning letter, the department may assess civil penalties under section 5 of this act.

NEW SECTION. Sec. 5. (1) An initial violation of section 3(1) of this act is punishable by a civil penalty not to exceed five hundred dollars. Subsequent violations of section 3(1) of this act are punishable by civil penalties not to exceed one thousand dollars for each violation.

(2) Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 6. The department may adopt rules to fully implement this chapter.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

Senator Rockefeller spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy to Engrossed Substitute House Bill No. 1033.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "impacts;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 1033 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1033 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1033 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Fairley and Jacobsen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Conway, Kagi, Hunt, Seaquist, Sells, Priest, Kenney, Ormsby, Wood, Haigh, White, Chase, Herrera, Morrell, Liias, Green, Cody, Appleton, Hasegawa, Carlyle, Simpson, McCoy, Sullivan, Orwall, Goodman, Campbell, Hudgins, Moeller, Nelson and Santos)

Providing collective bargaining for child care center directors and workers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, as of 2009, the challenges posed by low wages and lack of training that the legislature identified in enacting the child care career and wage ladder persist, and the availability of quality child care in the state continues to suffer. The legislature intends to address these problems by creating the possibility for a new

relationship between child care center directors and workers and the state. Child care center directors and workers are to be given the opportunity to work collectively to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services. Family child care providers in the state have recently been given a similar opportunity, and the results of their efforts have improved standards and quality for that segment of the child care industry.

The legislature intends to create a new type of collective bargaining for these directors and workers whereby they can come together and bargain with the state over matters within the state's purview to improve the quality of child care for the state's families. Unlike traditional collective bargaining, this new approach will afford these directors and workers the opportunity to bargain with the state only over the state's support for child care centers, a matter of common concern to both directors and workers. Specific terms and conditions of employment at individual centers, which are the subjects of traditional collective bargaining between employers and their employees, fall outside the limited scope of bargaining defined by this act. Accordingly, traditional policy concerns over supervisors and employees being organized into a common bargaining unit are inapplicable. Sharing a community of interest in the subjects of bargaining enables directors and workers to work side by side in the same bargaining unit for common goals.

All child care center directors and workers will equally be able to maintain full membership in the organization that represents them in their efforts to improve the quality of child care they provide to the state's children. This new bargaining relationship does not intrude in any manner upon those relationships governed by the national labor relations act (29 U.S.C. Sec. 151 et seq.). Child care center directors and workers do not forfeit their rights under the national labor relations act by becoming members of an organization that represents them in their dealings with the state. Under the national labor relations act, an organization that represents child care center directors and workers in bargaining with the state under this act is precluded from representing workers seeking to engage in traditional collective bargaining with their employer over specific terms and conditions of employment at individual child care centers.

Nothing in this act is intended to create any unfunded mandates or financial obligations on child care centers covered by this act.

Sec. 2. RCW 41.56.028 and 2007 c 278 s 2 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers and to child care center directors and workers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers and of child care center directors and workers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers and between the governor and child care center directors and workers, except as follows:

(a) ~~(A statewide unit of all family child care providers is)~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for family child care providers; and

(ii) The units for child care center directors and workers determined by the commission which shall conform to the unit requested in the application for certification as the bargaining representative if consistent with the terms of this act. In determining the units, the commission shall include in the same unit all child care center directors and workers employed at child care centers located in department of social and health services regions existing on the effective date of this section, and may group together regions to minimize the number of units.

(b) The exclusive bargaining representative of family child care providers or of child care center directors and workers in the units specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that:

(i) In the initial election conducted under chapter 54, Laws of 2006, or this act, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held;

(ii) To show at least thirty percent representation within a unit to accompany a request for an initial election under this act, the written proof of representation is valid only if collected not more than two years prior to the date the request is filed with the commission; and

(iii) The initial election may not occur before July 1, 2010.

(c) For the exclusive bargaining representatives certified by the commission to represent units of child care center directors and workers, negotiations of a collective bargaining agreement shall be conducted jointly by all certified representatives. The representatives shall bargain for one collective bargaining agreement covering all of the represented child care center directors and workers.

(d)(i) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for family child care providers under this section shall be limited solely to: ~~((+))~~ (A) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; ~~((++))~~ (B) health and welfare benefits; ~~((+++))~~ (C) professional development and training; ~~((++++))~~ (D) labor-management committees; ~~((+))~~ (E) grievance procedures; and ~~((+))~~ (F) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

~~((+))~~ (ii) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the matters subject to bargaining under this section shall be within the purview of the state and within the community of interest of child care center directors and workers. The public employer is: (A) Required to bargain over the manner and rate of subsidy and reimbursement, so long as any agreement is consistent with the provisions of any quality rating and improvement system; (B) permitted, but not required, to bargain over: (I) Funding for professional development and training; (II) mechanisms and funding to improve the access of child care centers to health care insurance and other benefit programs; (III) other economic support for child care centers; and (IV) grievance procedures to resolve disputes arising out of the interpretation or application of the collective bargaining agreement; and (C) prohibited from bargaining over retirement benefits. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(e) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers or the exclusive bargaining representative or representatives of child care center directors and workers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year; and

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of ~~((the))~~ an arbitrated collective bargaining agreement for family child care providers or the subsidy and reimbursement provisions of an arbitrated collective bargaining agreement for child care center directors and workers, is not binding on the state.

~~((e))~~ (f) Nothing in chapter 54, Laws of 2006, or this act grants family child care providers ~~((do not have))~~ and child care center directors and workers the right to strike.

(3) Family child care providers and child care center directors and workers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of the collective bargaining relationship between the employer and family child care providers and between the employer and child care center directors and workers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider or any child care center that provides care for their child or children;

(b) The child care centers' right to choose, direct, and terminate the services of any child care worker who provides care in the center, and unless otherwise provided in this chapter, to manage and operate facilities and programs, including rights to plan, direct, and control the use of resources;

(c) The rights of employers and employees under the national labor relations act, 29 U.S.C. Sec. 151 et seq.;

(d) The ~~((secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030))~~ director of the department of early learning's right to adopt requirements under chapter 43.215 RCW, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)~~((e))~~ (d) of this section;

~~((e))~~ (e) Chapter 26.44 or 43.215 RCW~~((;))~~ or RCW 43.43.832~~((;))~~ or 43.20A.205~~((, and 74.15.130))~~; and

~~((d))~~ (f) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, ~~((and))~~ family child care providers and child care centers participating in child care subsidy programs, ~~((and))~~ the nature of services provided, and the legislature's right to determine standards for professional development and training, quality criteria, ratings through programs such as a quality rating system, and incentives for improving quality. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)~~((d))~~ (f).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed

biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, ~~((a))~~ requests for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers entered into under this section or for legislation necessary to implement such agreements.

(6) ~~((A))~~ Requests for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers entered into under this section shall not be submitted by the governor to the legislature unless such ~~((request has))~~ requests have been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section for family child care providers, the request must be submitted by November 15, 2006, and for child care center directors and workers, the request may not be submitted before July 1, 2011; ~~((and))~~

(b) For family child care providers, certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section; and

(c) For child care center directors and workers, certified by the director of financial management as being financially feasible for the state. If the director of financial management does not certify those provisions of the decision as feasible financially for the state, those provisions of the decision are not binding on the governor. To the extent that the decision is not binding on the governor, RCW 41.56.480 does not apply.

(7) The legislature must approve or reject the submission of the requests for funds as a whole. If the legislature rejects or fails to act on the submissions, any such agreements will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreements.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of ~~((any))~~ a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers and, upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement such agreements.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection (4)~~((d))~~ (f) of this section.

(10) If, after the compensation and benefit provisions of ~~((a))~~ a collective bargaining agreement for family child care providers or for a collective bargaining agreement for child care center directors and workers are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative and of child care center

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

directors and workers and their exclusive bargaining representatives to the extent such activities are authorized by this chapter.

Sec. 3. RCW 41.56.030 and 2007 c 184 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of

inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under (~~RCW 74.15.030~~) chapter 43.215 RCW or is exempt from licensing under chapter (~~74.15~~) 43.215 RCW.

(13) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(14) "Child care center directors and workers" includes all employees of child care centers who work on-site at the centers. "Child care center directors and workers" also includes owners of child care centers.

(15) "Child care center" means a child care center licensed by the state under chapter 43.215 RCW that has at least four child care slots filled by children for whom it receives a child care subsidy and which chooses to participate in collective bargaining under this act by filing a notice of intent under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 41.56 RCW to read as follows:

A child care center licensed by the state under chapter 43.215 RCW may participate in collective bargaining under this act if the child care center files a notice of intent to opt in with the commission. A child care center that does not file a notice of intent with the commission under this section may not be included in a bargaining unit under this act.

Sec. 5. RCW 41.56.113 and 2007 c 184 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider, a family child care provider, or an adult family home provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall,

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

subject to subsection ~~((3))~~ (4) of this section, deduct from the payments to an individual provider, a family child care provider, or an adult family home provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, or adult family home providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection ~~((3))~~ (4) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection ~~((3))~~ (4) of this section, make such deductions upon written authorization of the individual provider, family child care provider, or adult family home provider.

(3) In lieu of the deductions authorized under subsections (1) and (2) of this section, and the union security provisions authorized under RCW 41.56.122, the governor and the exclusive representative of a bargaining unit of child care center directors and workers shall agree to a mechanism for collecting a representation fee to be paid to the exclusive representative for the costs of representation of child care center directors and workers as provided in this chapter. The state shall deduct the representation fee from the monthly amount of the child care subsidy due to a child care center and transmit the representation fee to the secretary of the exclusive bargaining representative. However:

(a) Any agreement to pay a representation fee must safeguard the child care center owner's and operator's rights of nonassociation based on bona fide religious tenets or teachings of a church or other religious body of which the owner or operator is a member. The child care center owner or operator shall pay an amount equivalent to the representation fee to a nonreligious charity or to another charitable organization; and

(b) The child care center shall furnish written proof that such payment has been made.

~~(4)(a) The initial additional costs to the state in making deductions ((from the payments to individual providers, family child care providers, and adult family home providers)) under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.~~

(b) The allocation of ongoing additional costs to the state in making deductions ~~((from the payments to individual providers, family child care providers, or adult family home providers))~~ under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as applicable, the ongoing additional costs to the state in making deductions ~~((from the payments to individual providers, family child care providers, or adult family home providers))~~ under this section shall be negotiated, agreed

upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((4))~~ (5) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license- exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

Sec. 6. RCW 41.56.465 and 2007 c 278 s 1 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, the panel shall consider:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) The average consumer prices for goods and services, commonly known as the cost of living;

(d) Changes in any of the circumstances under (a) through (c) of this subsection during the pendency of the proceedings; and

(e) Such other factors, not confined to the factors under (a) through (d) of this subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) For employees listed in RCW 41.56.030(7) (a) through (d), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

(3) For employees listed in RCW 41.56.030(7) (e) through (h), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered.

(4) For ~~((employees))~~ family child care providers listed in RCW 41.56.028:

(a) The panel shall also consider:

(i) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(ii) The financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) The public's interest in reducing turnover and increasing retention of child care providers;

(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(iii) In addition, for employees exempt from licensing under chapter ~~((74.15))~~ 43.215 RCW, the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(5) For child care center directors and workers listed in RCW 41.56.028, the panel shall also consider:

(a) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(b) The financial ability of the state to pay for a collective bargaining agreement.

(6) For employees listed in RCW 74.39A.270:

(a) The panel shall consider:

(i) A comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and

(ii) The financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) A comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;

(ii) The state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;

(iii) The state's interest in ensuring access to affordable, quality health care for all state citizens; and

(iv) The state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

~~((6))~~ (7) Subsections (2) and (3) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

Sec. 7. RCW 41.04.810 and 2007 c 184 s 4 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, family child care providers, as defined in RCW 41.56.030, child care center directors and workers, as defined in RCW 41.56.030, and adult family home providers, as defined in RCW 41.56.030, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270, 41.56.028, and 41.56.029.

Sec. 8. RCW 43.01.047 and 2007 c 184 s 5 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300, family child care providers under RCW 41.56.028, child care center directors and workers under RCW 41.56.028, or adult family home providers under RCW 41.56.029.

NEW SECTION. Sec. 9. A new section is added to chapter 43.215 RCW to read as follows:

(1) Every child care center shall provide to the department a list of the names and addresses of all current child care center directors and workers, as defined in RCW 41.56.030, annually

by January 30th, except that initially the lists shall be provided within thirty days of the effective date of this section.

(2) The department shall, upon request, provide to a labor organization seeking to organize child care center directors and workers, a list of all directors and workers in the unit that the organization seeks to organize. The list shall contain the information collected with regard to the directors and workers pursuant to subsection (1) of this section.

(3) A labor organization receiving information under subsection (2) of this section may not release that information to any other party and may only use that information for collective bargaining and for the purposes specified in subsection (2) of this section.

Sec. 10. RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Child care center directors and workers" means the same as in RCW 41.56.030.

~~(5)~~ (5) "Department" means the department of early learning.

~~((5))~~ (6) "Director" means the director of the department.

~~((6))~~ (7) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((7))~~ (8) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((8))~~ (9) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 43.215.200.

(10) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((9))~~ (11) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

Sec. 11. RCW 43.215.350 and 2007 c 17 s 15 are each amended to read as follows:

The director shall have the power and it shall be the director's duty to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with:

(1) The exclusive representative of the unit of family child care licensees selected in accordance with RCW 43.215.355 and with other affected interests before adopting requirements that affect family child care licensees; and

(2) The exclusive representative or representatives of the unit or units of child care center directors and workers selected in accordance with RCW 41.56.028 and with other affected interests before adopting requirements that affect child care center directors and workers.

Sec. 12. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

NINETY-SECOND DAY, APRIL 13, 2009

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

~~(4) ("Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

~~(5))~~ "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((6))~~ (5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((8))~~ (7) "Secretary" means the secretary of social and health services.

~~((9))~~ (8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~((10))~~ (9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Zarelli be adopted.

On page 1, beginning on line 5 of the amendment, after "persist" strike all material through "suffer" on line 7

On page 2, beginning on line 4 of the amendment, strike all material through "children." on line 7 and insert "This new approach to collective bargaining is available only to center directors and workers who file a notice of intent to participate in the initial opt in phase under section 4 of this act."

On page 2, line 24 of the amendment, after "workers" insert "who choose to opt in under section 4 of this act"

On page 3, line 4 of the amendment, after "(ii)" strike all material through "units" on line 12 and insert "A statewide unit for child care center directors and workers"

On page 3, beginning on line 26 of the amendment, after "election" strike all material through "(d)" on line 34 and insert "under this act may not occur before the opt in period has concluded on November 1, 2010."

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 10 of the amendment, after "section" insert "for child care center directors and workers"

On page 4, line 18 of the amendment, after "programs;" insert "and"

On page 4, beginning on line 18 of the amendment, after "(III)" strike all material through "(IV)" on line 19

On page 4, beginning on line 29 of the amendment, after "providers" strike all material through "workers" on line 30

On page 4, line 33 of the amendment, after "year," strike "and" and insert "(and)"

On page 4, line 34 of the amendment, after "(ii)" insert "With respect to commencement of negotiations between the governor and the exclusive bargaining representative or representatives of child care center directors and workers under (a) of this subsection, negotiations may not commence before July 1, 2011, and thereafter must commence by February 1st of any even-numbered year; and"

(iii)"

On page 6, line 27 of the amendment, after "request" strike "may not be submitted before July" and insert "must be submitted by October"

On page 10, beginning on line 19 of the amendment, after "(15)" strike all material through "act." on line 23 and insert "(a) 'Child care center' means a child care center licensed by the state under RCW 43.215.500 through 43.215.545 that has at least one child care slot filled by a child for whom it receives a child care subsidy."

(b) "Child care center" does not include a child care center:

(i) Operated directly by another unit of government or a tribe;

(ii) Operated by an individual, partnership, profit or nonprofit corporation, or other entity that operates ten or more child care centers statewide; or

(iii) Operated by a local nonprofit organization whose primary mission is to provide social services, including serving children and families, and that pays membership dues or assessments to either: (A) A national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than three million dollars in membership dues and assessments annually, as reported to the internal revenue service; or (B) a regional council that is affiliated with a national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than two hundred affiliates."

On page 10, beginning on line 26 of the amendment, strike all material through "act." on line 31 and insert "(1) A child care center may participate in collective bargaining under this act if the child care center owner or director if there is no owner files a notice of intent to opt in with the commission. The notice of intent must: Include the names and addresses of that child care center's owners, directors, and workers; include written authorization cards signed by a majority of owners, directors, and workers employed at the center indicating their desire to opt in; and be filed after June 30, 2010, and before November 2, 2010.

(2) A child care center that does not file a notice of intent with the commission may not be included in a bargaining unit under this act.

(3) The commission must, upon request, provide to a labor organization seeking to organize child care center directors and workers, a list, including names and addresses, of the child care center owners, directors, and workers provided in notices of intent submitted under subsection (1) of this section."

Beginning on page 11, line 23 of the amendment, after "(3)" strike all material through "organization;" on page 12, line 3 and insert "In lieu of the deductions authorized under subsections (1) and (2) of this section, and the union security provisions authorized under RCW 41.56.122, the state shall deduct from the monthly amount of the child care subsidy due to a child care center a monthly representation fee, as certified by the secretary of the exclusive bargaining representative, for the costs of representation of child care center directors and workers, and transmit the representation fee to the secretary of the exclusive bargaining representative. However:"

(a) Any agreement to pay a representation fee must safeguard the child care center owner's or director's rights of nonassociation based on bona fide religious tenets or teachings of a church or other religious body of which the owner or director is a member. The child care center owner or director shall pay an amount equivalent to the representation fee to a nonreligious charity or to another charitable organization;"

Beginning on page 15, line 25 of the amendment, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 23, after line 35 of the amendment, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

This act terminates June 30, 2014, as provided in section 14 of this act.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2015:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;
- (11) Section 11 of this act; and
- (12) Section 12 of this act."

On page 24, line 17 of the title amendment, after "41.56 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; creating new sections; and providing an effective date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Rockefeller, the amendment by Senators Rockefeller and Zarelli on page 1, line 5 to the committee striking amendment to Substitute House Bill No. 1329 was withdrawn.

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Zarelli to the committee striking amendment be adopted.

Beginning on page 1, line 5 of the amendment, after "persist" strike all material through "centers" on page 2, line 17 and insert ". The legislature intends to address these problems by creating the possibility for a new relationship between child care center directors and workers and the state. Child care center directors and workers are to be given the opportunity to work collectively to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services. Family child care providers in the state have recently been given a similar opportunity, and the results of their efforts have improved standards and quality for that segment of the child care industry.

The legislature intends to create a new type of collective bargaining for these directors and workers whereby they can come together and bargain with the state over matters within the state's purview to improve the quality of child care for the state's families. Unlike traditional collective bargaining, this new approach will afford these directors and workers the opportunity to bargain with the state only over the state's support for child care centers, a matter of common concern to both directors and workers. Specific terms and conditions of employment at individual centers, which are the subjects of traditional collective bargaining between employers and their employees, fall outside the limited scope of bargaining defined by this act. Accordingly, traditional policy concerns over supervisors and employees being organized into a common bargaining unit are inapplicable. Sharing a community of interest in the subjects of bargaining enables directors and workers to work side by side in the same bargaining unit for common goals.

This new approach to collective bargaining is available only to center directors and workers who file a notice of intent to

participate in the initial opt in phase under section 4 of this act. This new bargaining relationship does not intrude in any manner upon those relationships governed by the national labor relations act (29 U.S.C. Sec. 151 et seq.). Child care center directors and workers do not forfeit their rights under the national labor relations act by becoming members of an organization that represents them in their dealings with the state. Under the national labor relations act, an organization that represents child care center directors and workers in bargaining with the state under this act is precluded from representing workers seeking to engage in traditional collective bargaining with their employer over specific terms and conditions of employment at individual child care centers."

On page 2, line 24 of the amendment, after "workers" insert "who choose to opt in under section 4 of this act"

On page 3, line 4 of the amendment, after "(ii)" strike all material through "units" on line 12 and insert "A statewide unit for child care center directors and workers"

On page 3, beginning on line 26 of the amendment, after "election" strike all material through "(d)" on line 34 and insert "under this act may not occur before the opt in period has concluded on November 1, 2010."

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 10 of the amendment, after "section" insert "for child care center directors and workers"

On page 4, line 18 of the amendment, after "programs;" insert "and"

On page 4, beginning on line 18 of the amendment, after "(III)" strike all material through "(IV)" on line 19

On page 4, beginning on line 29 of the amendment, after "providers" strike all material through "workers" on line 30

On page 4, line 33 of the amendment, after "year;" strike "and" and insert "((and))"

On page 4, line 34 of the amendment, after "(ii)" insert "With respect to commencement of negotiations between the governor and the exclusive bargaining representative or representatives of child care center directors and workers under (a) of this subsection, negotiations may not commence before July 1, 2011, and thereafter must commence by February 1st of any even-numbered year; and"

(iii)"

On page 6, line 27 of the amendment, after "request" strike "may not be submitted before July" and insert "must be submitted by October"

On page 10, beginning on line 19 of the amendment, after "(15)" strike all material through "act," on line 23 and insert "(a) Child care center" means a child care center licensed by the state under RCW 43.215.500 through 43.215.545 that has at least one child care slot filled by a child for whom it receives a child care subsidy.

(b) "Child care center" does not include a child care center:

(i) Operated directly by another unit of government or a tribe;

(ii) Operated by an individual, partnership, profit or nonprofit corporation, or other entity that operates ten or more child care centers statewide; or

(iii) Operated by a local nonprofit organization whose primary mission is to provide social services, including serving children and families, and that pays membership dues or assessments to either: (A) A national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than three million dollars in membership dues and assessments annually, as reported to the internal revenue

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

service; or (B) a regional council that is affiliated with a national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than two hundred affiliates."

On page 10, beginning on line 26 of the amendment, strike all material through "act." on line 31 and insert "(1) A child care center may participate in collective bargaining under this act if the child care center owner or director if there is no owner files a notice of intent to opt in with the commission. The notice of intent must: Include the names and addresses of that child care center's owners, directors, and workers; include written authorization cards signed by a majority of owners, directors, and workers employed at the center indicating their desire to opt in; and be filed after June 30, 2010, and before November 2, 2010.

(2) A child care center that does not file a notice of intent with the commission may not be included in a bargaining unit under this act.

(3) The commission must, upon request, provide to a labor organization seeking to organize child care center directors and workers, a list, including names and addresses, of the child care center owners, directors, and workers provided in notices of intent submitted under subsection (1) of this section."

Beginning on page 11, line 23 of the amendment, after "(3)" strike all material through "organization;" on page 12, line 3 and insert "In lieu of the deductions authorized under subsections (1) and (2) of this section, and the union security provisions authorized under RCW 41.56.122, the state shall deduct from the monthly amount of the child care subsidy due to a child care center a monthly representation fee, as certified by the secretary of the exclusive bargaining representative, for the costs of representation of child care center directors and workers, and transmit the representation fee to the secretary of the exclusive bargaining representative. However:

(a) Any agreement to pay a representation fee must safeguard the child care center owner's or director's rights of nonassociation based on bona fide religious tenets or teachings of a church or other religious body of which the owner or director is a member. The child care center owner or director shall pay an amount equivalent to the representation fee to a nonreligious charity or to another charitable organization;"

Beginning on page 15, line 25 of the amendment, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 23, after line 35 of the amendment, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

This act terminates June 30, 2014, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2015:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;

(11) Section 11 of this act; and

(12) Section 12 of this act."

Senators Rockefeller, Zarelli, Marr, Brown and Kohl-Welles spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Hatfield and Kastama spoke against adoption of the amendment to the committee striking amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and Zarelli on page 1, line 5 to the committee striking amendment to Substitute House Bill No. 1329.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Rockefeller and Zarelli to the committee striking amendment and the amendment was adopted by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley, Hatfield, Hobbs, Holmquist, Kastama, McCaslin, Morton, Pridemore, Schoesler, Sheldon and Shin

Excused: Senator Jacobsen

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others to the committee striking amendment be adopted.

On page 1, line 7 of the amendment, after "suffer." strike all material through "chapter." On page 7, line 33 and insert the following:

"Recognizing that family child care providers have been granted the ability to collectively bargain with the state to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services, it has been suggested that the legislature grant similar bargaining rights to child care center directors and workers. However, because of current economic realities, it is difficult to award such rights before thoroughly studying whether this will, in fact, improve the working conditions of child care center directors and workers.

The legislature intends, therefore, to study the effects of the family child care provider system and whether providing equivalent collective bargaining opportunities to child care center directors and workers will lead to better training and opportunities for child care workers and better early learning opportunities for the children in their care. The legislature further intends that the results of this study be delivered to a joint legislative task force which will investigate methods to raise the subsidy through legislation.

NEW SECTION. Sec. 2. (1) The department of early learning must study issues relating to increasing the child care subsidy and reimbursement rates for child care centers licensed under chapter 43.125 RCW. The study must:

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

(a) Include a review of the results of the collective bargaining provided to family child care providers. This must include whether this has resulted in increased economic compensation, health and welfare benefits, professional development and training, and other economic matters to these providers;

(b) Be made in consultation with child care center directors and workers as well as other interested stakeholders. Directors and workers must be consulted in several areas of the state, including centers located in eastern Washington and western Washington;

(c) Review alternative methods of raising the child care subsidy rate;

(d) Review alternative methods to provide training to child care center directors and workers;

(e) Review methods to retain child care center workers and otherwise reduce employee turnover; and

(f) Include other items the department determines necessary to study in order to increase educational opportunities for children in child care centers.

(2) The study required under this subsection must be completed by August 1, 2010, and delivered to the joint legislative task force on child care center subsidy and reimbursement rates established in section 3 of this act.

(3) This section expires December 31, 2010.

NEW SECTION. Sec. 3. (1) The joint legislative task force on child care center subsidy and reimbursement rates is established. The task force shall consist of the following members:

(a) The chair and the ranking minority member of the senate labor, commerce and consumer protection committee;

(b) The chair and the ranking minority member of the house of representatives commerce and labor committee;

(c) Up to eight members appointed jointly by the president of the senate and the speaker of the house of representatives that represent child care centers. These members must include representatives of businesses that own and operate ten or more child care centers; representatives of local nonprofit organizations whose primary mission is to provide social services, such as the YMCA and the YWCA; and representatives of child care centers such as the Washington federation of independent schools, child care consulting, the Washington education association, the American federation of teachers; and the service employees international union; and

(d) The director of the department of early learning, or the director's designee.

(2) The task force must review the results of the study conducted under section 2 of this act and must develop proposed legislation that is intended to increase the child care subsidy and reimbursement rates. In developing proposed legislation, the task force must consider previous legislative attempts to raise the subsidy rate including SB 5506, which was proposed during the 2009 legislative session.

(3) The task force must submit its proposed legislation to the senate labor commerce and consumer protection committee, the senate early learning and K-12 education committee, the house of representatives commerce and labor committee, and the house of representatives early learning and children's services committee by December 1, 2011.

(4) This section expires December 31, 2011."

Renumber the sections consecutively and correct any internal references accordingly.

On page 10, beginning on line 24 strike everything through "section." On page 16, line 7.

Renumber the sections consecutively and correct any internal references accordingly.

On page 18, beginning on line 31, strike everything through "workers." On page 19, line 7.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hatfield spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Rockefeller: "Thank you Mr. President. Mr. President, the amendment number 358 that's before us attempts to amend page 1 and line 7 of the Ways & Means amendment that we have just amended. That provision was amended when we adopted the preceding amendment number 357 and therefore as a result it seems to me that this amendment is an amendment to an amendment to an amendment which is clearly barred by Roberts Rules of Order and I therefore ask that this amendment be found out of order."

REMARKS BY THE PRESIDENT

President Owen: "Just for clarification Senator, you said Roberts Rules. Did you mean Reed's Rules?"

REMARKS BY SENATOR ROCKEFELLER

Senator Rockefeller: "I did in fact mean Reed's Rules. Thank you."

POINT OF ORDER

Senator Hatfield: "Just real quickly Mr. President. As I pointed out this amendment was redrafted so, similar to Senator Rockefeller's amendment, it is a page and line amendment on each of the items of the bill we're trying to change. I believe it's not a striker."

REMARKS BY THE PRESIDENT

President Owen: "The President doesn't believe that he raised the issue as a striking amendment. He raised the issued a double...an amendment to an amendment to an amendment. The President will look at this and see."

RULING BY THE PRESIDENT

President Owen: "In responding to Senator Rockefeller's point of order. Senator Rockefeller, in order for this to have been an amendment to the amendment to the amendment Senator Hatfield's amendment would've had to been drafted to your amendment with the attempt to amend it. It was not, therefore your point is not well taken. Senator Hatfield's amendment is in order."

Senators Holmquist, Hobbs and King spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Marr and Brown spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield and others on page 1, line 7 to the committee striking amendment to Substitute House Bill No. 1329.

NINETY-SECOND DAY, APRIL 13, 2009

2009 REGULAR SESSION

The motion by Senator Hatfield carried and the amendment to the committee striking amendment was adopted by a rising vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hatfield, the amendment by Senator Hatfield on page 1, line 13 to the committee striking amendment to Substitute House Bill No. 1329 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hobbs, the amendment by Senator Hobbs on page 3, line 9 to the committee striking amendment to Substitute House Bill No. 1329 was withdrawn.

MOTION

On motion of Senator Hobbs, all remaining amendments to the committee striking amendment to Substitute House Bill No. 1329 be laid upon the table.

The President declared the question before the Senate to be the motion by Senator Hobbs all remaining amendments to the committee striking amendment to Substitute House Bill No. 1329 be laid upon the table.

The motion by Senator Hobbs carried by a voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1329.

The motion by Senator Kohl-Welles carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 3 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 41.56.028, 41.56.030, 41.56.113, 41.56.465, 41.04.810, 43.01.047, 43.215.350, and 74.15.020; reenacting and amending RCW 43.215.010; adding a new section to chapter 41.56 RCW; adding a new section to chapter 43.215 RCW; and creating new sections."

On page 24, line 17 of the title amendment, after "41.56 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; creating new sections; and providing an effective date."

On page 24, line 14 of the title amendment, after "insert", strike the remainder of the title amendment and insert "amending RCW 41.56.028, 41.56.030, 43.215.010, 74.15.020, and creating new sections"

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1329 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1329 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1329 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Franklin and Kline

Excused: Senator Jacobsen

SUBSTITUTE HOUSE BILL NO. 1329 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:38 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Tuesday, April 14, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 14, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brandland, Brown, Carrell, Fairley, Hargrove, Kauffman, Roach and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Shelby Massingale and Shannon Shatto, presented the Colors. Rabbi Cheski Edelman of the Chabad Jewish Discovery Center of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE SENATE BILL NO. 5044,
SUBSTITUTE SENATE BILL NO. 5117,
SUBSTITUTE SENATE BILL NO. 5267,
SUBSTITUTE SENATE BILL NO. 5276,
SENATE BILL NO. 5298,
SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5480,
SENATE BILL NO. 5587,
SECOND SUBSTITUTE SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 5752,
SUBSTITUTE SENATE BILL NO. 5765,
SUBSTITUTE SENATE BILL NO. 5882,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 2328
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6159 by Senator Oemig

AN ACT Relating to the taxation of moist snuff; amending RCW 82.26.010 and 82.26.020; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6160 by Senator Prentice

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6161 by Senator Prentice

AN ACT Relating to the actuarial funding of pension systems.

Referred to Committee on Ways & Means.

SB 6162 by Senator Prentice

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6163 by Senators Keiser and Tom

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.421 and 74.46.800; adding a new section to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.485, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, 74.46.521, and 74.46.533; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9125, Robyn Todd, as a member of the Small Business Export Finance Assistance Center Board of Directors, be confirmed. Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Benton, Brandland, Carrell and Roach were excused.

MOTION

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

On motion of Senator Marr, Senators Brown, Fairley, Haugen, Kauffman and Sheldon were excused.

APPOINTMENT OF ROBYN TODD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9125, Robyn Todd as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9125, Robyn Todd as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Brandland, Brown, Carrell, Fairley, Kauffman, Roach and Sheldon

Gubernatorial Appointment No. 9125, Robyn Todd, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

SECOND READING

HOUSE BILL NO. 1184, by Representative Chase

Extending the loan repayment period for municipally funded conservation projects.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. CW 35.92.360 and 2002 c 276 s 2 are each amended to read as follows:

(1) Any city or town engaged in the generation, sale, or distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures or equipment pursuant to an energy conservation plan adopted by the city or town if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the city or town could acquire to meet future demand. Any financing authorized under this chapter shall only be used for conservation purposes in existing structures, and such financing shall not be used for any purpose which results in a conversion from one energy source to another. For the purposes of this section, "conservation purposes in existing structures" may include projects to allow a municipal electric utility's customers to generate all or a portion of their own electricity through the on-site installation of a distributed electricity generation system

that uses as its fuel solar, wind, geothermal, or hydropower, or other renewable resource that is available on-site and not from a commercial source. Such projects shall not be considered "a conversion from one energy source to another" which is limited to the change or substitution of one commercial energy supplier for another commercial energy supplier. Except where otherwise authorized, such assistance shall be limited to:

((1)) (a) Providing an inspection of the structure or equipment, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

((2)) (b) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards(-);

((3)) (c) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

((4)) (d) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

((5)) (2) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed ~~((one hundred twenty))~~ two hundred forty months in length.

Sec. 2. CW 54.16.032 and 1989 c 421 s 4 are each amended to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the district if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the district to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and

NINETY-THIRD DAY, APRIL 14, 2009

equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed ((one)) two hundred ((twenty)) forty months in length."

Senator Rockefeller spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy to House Bill No. 1184.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "utilities" strike the remainder of the title and insert "and public utility districts; and amending RCW 35.92.360 and 54.16.032."

MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 1184 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1184 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1184 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Brown, Carrell, Fairley, Hargrove, Kauffman and Sheldon

HOUSE BILL NO. 1184 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Van De Wege, Kretz and Nelson)

Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

The definitions in this section apply throughout this chapter and related rules adopted by the department unless the context clearly requires otherwise.

(1) "Deliver" or "delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters.

(2) "Pacific sardine" and "pilchard" means the species *Sardinops sagax*.

NEW SECTION. Sec. 2. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to use purse seine gear to fish for or possess Pacific sardines in offshore waters. This requirement does not affect persons authorized to fish for or possess sardines in offshore waters under a valid Oregon or California license or permit.

(2) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to deliver Pacific sardines into the state.

(3) Washington sardine purse seine fishery licenses and temporary annual fishery permits require vessel designation under RCW 77.65.100.

(4) Pacific sardines may not be taken or retained in state waters except for incidental harvest authorized by rule of the department.

NEW SECTION. Sec. 3. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington Pacific sardine purse seine fishery license:

(a) May only be issued to a person that held a coastal pilchard experimental fishery permit in 2008, except as otherwise provided in this section;

(b) Must be renewed annually to remain active; and

(c) Subject to the restrictions of subsections (6) and (7) of this section and RCW 77.65.040, is transferable.

(2) A Washington Pacific sardine purse seine fishery license may be issued to any person that held a coastal pilchard experimental fishery permit in 2005, 2006, or 2007 and is precluded from qualifying under subsection (1) of this section because the vessel designated on the permit sank prior to 2008.

(3) Beginning in 2010, after taking into consideration the status of the Pacific sardine population, the impact of removal of sardines and other forage fish to the marine ecosystem, including the effect on endangered marine species, and the market for Pacific sardines in the state, the director may issue:

(a) A Washington Pacific sardine purse seine fishery license to any person provided that the issuance would not raise the number of licenses beyond the number initially issued in 2009;

(b) A Washington Pacific sardine purse seine temporary annual fishery permit to any person if the combined number of active Washington Pacific sardine purse seine fishery licenses and annual temporary permits already issued during the year is less than twenty-five.

(4) The annual fee for a Washington Pacific sardine purse seine fishery license is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(5) The fee for a Washington Pacific sardine purse seine temporary annual fishery permit is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents. A temporary annual fishery permit expires at the end of the calendar year in which the permit is issued.

(6) Only a person who owns or operates the vessel designated on the license or permit may hold a Washington Pacific sardine purse seine fishery license or temporary annual fishery permit.

(7) A person may not own or hold an ownership interest in more than two Washington Pacific sardine purse seine fishery licenses.

(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize by-catch, and to the extent by-catch cannot be avoided, to minimize the mortality of such by-catch.

Sec. 4. RCW 77.65.200 and 2000 c 107 s 41 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Residen t	Nonresid ent		
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	\$185	\$295	Determined by rule	Determined by rule
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	\$240	\$405	Yes	No
(m) Food fish trawl- Puget Sound	\$185	\$295	Yes	No
(n) Herring dip bag net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(o) Herring drag seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(p) Herring gill net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(q) Herring Lampara (RCW 77.70.120)	\$175	\$275	Yes	Yes

(R) Herring purse seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(s) Herring spawn- on-kelp (RCW 77.70.210)	N/A	N/A	Yes	Yes
(t) <u>Sardine purse seine</u> (section 2 of this act)	\$185	\$295	Yes	Yes
(u) <u>Sardine purse seine</u> temporary (section 2 of this act)	\$185	\$295	Yes	No
(v) Smelt dip bag net	\$130	\$185	No	No
((tt)) (<u>w</u>) Smelt gill net	\$380	\$685	Yes	No
((tt)) (<u>x</u>) Whiting- Puget Sound (RCW 77.70.130)	\$295	\$520	Yes	Yes

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Engrossed Substitute House Bill No. 1326.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "state;" strike the remainder of the title and insert "amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1326 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1326 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1326 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs,

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Brown, Carrell, Fairley and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1522, by House Committee on General Government Appropriations (originally sponsored by Representatives Hudgins, Dunshee, Hunt, Hasegawa, Williams and Chase)

Regarding repair and reuse of electronic products by registered collectors.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Second Substitute House Bill No. 1522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1522.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1522 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Sheldon

SECOND SUBSTITUTE HOUSE BILL NO. 1522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:36 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:27 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed the following bill:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, and the same is herewith transmitted.

BARBARA B AKER, Chief Clerk

PERSONAL PRIVILEGE

Senator Hatfield: "Thank you Mr. President. I have the menu in front of me right now. Sliced tri-tip beef sandwiches on rolls with potato, milk and other drinks. Today is Beef Day. The industry has come to town and will be providing barbeque around lunch time. We're going to celebrate another important industry in this state which is approximately 2.3 billion dollar industry. No small potatoes but some real red meat there. Invite ya all out for barbeque. Thank you."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Santos, Hasegawa, McCune, Hurst, Campbell, Pedersen, Hunter, Rodne, Warnick, Smith, Anderson, Ross, Angel, Walsh, Bailey, Roach, Shea, Upthegrove, Morrell, Ormsby, Hudgins, Conway, Rolfes, Kelley and Kenney

Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Joint Memorial No. 4005 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hobbs, Kline, Shin and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4005.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4005 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Excused: Senators Brown, Fairley and Sheldon
HOUSE JOINT MEMORIAL NO. 4005, having received
the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1778, by House
Committee on Agriculture & Natural Resources (originally
sponsored by Representative Blake)

Modifying various provisions of Title 77 RCW.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee
striking amendment by the Committee on Ways & Means be
adopted.

Strike everything after the enacting clause and insert the
following:

"**Sec. 1.** RCW 77.15.050 and 1998 c 190 s 6 are each
amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in
this chapter, "conviction" means:

- ~~(a) A final conviction in a state or municipal court;~~
- ~~(b) A failure to appear at a hearing to contest an infraction or criminal citation; or~~
- ~~(c) An unvacated forfeiture of bail paid as a final disposition for an offense ((or an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court)).~~

(2) A plea of guilty, or a finding of guilt for a violation of
this title or rule of the commission or director constitutes a
conviction regardless of whether the imposition of sentence is
deferred or the penalty is suspended.

Sec. 2. RCW 77.15.700 and 2007 c 163 s 2 are each
amended to read as follows:

(1) The department shall impose revocation and suspension
of privileges in the following circumstances:

~~((+)) (a) Upon conviction, if directed by statute for an
offense((-)).~~

~~((=)) (b) Upon conviction of a violation not involving
commercial fishing, if the department finds that actions of the
defendant demonstrated a willful or wanton disregard for
conservation of fish or wildlife. ((Such)) Suspension of
privileges under this subsection may be permanent. ((This
subsection (2) does not apply to violations involving
commercial fishing.~~

~~((3)) (c) If a person is convicted twice within ten years for a
violation involving unlawful hunting, killing, or possessing big
game((- the department shall order)). Revocation and
suspension ((of)) under this subsection must be ordered for all
hunting privileges for two years. ((RCW 77.12.722 or
77.16.050 as it existed before June 11, 1998, may comprise one
of the convictions constituting the basis for revocation and
suspension under this subsection;~~

~~((+a)) (d) If a person violates, three times or more in a ten-
year period, recreational hunting or fishing laws or rules for
which the person: (i) Is convicted of an offense((-); (ii) has an
uncontested notice of infraction((-); (iii) fails to appear at a
hearing to contest ((a)) a fish and wildlife infraction((-); or (iv)
is found to have committed an infraction ((three times in ten
years involving any violation of recreational hunting or fishing
laws or rules, the department shall order a)). Revocation and
suspension under this subsection must be ordered of all
recreational hunting and fishing privileges for two years.~~

~~((b)) (2)(a) A violation punishable as an infraction counts
towards the revocation and suspension of recreational hunting~~

and fishing privileges ~~((only where))~~ under this section if that
violation is:

(i) Punishable as a crime on July 24, 2005, and is
subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24,
2005: RCW 77.15.160 ~~((+)) or (-))~~; WAC 220-56-116; WAC
220-56-315(11); or WAC 220-56-355 (1) through (4).

~~((c)) (b) The commission may, by rule, designate
((additional)) infractions that do not count towards the
revocation and suspension of recreational hunting and fishing
privileges.~~

~~((5)) (3) If either the deferred education licensee or the
required nondeferred accompanying person, hunting under the
authority of RCW 77.32.155(2), is convicted of a violation of
this title, except for a violation of RCW 77.15.400 (1) through
(3), the department may revoke all hunting licenses and tags and
may order a suspension of ~~((one))~~ either or both the deferred
education licensee's and the nondeferred accompanying person's
hunting privileges for one year.~~

Sec. 3. RCW 77.15.310 and 2003 c 39 s 38 are each
amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain
an approved fish guard on a diversion device if the person owns,
controls, or operates a device used for diverting or conducting
water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or
bypass approved by the director as required by RCW
~~((77.55.040 or 77.55.320))~~ 77.57.010 or 77.57.070; or

(b) The person knowingly fails to maintain or operate an
approved fish guard, screen, or bypass so as to effectively screen
or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish
guard, screen, or bypass on a diversion device is a gross
misdemeanor. Following written notification to the person from
the department that there is a violation, each day that a diversion
device is operated without an approved or maintained fish
guard, screen, or bypass is a separate offense.

Sec. 4. RCW 77.15.320 and 2000 c 107 s 241 are each
amended to read as follows:

(1) A person is guilty of unlawful failure to provide,
maintain, or operate a fishway for dam or other obstruction if
the person owns, operates, or controls a dam or other
obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable
and efficient fishway approved by the director as required by
RCW ~~((77.55.060))~~ 77.57.030;

(b) Fails to maintain a fishway in efficient operating
condition; or

(c) Fails to continuously supply a fishway with a sufficient
supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a
fishway for dam or other obstruction is a gross misdemeanor.
Following written notification to the person from the department
that there is a violation, each day of unlawful failure to provide,
maintain, or operate a fishway is a separate offense.

Sec. 5. RCW 77.15.610 and 1998 c 190 s 33 are each
amended to read as follows:

(1) A person who holds a fur buyer's license or taxidermy
license is guilty of unlawful use of a commercial wildlife license
if the person:

(a) Fails to have the license in possession while engaged in
fur buying or practicing taxidermy for commercial purposes; or

(b) Violates any rule of the department regarding reporting
requirements or the use, possession, display, or presentation of
the taxidermy or fur buyer's license.

(2) Unlawful use of a commercial wildlife license is a
misdemeanor.

Sec. 6. RCW 77.32.470 and 2008 c 35 s 1 are each
amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

(i) One day - Seven dollars for residents and fourteen dollars for nonresidents;

(ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;

(iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;

(iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and

(v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the commission.

(e) The temporary combination fishing license fee for active duty military personnel serving in any branch of the United States armed forces is the resident rate as set forth in (a) of this subsection. Active duty military personnel must provide a valid military identification card at the time of purchase of the temporary license to qualify for the resident rate.

(f) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in RCW 77.12.702.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or

below a fee equal to the total cost of the individual license contained within any combination.

(6) The commission may adopt rules to allow the use of two fishing poles per fishing license holder for use on selected state waters. If authorized by the commission, license holders must purchase a two-pole stamp to use a second pole. The proceeds from the sale of the two-pole stamp must be deposited into the state wildlife account created in RCW 77.12.170 and used for the operation and maintenance of state-owned fish hatcheries. The fee for a two-pole stamp is twenty dollars for residents and nonresidents, and five dollars for resident seniors.

Sec. 7. RCW 77.65.010 and 2005 c 20 s 1 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person ~~((may not))~~ must have a license or permit issued by the director in order to engage in any of the following activities ((without a license or permit issued by the director)):

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters. As used in this subsection, "deliver" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters;

(c) Operate a charter boat or commercial fishing vessel engaged in a fishery;

(d) Engage in processing or wholesaling food fish or shellfish; or

(e) Act as a food fish guide ((for salmon)) for personal use in freshwater rivers and streams, ~~((other than that part of the Columbia river below the bridge at Longview))~~ except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 8. RCW 77.65.370 and 1998 c 190 s 98 are each amended to read as follows:

(1) A person shall not offer or perform the services of a ~~((professional salmon))~~ food fish guide without a food fish guide license in the taking of ~~((salmon))~~ food fish for personal use in freshwater rivers and streams, ~~((other than in that part of the Columbia river below the bridge at Longview, without a professional salmon guide license))~~ except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) Only an individual at least sixteen years of age may hold a ~~((professional salmon))~~ food fish guide license. No individual may hold more than one ~~((professional salmon))~~ food fish guide license.

Sec. 9. RCW 77.65.440 and 2000 c 107 s 55 are each amended to read as follows:

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee		Governing Section
	(RCW 77.95.090 Surchage)	Resident Nonresident	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) ((Salmon)) Food Fish Guide	\$130	\$630	RCW 77.65.370

(plus \$20) (plus \$100)

Sec. 10. RCW 77.15.510 and 2001 c 253 s 43 are each amended to read as follows:

(1) A person is guilty of ~~((commercial))~~ acting as a game fish ~~((guiding))~~ guide, food fish guide, or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a ~~((professional salmon))~~ food fish guide and does not hold a ~~((professional salmon))~~ food fish guide license; or

(c) The person acts as a game fish guide and does not hold a game fish guide license.

(2) ~~((Commercial))~~ Acting without a game fish ~~((guiding or chartering without a))~~ guide license, food fish guide license, or charter license is a gross misdemeanor.

Sec. 11. RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(3) A ~~((fishing))~~ game fish guide license allows the holder to offer or perform the services of a ~~((professional))~~ game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7)~~(a)~~ An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian ~~((fishermen))~~ fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

Sec. 12. RCW 77.08.010 and 2008 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections ~~((48 through 53))~~ (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((+2))~~ (13) "Department" means the department of fish and wildlife.

~~((+3))~~ (14) "Director" means the director of fish and wildlife.

~~((+4))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((+5))~~ (16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

~~((+6))~~ (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((17))~~ (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((18))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

~~(20)~~ (20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((19))~~ (21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((20))~~ (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((21))~~ (23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((22))~~ (24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((23))~~ (25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((24))~~ (26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((25))~~ (27) "Illegal items" means those items unlawful to be possessed.

~~(28)~~ (28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((26))~~ (29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((27))~~ (30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((28))~~ (31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~(32)~~ (32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((29))~~ (33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((30))~~ (34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((31))~~ (35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~(36)~~ (36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((32))~~ (37) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((33))~~ (38) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~(39)~~ (39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((34))~~ (40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((35))~~ (41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((36))~~ (42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((37))~~ (43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((38))~~ (44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((39))~~ (45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((40))~~ (46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((41))~~ (47) "Saltwater" means those marine waters seaward of river mouths.

~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((43))~~ (49) "Senior" means a person seventy years old or older.

~~((44))~~ (50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((45))~~ (51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((46))~~ (52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((47))~~ (53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((48))~~ (54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((49))~~ (55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((50))~~ (56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((51))~~ (57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~(58)~~ (58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((52))~~ (59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((54))~~ (62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((55))~~ (63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((56))~~ (64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 13. RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife account which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties, and the sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320. However, this excludes fish and shellfish overages, and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited pursuant to RCW 77.15.425;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

~~(i) ((The sale of personal property seized by the department for fish, shellfish, or wildlife violations;~~

~~(j))~~ The department's share of revenues from auctions and raffles authorized by the commission; and

~~((k))~~ (j) The sale of watchable wildlife decals under RCW 77.32.560.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife account.

NEW SECTION. Sec. 14. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board. Permits excluded from subsection (1) of this section include fish and wildlife lands vehicle use permits, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

NEW SECTION. Sec. 15. A new section is added to chapter 77.32 RCW to read as follows:

(1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program. The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards.

(2) A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety. The commission may establish by rule the requirements an applicant must comply with when applying for or renewing a master hunter permit, including but not limited to a criminal background check. The director may establish an advisory group to assist the department with administering the master hunter program.

(3) The fee for an initial master hunter permit may not exceed fifty dollars, and the cost of renewing a master hunter permit may not exceed twenty-five dollars. Funds generated under this section must be deposited into the fish and wildlife enforcement reward account established in RCW 77.15.425, and

NINETY-THIRD DAY, APRIL 14, 2009

the funds must be used exclusively to administer the master hunter program.

NEW SECTION. Sec. 16. A new section is added to chapter 77.15 RCW to read as follows:

(1) The department may suspend a person's master hunter permit for the following reasons and corresponding lengths of time:

(a) If the person pays the required fine or is found to have committed an infraction under this chapter or the department's rules, the department shall suspend the person's master hunter permit for two years;

(b) If the person pays the required fine or is convicted of a misdemeanor, gross misdemeanor, or felony under this chapter, the department shall suspend the person's master hunter permit for life;

(c) If the person pays the required fine or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department shall suspend the person's master hunter permit for life;

(d) If the person pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated, the department shall suspend the person's master hunter permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's master hunter permit for life;

(f) If the person is cited, or charged by complaint, for an offense under this chapter; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department, the department shall suspend the person's master hunter permit for life.

(2) Any master hunter who is notified of an intended suspension may request an appeal hearing under chapter 34.05 RCW.

Sec. 17. RCW 77.15.370 and 2005 c 406 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director; ~~((or))~~

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law; or

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 18. RCW 77.15.425 and 2006 c 148 s 2 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. ~~((All receipts from criminal~~

~~wildlife penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited into the account.)) Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under RCW 77.15.400 and 77.15.420; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter program, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.~~

Sec. 19. RCW 77.15.568 and 2007 c 337 s 4 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section ~~((does not apply))~~ applies to a wholesale fish dealer(;) acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

- (b) The date of receipt; and
- (c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Sec. 20. RCW 77.15.620 and 2002 c 301 s 7 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves: (a) Fish or shellfish worth two hundred fifty dollars or more; (b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or (c) violates any other rule of the department regarding wholesale fish buying and dealing. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 21. RCW 77.12.870 and 2002 c 20 s 3 are each amended to read as follows:

(1) The department, in consultation with the Northwest straits commission, the department of natural resources, and other interested parties, must create and maintain a database of known derelict fishing gear, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

~~((3) The department, in consultation with fishing industry groups and tribal comanagers, must evaluate methods to reduce future losses of fishing gear and report the results of this evaluation to the appropriate legislative committees by January 1, 2003.))~~

Sec. 22. RCW 77.12.879 and 2007 c 350 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

- (a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species. A person who enters Washington transporting any commercial or recreational watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department must have in his or her possession valid documentation that the watercraft has been inspected and found free of aquatic invasive species. The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. ~~((The first report is due December 1, 2007.))~~

Sec. 23. RCW 77.60.150 and 2001 c 273 s 1 are each amended to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection ~~((4))~~ (3) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in RCW 77.60.160.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make

NINETY-THIRD DAY, APRIL 14, 2009

recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in RCW 77.60.160(2)(a). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

~~(3) (The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003.~~

~~(4))~~ The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the department ~~((of fish and wildlife))~~ shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of ~~((fish and wildlife))~~ may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

~~((5))~~ (4) The Puget Sound pilot program shall not include the culture of geoduck.

Sec. 24. RCW 77.85.230 and 2003 c 391 s 5 are each amended to read as follows:

(1) In consultation with the appropriate task force formed under RCW 77.85.220, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the appropriate task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all

other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the appropriate task force formed under RCW 77.85.220, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the appropriate task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed under RCW 77.85.220 and funding has been secured. A final plan shall be submitted by the appropriate task force to the lead entity for the geographic area established under this chapter.

Sec. 25. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

Sec. 26. RCW 77.120.030 and 2007 c 350 s 10 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(2) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws.

(3) The department, in consultation with ~~((the ballast water work group, or similar))~~ a collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification, the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

(7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington ~~((state))~~, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

Sec. 27. RCW 77.120.110 and 2007 c 350 s 14 are each amended to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used ~~((in consultation with the ballast water work group created in section~~

~~11 of this act))~~ only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

Sec. 28. RCW 77.120.120 and 2007 c 350 s 15 are each amended to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. ~~((Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department.))~~ The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

Sec. 29. RCW 77.95.200 and 1998 c 251 s 2 are each amended to read as follows:

(1) The department shall develop and implement a program utilizing remote site incubators in Washington state. The program shall identify sites in tributaries that are suitable for reestablishing self-sustaining, locally adapted populations of coho, chum, or chinook salmon. The initial selection of sites shall be ~~((completed by July 1, 1999, and))~~ updated annually ~~((thereafter)).~~

(2) The department may only approve a remote site incubator project if the department deems it is consistent with the conservation of wild salmon and trout. The department shall only utilize appropriate salmonid eggs in remote site incubators, and may acquire eggs by gift or purchase.

(3) The department shall depend chiefly upon volunteer efforts to implement the remote site incubator program through volunteer cooperative projects and the regional fisheries enhancement groups. The department may prioritize remote site incubator projects within regional enhancement areas.

(4) The department may purchase remote site incubators and may use agency employees to construct remote site incubators. ~~((The director and the secretary of the department of corrections shall jointly investigate the potential of producing remote site incubators through the prison industries program of the department of corrections, and shall jointly report their finding to the natural resources committees of the house of representatives and the senate by December 1, 1999.))~~

(5) The department shall investigate the use of the remote site incubator technology for the production of warm water fish.

(6) ~~((The department shall evaluate the initial results of the program and report to the legislature by December 1, 2000.))~~ Annual reports on the progress of the program shall be provided to the fish and wildlife commission.

Sec. 30. RCW 77.95.310 and 1997 c 414 s 1 are each amended to read as follows:

~~((Beginning September 1, 1998, and each September 1st thereafter.))~~ (1) The department shall ~~((submit))~~ maintain a report ~~((to the appropriate standing committees of the legislature))~~ identifying ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~. This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify:

~~((+))~~ (a) The total treaty tribal and nontribal harvests by species and by management unit;

~~((2))~~ (b) Where and why the nontribal harvest does not meet the full allocation allowed under *United States v. Washington*, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and

((3)) (c) The location and quantity of salmon and steelhead harvested under the wastage provisions of *United States v. Washington*, 384 F. Supp. 312 (1974).

(2) Upon request, the department shall present the report required to be maintained under this section to the appropriate committees of the legislature.

Sec. 31. RCW 77.12.184 and 2000 c 252 s 1 are each amended to read as follows:

(1) The department shall deposit all moneys received from the following activities into the state wildlife ((fund)) account created in RCW 77.12.170:

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting and fishing rules.

Sec. 32. RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended to read as follows:

Moneys in the state wildlife ((fund)) account created in RCW 77.12.170 may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

Sec. 33. RCW 77.12.210 and 2000 c 107 s 218 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights-of-way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife ((fund)) account created in RCW 77.12.170; PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation

within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife ((fund)) account created in RCW 77.12.170.

Sec. 34. RCW 77.12.230 and 1987 c 506 s 32 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state wildlife ((fund)) account created in RCW 77.12.170 to the department.

Sec. 35. RCW 77.12.323 and 1987 c 506 s 42 are each amended to read as follows:

(1) There is established in the state wildlife ((fund)) account created in RCW 77.12.170 a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 36. RCW 77.12.380 and 1987 c 506 s 44 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state wildlife ((fund)) account created in RCW 77.12.170 in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 37. RCW 77.12.390 and 1987 c 506 s 45 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state wildlife ((fund)) account created in RCW 77.12.170 in favor of the fund for which the withdrawn lands are held.

Sec. 38. RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33 are each reenacted and amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory bird stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state wildlife ((fund)) account created in RCW 77.12.170. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director to

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the commission.

Sec. 39. RCW 77.15.100 and 2000 c 107 s 235 are each amended to read as follows:

(1) Unless otherwise provided in this title, fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the ~~(state wildlife fund)~~ fish and wildlife enforcement reward account established under RCW ~~((77.12.170))~~ 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held.

Sec. 40. RCW 77.32.430 and 2005 c 192 s 2 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW 77.32.050, when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

Sec. 41. RCW 77.32.530 and 1996 c 101 s 5 are each amended to read as follows:

(1) The commission in consultation with the director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The commission in consultation with the director may authorize hunting of up to a total of ~~((fifteen))~~ thirty big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The revenues shall be used to improve ~~((the habitat, health, and welfare of the species auctioned or raffled))~~ game management and shall supplement, rather than replace, other funds budgeted for management of ~~((that))~~ game species. The commission may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the commission to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

Sec. 42. RCW 77.32.560 and 2003 c 317 s 2 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170 and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The commission must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the commission by rule for the watchable wildlife decal in order to support watchable

NINETY-THIRD DAY, APRIL 14, 2009

wildlife activities. A person who purchases a watchable wildlife decal must be issued one vehicle use permit free of charge.

Sec. 43. RCW 77.44.050 and 1999 c 235 s 1 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds for warm water game fish as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994 ~~((except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Mescberg warm water fish production facility during the biennium ending June 30, 2001)).~~

NEW SECTION. Sec. 44. Whenever any personal property comes into the possession of the officers of the department in connection with the official performance of their duties and the personal property remains unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition that may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time the property came into the possession of the department, unless the property has been held as evidence in any court, then, in that event, after sixty days from date when the case has been finally disposed of and the property released as evidence by order of the court, the department may:

(1) At any time thereafter sell the personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the department subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the director, the property consists of firearms or other items specifically usable in law enforcement work. At the end of each calendar year during which there has been such a retention, the department shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the director if the director determines that the following circumstances have occurred:

(a) The property has no substantial commercial value or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The director has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the director to bona fide dealers, in trade for law enforcement equipment, which equipment must be treated as retained property for the purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm must be disposed of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the director, in a manner that is illegal, may be destroyed.

NEW SECTION. Sec. 45. Before the personal property shall be sold, a notice of such a sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold must be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice must be signed by the director. If the owner fails to reclaim the property prior to the time fixed for the sale in such a notice, the director shall conduct the sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of the bid shall deliver the property to the bidder.

NEW SECTION. Sec. 46. The moneys arising from sales under the provisions of this chapter must be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of the personal property and the balance, if any, must be forwarded to the state treasurer to be deposited into the fish and wildlife enforcement reward account under RCW 77.15.425.

NEW SECTION. Sec. 47. If the owner of the personal property so sold, or the owner's legal representative, shall, at any time within three years after the money has been deposited in the fish and wildlife enforcement reward account, furnish satisfactory evidence to the state treasurer of the ownership of the personal property, the owner or the owner's legal representative is entitled to receive from the fish and wildlife enforcement reward account the amount so deposited, with interest.

NEW SECTION. Sec. 48. (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department.

(2) The uniform unclaimed property act, chapter 63.29 RCW, does not apply to personal property in the possession of the department.

NEW SECTION. Sec. 49. In addition to any other method of disposition of unclaimed property provided under this chapter, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

NEW SECTION. Sec. 50. Sections 44 through 49 of this act constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 51. RCW 77.12.065 (Wildlife viewing tourism) and 2003 c 183 s 1 are each repealed.

Sec. 52. RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. ~~((Not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants.))~~ The department must continue to release rooster pheasants in eastern Washington. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. The department shall submit an

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

annual report to the appropriate committees of the legislature by December 1st regarding the department's eastern Washington pheasant activities.

NEW SECTION. Sec. 53. (1) The legislature finds that healthy wildlife populations are a valuable and treasured public resource to the people of the state of Washington. However, the legislature also finds that as the human population increases and encroaches on wildlife habitat, interactions between humans and wildlife will become more frequent.

(2) The legislature further finds that interactions between humans and wildlife can have significant financial impacts on the affected landowner. Although the resulting wildlife damage is felt most closely by the landowner, the general public, as beneficiaries and stewards of healthy wildlife populations, should bear some responsibility, as outlined in and limited by this act, for providing a measure of restitution to the impacted landowner, provided that the landowner has exhausted all legal, practicable self-help methods available to prevent wildlife damage from occurring.

(3) The legislature further finds that the commercial agriculture, horticulture, and livestock industries are important components of the state economy that can be negatively impacted by interactions with wildlife. However, the legislature also finds that other landowners, both commercial and residential, may be faced with wildlife interactions that result in property damage. It is the intent of the legislature to craft a solution whereby all property owners have a potential avenue to petition the state for some mitigation of the damages caused by wildlife.

(4) The legislature further finds that it is in the best interests of the state for the department of fish and wildlife to respond quickly to wildlife damage complaints and to work with those affected to prevent and minimize negative interactions while maintaining healthy wildlife populations.

(5) The legislature further finds that negative wildlife interactions can be best reduced by encouraging landowners to contribute, through their land management practices, to healthy wildlife populations and to provide access for related recreation.

Sec. 54. RCW 77.36.010 and 1996 c 54 s 2 are each amended to read as follows:

~~((Unless otherwise specified,))~~ ~~The ((following))~~ definitions in this section apply throughout this chapter ~~((+))~~ unless the context clearly requires otherwise.

(1) "Claim" means an application to the department for compensation under this chapter.

(2) "Commercial crop" means a ~~((commercially raised))~~ horticultural ~~((and/or))~~ or agricultural product ~~((and includes))~~, including the growing or harvested product ~~((but does not include livestock))~~. For the purposes of this chapter all parts of horticultural trees shall be considered a commercial crop and shall be eligible for claims.

~~((2))~~ "Emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.

(3) "Commercial livestock" means cattle, sheep, and horses held or raised by a person for sale.

(4) "Compensation" means a cash payment, materials, or service.

(5) "Damage" means economic losses caused by wildlife interactions.

(6) "Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

(7) "Owner" means a person who has a legal right to commercial crops, commercial livestock, or other property that was damaged during a wildlife interaction.

(8) "Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, commercial livestock, or other property.

NEW SECTION. Sec. 55. A new section is added to chapter 77.36 RCW to read as follows:

(1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the commercial livestock has been diminished. Payments for claims for damage to commercial livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or commercial livestock are only eligible for a claim under this subsection if:

(i) The owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of section 56 of this act have been satisfied; and

(iii) The damage caused to the commercial crop or commercial livestock satisfies the criteria for damage established by the commission under this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and commercial livestock qualifying for compensation under this subsection. An owner of a commercial crop or commercial livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or commercial livestock, which may not be set at a value of less than five hundred dollars.

(2)(a) The department may offer to provide noncash compensation only to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or commercial livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of section 56 of this act have been satisfied and if the damage satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or commercial livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

NEW SECTION. Sec. 56. A new section is added to chapter 77.36 RCW to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including

the use of nonlethal methods and department-provided materials and services when available under section 55 of this act; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

NEW SECTION. Sec. 57. A new section is added to chapter 77.36 RCW to read as follows:

The department shall establish:

(1) The form of affidavits or proof required to accompany all claims under this chapter;

(2) The process, time, and methods used to identify and assess damage, including the anticipated timeline for the initiation and conclusion of department action;

(3) How claims will be prioritized when available funds for reimbursement are limited;

(4) Timelines after the discovery of damage by which an owner must file a claim or notify the department;

(5) Protocols for an owner to follow if the owner wishes to undertake activities that would complicate the determination of damages, such as harvesting damaged crops;

(6) The process for determining damage assessments, including the role and selection of professional damage assessors and the responsibility for reimbursing third-party assessors for their services;

(7) Timelines for a claimant to accept, reject, or appeal a determination made by the department;

(8) The identification of instances when an owner would be ineligible for compensation;

(9) An appeals process for an owner eligible for compensation under section 55 of this act who is denied a claim or feels the compensation is insufficient; and

(10) Other policies necessary for administering this chapter.

NEW SECTION. Sec. 58. A new section is added to chapter 77.36 RCW to read as follows:

(1) Except as otherwise provided in this section and as limited by section 55 of this act and RCW 77.36.070 and 77.36.080, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife reduced by the amount of compensation provided to the

claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions, except that, subject to appropriation to pay compensation for damage to commercial livestock, the value of killed or injured commercial livestock may be no more than two hundred dollars per sheep, one thousand five hundred dollars per head of cattle, and one thousand five hundred dollars per horse; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or commercial livestock filing a claim under section 55 of this act only if the outcome of an appeal filed by the claimant under section 55 of this act determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and commercial livestock, belongs to the claimant.

Sec. 59. RCW 77.36.070 and 1996 c 54 s 8 are each amended to read as follows:

The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife ((fund)) account created in RCW 77.12.170 for claims ((under RCW 77.36.040 and for assessment costs and compromise of claims. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was not restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage)) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

Sec. 60. RCW 77.36.080 and 1996 c 54 s 9 are each amended to read as follows:

(1) Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims ((under RCW 77.36.040 and for assessment costs and compromise of claims unless the legislature declares an emergency. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage)) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

(2)(a) The legislature may declare an emergency((defined for the purposes of this section as any happening arising from)) if weather, fire, or other natural ((conditions, or fire that causes unusually great)) events result in deer or elk causing excessive damage to ((commercially raised agricultural or horticultural)) commercial crops ((by deer or elk)). ((It))

(b) After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessment costs under ((RCW 77.36.040 and for assessment and compromise of claims)) section 55 of this act. Such money shall be used to pay ((animal damage)) wildlife interaction claims only if the claim meets the conditions of ((RCW 77.36.040)) section 55 of this act and the department has expended all funds authorized under RCW 77.36.070 or subsection (1) of this section.

Sec. 61. RCW 77.36.030 and 1996 c 54 s 4 are each amended to read as follows:

(1) Subject to ((the following)) limitations and conditions established by the commission, the owner, the owner's

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

immediate family member, the owner's documented employee, or a tenant of real property may trap, consistent with RCW 77.15.194, or kill wildlife that is threatening human safety or causing property damage on that property, without the licenses required under RCW 77.32.010 or authorization from the director under RCW 77.12.240(~~wild animals or wild birds that are damaging crops, domestic animals, or fowl~~).

~~(a) Threatened or endangered species shall not be hunted, trapped, or killed;~~

~~(b) Except in an emergency situation, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director or the director's designee. In an emergency, the department may give verbal permission followed by written permission to trap or kill any deer, elk, or protected wildlife that is damaging crops, domestic animals, or fowl; and~~

~~(c) On privately owned cattle ranching lands, the land owner or lessee may declare an emergency only when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding damage caused by wild animals or wild birds. In such an emergency, the owner or lessee may trap or kill any deer, elk, or other protected wildlife that is causing the damage but deer and elk may only be killed if such lands were open to public hunting during the previous hunting season, or the closure to public hunting was coordinated with the department to protect property and livestock).~~

~~(2) ((Except for coyotes and Columbian ground squirrels,)) The commission shall establish the limitations and conditions of this section by rule. The rules must include:~~

~~(a) Appropriate protection for threatened or endangered species;~~

~~(b) Instances when verbal or written permission is required to kill wildlife;~~

~~(c) Species that may be killed under this section; and~~

~~(d) Requirements for the disposal of wildlife trapped or killed under this section ((remain the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The department shall dispose of wildlife so taken within three days of receiving such a notification and in a manner determined by the director to be in the best interest of the state)).~~

~~(3) In establishing the limitations and conditions of this section, the commission shall take into consideration the recommendations of the Washington state wolf conservation and management plan.~~

NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW to read as follows:

This chapter represents the exclusive remedy against the state for damage caused by wildlife interactions.

Sec. 63. RCW 77.12.240 and 1989 c 197 s 1 are each amended to read as follows:

(1) The ((director)) department may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

(2) The ((director or other employees of the)) department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Proceeds from sales shall be deposited in the state treasury to be credited to the state wildlife ((fund)) account created in RCW 77.12.170.

NEW SECTION. Sec. 64. The fish and wildlife commission shall formally review the rules and policies adopted under sections 53 through 66 of this act. If, in the process of reviewing the rules, the fish and wildlife commission identifies recommended statutory changes related to the subject of sections 53 through 66 of this act and to the ability of the fish and wildlife commission to fulfill the intent of sections 53 through 66 of this act, those recommendations must be forwarded to the

appropriate policy committees of the legislature during the regularly scheduled 2014 legislative session.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

1. RCW 77.36.005 (Findings) and 1996 c 54 s 1;

2. RCW 77.36.020 (Game damage control--Special hunt/remedial action) and 2003 c 385 s 1 & 1996 c 54 s 3;

3. RCW 77.36.040 (Payment of claims for damages--Procedure--Limitations) and 1996 c 54 s 5;

4. RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c 54 s 6;

5. RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s 7; and

6. RCW 77.12.260 (Agreements to prevent damage to private property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

NEW SECTION. Sec. 66. The following sections are each decodified:

RCW 77.36.900; and

RCW 77.36.901.

NEW SECTION. Sec. 67. Sections 53 through 66 of this act apply prospectively only and not retroactively. Sections 53 through 66 of this act apply only to claims that arise on or after July 1, 2010. Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must be adjudicated under chapter 77.36 RCW as it existed prior to July 1, 2010.

NEW SECTION. Sec. 68. The fish and wildlife commission shall complete all initial rule-making activities that are required in order to allow sections 53 through 66 of this act to take effect on July 1, 2010.

NEW SECTION. Sec. 69. Sections 53 through 66 of this act take effect July 1, 2010.

NEW SECTION. Sec. 70. Section 64 of this act expires July 30, 2014.

Sec. 71. RCW 77.04.030 and 2001 c 155 s 1 are each amended to read as follows:

(1) The fish and wildlife commission consists of ((nine)) seven registered voters of the state. ((In January of each odd-numbered year.))

(2) The governor shall appoint commissioners, who must be registered voters, with the advice and consent of the senate ((three registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified)). Commissioners serve for a term of four years.

(3) If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. ((Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members))

(4) The governor shall appoint commissioners representing the various geographic areas of the state. Specifically, one member must reside within the boundaries of each of the six administrative regions recognized by the department on the effective date of this section. One member shall be appointed at-large. No two members may be residents of the same county.

(5) The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 72. RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to read as follows:

(1) The commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the chair and by ((five)) three members. ((Five)) Four members constitute a quorum for the transaction of business.

(2) The commission ((at a meeting in each odd-numbered year)) shall elect one of its members as ((chairman)) chair and

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

another member as ~~((vice chairman))~~ vice-chair, each of whom shall serve for a term of two years or until a successor is elected and qualified.

(3) Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 73. (1) In order to effectuate sections 71 and 72 of this act, on or before December 31, 2009, the governor shall appoint from the existing commissioners seven individuals to continue to serve on the commission.

(2) The governor shall appoint two members for a term ending January 1, 2011, two members for a term ending January 1, 2012, two members for a term ending January 1, 2013, and one member for a term ending January 1, 2014.

(3) Nothing in this section prohibits the governor from appointing a sitting commissioner whose position is considered vacated under subsection (1) of this section as a commissioner under subsection (2) of this section.

Sec. 74. RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers~~((except the director of fish and wildlife,))~~ shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the ~~((fish and wildlife commission as prescribed by RCW 77.04.055))~~ governor according to the procedure set forth in RCW 77.04.080.

Sec. 75. RCW 77.04.080 and 2000 c 107 s 205 are each amended to read as follows:

(1) Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife.

(2) Whenever the position of director is vacated, the governor must appoint a new director. The commission may advise the governor on this appointment. The appointment must be made with the consent of the senate. The director serves at the pleasure of the governor.

(3) The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

(4) Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

(5) The director shall receive the salary fixed by the governor under RCW 43.03.040.

(6) The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

Sec. 76. RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) ~~The commission shall select its own staff ((and shall appoint the director of the department. The director and commission staff)), which shall serve at the pleasure of the commission.~~

Sec. 77. RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each amended to read as follows:

The legislature supports the recommendations of the state fish and wildlife commission with regard to the commission's responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, ~~((and))~~ to select commission staff, and to advise the governor regarding appointment of the director of the department.

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the fish and wildlife commission. The commission acts in an open and deliberative process that encourages public involvement and increases public confidence in department decision making.

NEW SECTION. Sec. 78. A new section is added to chapter 77.04 RCW to read as follows:

The commission must provide an opportunity for the public to provide oral and written comments at any regular or special meeting of the commission held pursuant to RCW 77.04.060. Additionally, at any open public meeting convened pursuant to chapter 42.30 RCW or any gathering open to the public for purposes of providing information to the public or accepting public input, the commission, department, or both must provide the public an opportunity to: Provide written comments; and provide oral comments to the commission, department, or both, while addressing all in attendance.

Sec. 79. RCW 77.32.050 and 2003 c 389 s 1 are each amended to read as follows:

(1) All recreational licenses, permits, tags, and stamps required by this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational documents issued through an automated licensing system may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

(2) For the 2009-2011 biennium, the department may authorize an additional transaction fee on recreational documents of no greater than ten percent of the cost of a recreational document issued under this section, including a recreational license, permit, tag, stamp, or raffle ticket. The transaction fees shall be deposited into the state wildlife account as created in RCW 77.12.170.

NEW SECTION. Sec. 80. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425, 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050, 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240, 77.04.030, 77.04.060, 43.17.020, 77.04.080, 77.04.055, 77.04.013, and 77.32.050; reenacting and amending RCW 77.12.170 and 77.12.690; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.36 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.04 RCW; adding a new chapter to Title 77 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.12.065, 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; prescribing penalties; providing an effective date; and providing an expiration date."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

POINT OF ORDER

Senator Zarelli: "Thank you Mr. President. I rise to a point of order that senate amendment 2921.1 is beyond the scope and object of the bill. The substitute bill that passed the House dealt with enforcement and licensing issues governing the Department of Fish & Wildlife including some of the following: rules of the Fish & Wildlife Commission in the list of civulant fractions that can give rise to license revocation; changing the name, scope and jurisdiction of salmon guide licenses; allowing the use of two fishing poles per license holder for use on selected waters. The scope of this amendment that goes into 1778 goes far beyond dealing with enforcement and licensing issues and instead makes substantial changes to the structure of the Fish & Wildlife Commission itself by reducing the number and length of terms of commissioners, changing the geographical residency requirements of the commissioners and transferring the authority to appoint the director from the Commission to the Governor.

The idea of changing the structure of the Commission may seem familiar to this body at it was similar to language including in Senate Bill No. 5127 that did not pass House committee deadline. Altering the structure of the Fish & Wildlife Commission however is an entirely different subject from the Department of Fish & Wildlife enforcement or licensing authority as a result 5127 was inappropriately revived in this amendment. Mr. President, to change the structure of the Commission in this amendment is beyond the scope and object of Substitute House Bill No. 1778 and I respectfully request that you rule accordingly."

REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "Thank you Mr. President. I assert the striking amendment to Substitute House Bill No. 1778 is squarely within the scope and object of the underlying bill. The underlying bill is an omnibus bill designed to modernize provisions of Title 77 regarding Fish & Wildlife. When this bill came over from the House the bill dealt broadly with fish & wildlife resource management and the operation of Department of Fish & Wildlife including, I'll be glad to submit all the options in writing, and that such as the underlying omnibus substitute house bill makes changes throughout the fish & wildlife statutes that dealt with the very duties of the department as well as the operation. The striking amendment deals with the management of fish & wildlife resources and the operations of Department of Fish & Wildlife like the underlying bill. Therefore, I respectfully request that you rule the striking amendment within the scope and object of the underlying bill. Thank you Mr. President."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1778 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, by House Committee on Local Government & Housing (originally sponsored by Representatives Seaquist, Angel and Liias)

Regarding moratoria and other interim official controls adopted under the shoreline management act.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment be adopted by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that cities and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise and when implementing the shoreline management act.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter."

Senator Fraser spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Fraser moved that the following amendment by Senator Fraser and others to the committee striking amendment be adopted.

On page 1, beginning on line 3 of the amendment, after "**Sec. 1.**" strike all material through "requirements." on line 7 and insert "The legislature recognizes that the state, counties, and cities have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements."

On page 2, after line 14 of the amendment, insert the following:

"NEW SECTION. Sec. 3. (1) The legislature finds that a special height moratorium is necessary along the shoreline known as the "Olympia Isthmus" located in the city of Olympia between Capitol Lake and Budd Inlet, which should hereinafter be designated a "shoreline of statewide significance."

(2) The legislature further finds that:

(a) The shoreline along Capitol Lake is part of the Heritage park area of the state capitol campus, in which the state of Washington has invested millions of dollars to improve and make available for statewide public use, education, and appreciation. It is also an important element of the scenic, historic vista northward from the capitol campus, in which the state of Washington and nonprofit organizations have invested millions of dollars to construct excellent public viewing opportunities of the north capitol campus and other sights of both statewide and national significance;

(b) The state of Washington is continuing to invest millions of dollars in water quality improvements along both Capitol Lake and Budd Inlet shorelines;

(c) The Olympia Isthmus as a whole is historically significant, fragile, and a major contributor to significant

changes to the natural estuary area of the area. The Olympia Isthmus was constructed by fill in early 1911, with the reflecting lake created in the 1950s when the dam was constructed at what is now called the Deschutes spillway;

(d) The vista is an integral part of the design of the state capitol campus. The state's founders sited the capitol campus in its location principally to take advantage of this expansive vista. The vista: Is representative of much of the physical characteristics of very large areas of the state; provides a visual and physical connection between the capitol and the Puget Sound; is inspirational; and promotes an appreciation of the scenic grandeur and rich natural resources of our state; and

(e) The Washington state capitol, together with its spectacular location, is a state and national treasure that has been passed down from one generation to another.

(3) The legislature intends that the Olympia Isthmus be declared to be a shoreline of statewide significance through the shoreline management act to advance the public interest and to protect public investments.

(4) This state and national treasure has been passed down from one generation to another. It includes public vistas of Budd Inlet, south Puget Sound, the Olympic mountains, and a broad range of forested hills.

(5) Therefore, it is the intent of the legislature to take steps to protect this state and national scenic and historic asset.

Sec. 4. RCW 90.58.030 and 2007 c 328 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "~~((Hearings))~~ Hearings board" means the ~~((shoreline))~~ shorelines hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, ~~((and))~~

(E) Padilla Bay--from March Point to William Point, and

(F) Budd Inlet--from the northwest extension of Capitol Waterway in Olympia to the Deschutes spillway, and including the historic shoreline of Budd Inlet contained in Capitol Lake from the Deschutes spillway to the southwest extension of Capitol Waterway;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition,

topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of

an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.63 RCW to read as follows:

(1) A special height moratorium is created on the Olympia Isthmus in the area adjacent to the historic Budd Inlet named in RCW 90.58.030 in order to protect the scenic beauty of the state capitol campus for the citizens of this state and for out-of-state visitors.

(2) The Olympia Isthmus special height moratorium is located as follows: The Olympia Isthmus--from the western boundary of Capitol Waterway in Olympia proceeding west to the shoreline of the Deschutes spillway bounded by Capitol Lake shoreline and Budd Inlet shoreline.

(3) The maximum allowable height for a new or remodeled building or structure located within the Olympia Isthmus special height moratorium is thirty-five feet. This section only applies to new construction, and remodeling or restructuring that affects the height of the building. This section is not intended to prevent normal repair, maintenance, and internal remodeling of any building already exceeding the height limitation.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Fraser spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Delvin spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser and others on page 1, line 3 to the committee striking amendment to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others to the committee striking amendment be adopted.

On page 1, line 12 of the amendment, after "act" insert ", while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria"

On page 1, line 26 of the amendment, after "subsection" strike "." and insert ";

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium."

Senator Kilmer spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 1, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 1379.

The motion by Senator Kilmer carried and the amendment to the committee striking amendment was adopted by voice vote.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections as amended to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment were adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

On page 2, line 16 of the title amendment, after "insert" strike all material through "section." on line 17 and insert "amending RCW 90.58.030; adding a new section to chapter 90.58 RCW; adding a new section to chapter 35A.63 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1379 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Parlette, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1264, by Representatives Springer, Rodne and Eddy

Regarding the creation and registration of entities formed by public agencies.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell and Pflug were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown and McAuliffe

Excused: Senators Benton, Fairley and Pflug

HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler)

Regarding the adjudication of water rights.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.03.110 and 1987 c 109 s 72 are each amended to read as follows:

(1) Upon the filing of a petition with the department by a planning unit or by one or more persons claiming the right to ~~((divert))~~ any waters within the state or when, after investigation, in the judgment of the department, the ~~((interest of the public will be subserved by a determination of the rights thereto, it shall be the duty of the department to))~~ public interest will be served by a determination of the rights thereto, the department shall prepare a statement of the facts, together with a plan or map of the locality under investigation, and file such statement and plan or map in the superior court of the county in which said water is situated, or, in case such water flows or is situated in more than one county, in the county which the department shall determine to be the most convenient to the parties interested therein. Such a statement shall ~~((contain substantially the following matter, to wit:~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~— (1) The names of all known persons claiming the right to divert said water, the right to the diversion of which is sought to be determined, and~~

~~— (2) A brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto);~~

~~(a) Either (i) identify each person or entity owning real property situated within the area to be adjudicated but outside the boundaries of a city, town, or special purpose district that provides water to property within its service area; (ii) identify all known persons claiming a right to the water sought to be determined; or (iii) identify both; and~~

~~(b) Include a brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto.~~

~~(2) Prior to filing an adjudication under this chapter, the department shall:~~

~~(a) Consult with the administrative office of the courts to determine whether sufficient judicial resources are available to commence and to prosecute the adjudication in a timely manner; and~~

~~(b) Report to the appropriate committees of the legislature on the estimated budget needs for the court and the department to conduct the adjudication.~~

Sec. 2. RCW 90.03.120 and 1987 c 109 s 73 are each amended to read as follows:

(1) Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than ~~((sixty))~~ one hundred nor more than ~~((ninety))~~ one hundred thirty days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the department, may modify said time period.

(2) A summons issued under this section shall ~~((thereupon))~~ be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons ~~((claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said))~~ identified by the department under RCW 90.03.110. The summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file ~~((a statement of))~~ an adjudication claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to ((the use of)) water by virtue of a contract with a claimant to the right to divert the same, shall not be necessary parties to the proceeding.

(3) To the extent consistent with court rules and subject to the availability of funds provided either by direct appropriation or funded through the administrative office of the courts for this specific adjudicative proceeding, the court is encouraged to conduct the water rights adjudication employing innovative practices and technologies appropriate to large scale and complex cases, such as: (a) Electronic filing of documents, including notice and claims; (b) appearance via teleconferencing; (c) prefiling of testimony; and (d) other practices and technologies consistent with court rules and emerging technologies.

NEW SECTION. Sec. 3. A new section is added to chapter 90.03 RCW to read as follows:

(1) A judge in a water right adjudication filed under this chapter may be partially or fully disqualified from hearing the adjudication. Partial disqualification means disqualification from hearing specified claims. Full disqualification means disqualification from hearing any aspect of the adjudication.

(a) A judge is partially disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality is limited to specified claims.

(b) A judge is fully disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality extends beyond limited claims such that the judge should not hear any part of the adjudication.

(2) A judge may recuse himself or herself under this section or a party may file a motion for disqualification. A motion for disqualification must state whether the remedy being sought is full or partial disqualification.

(3)(a) For parties who are named in the original pleadings, a motion for disqualification is timely if it is filed before the judge issues a discretionary order or ruling in the adjudication.

(b) For a party who is joined in the adjudication after the original pleadings have been filed, a motion for disqualification is timely if it is filed within the earliest of either (i) thirty days of being joined in the adjudication; or (ii) after the joinder of the party, before the judge issues a discretionary order or ruling relating to the joined party.

(c) When a motion for disqualification is untimely filed under this subsection (3), the motion will be granted only when necessary to correct a substantial injustice.

(d) For purposes of this section, "discretionary order or ruling" has the same meaning as "order or ruling involving discretion" in RCW 4.12.050.

(4) A party filing a motion for disqualification under this section has the burden of proving by a preponderance of the evidence that the judge should be disqualified under the standards of subsection (1) of this section.

(5) The motion for disqualification may not be heard by the judge against whom the motion is filed. Subject to this limitation, the court may assign the disqualification motion to any superior court judge of the judicial district in which the adjudication was filed or to a visiting superior court judge under RCW 2.56.040.

(6) Except as stated in subsection (3)(d) of this section, RCW 4.12.040 and 4.12.050, which otherwise govern the disqualification of superior court judges, do not apply to water right adjudications filed under this chapter. The standards set forth in RCW 2.28.030, which govern the disqualification of judicial officers generally, may be grounds for disqualification under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW to read as follows:

Upon expiration of the filing period established under RCW 90.03.120(2), the department shall file a motion for default against defendants who have been served but who have failed to file an adjudication claim under RCW 90.03.140. A party in default may file a late claim under the same circumstances the party could respond or defend under court rules on default judgments.

NEW SECTION. Sec. 5. A new section is added to chapter 90.03 RCW to read as follows:

If an adjudication claim is for a use for which a statement of claim was required to be filed under chapter 90.14 RCW and no such claim was filed, the department may move that the adjudication claim be denied. The court shall grant the department's motion unless the claimant shows good cause why the motion should not be granted.

Sec. 6. RCW 90.03.130 and 1987 c 109 s 74 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That ~~((for good cause, the court, at the request of the department, as an alternative to personal service, may authorize service of summons to be))~~ as an alternative to personal service, service may be made by certified mail, with return receipt signed and dated by defendant, a spouse of a defendant, or another person authorized to accept service. If the defendants, or either of them, cannot be found within the state of

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Washington, of which the return of the sheriff of the county in which the proceeding is pending or the failure to sign a receipt for certified mail shall be prima facie evidence, upon the filing of an affidavit by the department, or its attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation in the county in which such proceeding is pending, and also publication of said summons in a newspaper of general circulation in each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications). ~~(In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof.)~~ The summons by publication shall state that ~~((statements of))~~ adjudication claims must be filed within ~~((twenty))~~ sixty days after the last publication or before the return date, whichever is later. In cases where personal service or service by certified mail is had, summons must be served at least sixty days before the return day thereof. For summons by certified mail, completion of service occurs upon the date of receipt by the defendant.

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

Sec. 7. RCW 90.03.140 and 1987 c 109 s 75 are each amended to read as follows:

~~(1) On or before the ((return day of such summons, each defendant shall file in the office of the clerk of said court a statement, and therewith a copy thereof for the department, containing substantially the following:~~

~~— (1) The name and post office address of defendant.~~

~~— (2) The full nature of the right, or use, on which the claim is based.~~

~~— (3) The time of initiation of such right and commencement of such use.~~

~~— (4) The date of beginning and completion of construction.~~

~~— (5) The dimensions and capacity of all ditches existing at the time of making said statement.~~

~~— (6) The amount of land under irrigation and the maximum quantity of water used thereon prior to the date of said statement and if for power, or other purposes, the maximum quantity of water used prior to date of said statement.~~

~~— (7) The legal description of the land upon which said water has been, or may be, put to beneficial use, and the legal description of the subdivision of land on which the point of diversion is located.~~

~~Such statement))~~ date specified in the summons, each defendant shall file with the clerk of the superior court an adjudication claim on a form and in a manner provided by the department, and mail or electronically mail a copy to the department. The department shall provide information that will assist claimants of small uses of water in completing their adjudication claims. The adjudication claim must contain substantially the following, except that when the legal basis for the claimed right is a federally reserved right, the information must be filed only as applicable:

~~(a) The name, mailing address, and telephone contact number of each defendant on the claim, and e-mail address, if available;~~

~~(b) The purpose or purposes of use of the water and the annual and instantaneous quantities of water put to beneficial use;~~

~~(c) For each use, the date the first steps were taken under the law to put the water to beneficial use;~~

~~(d) The date of beginning and completion of the construction of wells, ditches, or other works to put the water to use;~~

~~(e) The maximum amount of land ever under irrigation and the maximum annual and instantaneous quantities of water ever used thereon prior to the date of the statement and if for power,~~

~~or other purposes, the maximum annual and instantaneous quantities of water ever used prior to the date of the adjudication claim;~~

~~(f) The dates between which water is used annually;~~

~~(g) If located outside the boundaries of a city, town, or special purpose district that provides water to property within its service area, the legal description and county tax parcel number of the land upon which the water as presently claimed has been, or may be, put to beneficial use;~~

~~(h) The legal description and county tax parcel number of the subdivision of land on which the point of diversion or withdrawal is located as well as land survey and geographic positioning coordinates of the same if available;~~

~~(i) Whether a right to surface or groundwater, or both, is claimed and the source of the surface water and the location and depth of all wells;~~

~~(j) The legal basis for the claimed right;~~

~~(k) Whether a statement of claim relating to the water right was filed under chapter 90.14 RCW or whether a declaration relating to the water right was filed under chapter 90.44 RCW and, if so, the claim or declaration number, and whether the right is documented by a permit or certificate and, if so, the permit number or certificate number. When the source is a well, the well log number must be provided, when available;~~

~~(l) The amount of land and the annual and instantaneous quantities of water used thereon, or used for power or other purposes, that the defendant claims as a present right.~~

~~(2) The adjudication claim shall be verified on oath by the defendant(, and in the discretion of the court may be amended)). The department shall furnish the form for the adjudication claim. A claimant may file an adjudication claim electronically if authorized under state and local court rules. The department may assist claimants in their effort by making the department's pertinent records and information accessible electronically or by other means and through conferring with claimants.~~

NEW SECTION. Sec. 8. A new section is added to chapter 90.03 RCW to read as follows:

Within the date set by the court for filing evidence, each claimant shall file with the court evidence to support the claimant's adjudication claims. The court is encouraged to set a date for filing evidence that is reasonable and fair for the timely processing of the adjudication. The evidence may include, without limitation, permits or certificates of water right, statements of claim made under chapter 90.14 RCW, deeds, documents related to issuance of a land patent, aerial photographs, decrees of previous water rights adjudications, crop records, records of livestock purchases and sales, records of power use, metering records, declarations containing testimonial evidence, records of diversion, withdrawal or storage and delivery by irrigation districts or ditch companies, and any other evidence to support that a water right was obtained and was not thereafter abandoned or relinquished. The evidence filed may include matters that are outside the original adjudication claim filed, and within the date set by the court for filing evidence, the claimant may amend the adjudication claim to conform to the evidence filed. Thereafter, except for good cause shown, a claimant may not file additional evidence to support the claim.

NEW SECTION. Sec. 9. A new section is added to chapter 90.03 RCW to read as follows:

(1) Upon the receipt of adjudication claims and the filing of claimants' evidence, the department shall conduct a preliminary investigation for the purpose of examining:

(a) The uses of the subject waters by and any physical works in connection with the persons to whom the adjudication applies; and

(b) The uses for which a statement of claim has been filed under chapter 90.14 RCW or for which the department has a permit or certificate of water right on record.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(2)(a) The examination may include, as the department deems appropriate:

- (i) An estimation of the amount of water that is reasonably necessary to accomplish various beneficial uses within the area;
- (ii) The measurement of stream flows;
- (iii) The measurement of any diversion or withdrawal rates;
- (iv) An estimation of storage capacity and the amount of water stored;
- (v) The types and numbers of stock watered;
- (vi) The number of residences served;
- (vii) The location and size of any irrigated land areas; and
- (viii) Any other information pertinent to the determination of water rights in an adjudication under this chapter.

(b) The department may also take other necessary steps and gather other data and information as may be essential to the proper understanding of the water uses and associated rights of the affected water users, including review of each claimant's adjudication claim and evidence the claimant filed to support the claim. The claimants and the department are encouraged to confer as may be beneficial to clarify the factual and legal basis for the claim. To the extent consistent with court rules, the court may deem it appropriate to encourage claimants and the department to work closely together to reach agreement on a claimed water right that may result in timely settlement of water rights, reduced costs for the parties, greater equity and general public service, and better information that may be used for overall water management.

(3) The department shall file with the court the department's report of findings as to each adjudication claim filed timely under RCW 90.03.140. The department may divide its report of findings into two or more segments, covering particular drainages, uses, or other appropriate bases for dividing the report on adjudication claims. Based on the evidence filed by claimants and the department's report of findings, the department shall file with the superior court either or both of the following motions:

(a) A motion for a partial decree in favor of all stated claims under RCW 90.03.140 that the department finds to be substantiated with factual evidence; or

(b) A motion seeking determination of contested claims before the court.

Sec. 10. RCW 90.03.160 and 1989 c 80 s 1 are each amended to read as follows:

~~(1) Upon the completion of the service of summons as hereinbefore provided, the superior court in which said proceeding is pending shall make an order referring said proceeding to the department to take testimony by its duly authorized designee, as referee, and the designee shall report to and file with the superior court of the county in which such cause is pending a transcript of such testimony for adjudication thereon by such court. The superior court may, in any complex case with more than one thousand named defendants, including the United States, retain for hearing and further processing such portions of the proceeding as pertain to a discrete class or classes of defendants or claims of water rights if the court determines that: (1) Resolution of claims of such classes appear to involve significant issues of law, either procedural or substantive; and (2) such a retention will both expedite the conclusion of the case and reduce the overall expenditures of the plaintiff, defendants, and the court) filing of the department's motion or motions under section 9(3) of this act, any party with a claim filed under RCW 90.03.140 for the appropriation of water or waters of the subject adjudication may file and serve a response to the department's motion or motions within the time set by the court for such a response. Objections must include specific information in regard to the particular disposition against which the objection is being made. Objections must also state the underlying basis of the objection being made, including general information about the forms of evidence that support the~~

objection. Any party may file testimony with the court and serve it on other parties. If a party intends to cross-examine a claimant or witness based on another party's prefiled testimony, the party intending to cross-examine shall file a notice of intent to cross-examine no later than fifteen days in advance of the hearing. If no notice of intent to cross-examine based on the prefiled testimony is given, then the claimant or witness is not required to appear at the hearing. Any party may present evidence in support of or in response to an objection.

(2) The superior court may appoint a referee or other judicial officer to assist the court.

(3) The superior court may adopt special rules of procedure for an adjudication of water rights under this chapter, including simplified procedures for claimants of small uses of water. The rules of procedure for a superior court apply to an adjudication of water rights under this chapter unless superseded by special rules of the court under this subsection. The superior court is encouraged to consider entering, after notice and hearing and as the court determines appropriate, pretrial orders from an adjudication commenced on October 12, 1977.

NEW SECTION. Sec. 11. A new section is added to chapter 90.03 RCW to read as follows:

(1) The legislature finds that early settlement of contested claims is needed for a fair and efficient adjudication of water rights. Therefore, the department and other parties should identify opportunities for settlement following the date set by the court for filing evidence for all parties. To the extent consistent with court rules, the court as it deems beneficial is encouraged to urge as many parties to the adjudication as possible to reach timely agreement on claimed water rights in a manner that limits costs to the public, claimants, counties, courts, and the department. Further, at appropriate times throughout the process the court as it deems beneficial is encouraged to direct parties to utilize alternative methods of dispute resolution, including informal meetings, negotiation, mediation, or other methods to reach agreement on disputed claims.

(2) Any time after the filing of all claims under RCW 90.03.140, the department or another party may move the superior court to allow parties to meet for settlement discussions for a set length of time, either before an appointed mediator or without a mediator. For good cause shown, the court may extend the length of time for settlement discussions. The costs of mediation must be equitably borne by the parties to the mediation.

(3) If the department and a claimant reach agreement on settlement, the department shall file a motion to approve the settlement pursuant to section 9(3)(a) of this act and shall disclose the terms of the settlement to other parties to the adjudication. The court shall conduct a hearing prior to approving a settlement and any party to the adjudication may object or offer modifications to the settlement.

Sec. 12. RCW 90.03.180 and 1995 c 292 s 21 are each amended to read as follows:

At the time of filing the ~~(statement)~~ adjudication claim as provided in RCW 90.03.140, each defendant, except the United States or an Indian tribe under 43 U.S.C. Sec. 666, shall pay to the clerk of the superior court a fee as set under RCW ~~((36.18.020))~~ 36.18.016.

Sec. 13. RCW 90.03.200 and 1988 c 202 s 91 are each amended to read as follows:

~~Upon the filing of the evidence and the report of the department, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exception shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~of the department, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the department's designee, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court))~~ court's determination of all issues, the court shall issue a final decree and provide notice of the decree to all parties. The final decree must order each party whose rights have been confirmed, except the United States or an Indian tribe under 43 U.S.C. Sec. 666, to pay the department the fees required by RCW 90.03.470(10) and any other applicable fee schedule within ninety days after the department sends notice to the party under RCW 90.03.240. Appellate review of the decree shall be in the same manner as in other cases in equity, except that review must be sought within sixty days from the entry thereof.

Sec. 14. RCW 90.03.210 and 2001 c 220 s 5 are each amended to read as follows:

(1) During the pendency of such adjudication proceedings prior to judgment or upon review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

(2) Any appeal of a decision of the department on an application to change or transfer a water right subject to ~~((a general))~~ an adjudication that is being litigated actively ~~((and was commenced before October 13, 1977;))~~ shall be conducted as follows:

(a) The appeal shall be filed with the court conducting the adjudication and served under RCW 34.05.542(3). The content of the notice of appeal shall conform to RCW 34.05.546. Standing to appeal shall be based on the requirements of RCW 34.05.530 and is not limited to parties to the adjudication.

(b) If the appeal includes a challenge to the portion of the department's decision that pertains to tentative determinations of the validity and extent of the water right, review of those tentative determinations shall be conducted by the court consistent with the provisions of RCW 34.05.510 through 34.05.598, except that the review shall be de novo.

(c) If the appeal includes a challenge to any portion of the department's decision other than the tentative determinations of the validity and extent of the right, the court must certify to the pollution control hearings board for review and decision those portions of the department's decision. Review by the pollution control hearings board shall be conducted consistent with chapter 43.21B RCW and the board's implementing regulations, except that the requirements for filing, service, and content of the notice of appeal shall be governed by (a) of this subsection. Any party to an appeal may move the court to certify portions of the appeal to the pollution control hearings board, but the appellant must file a motion for certification no later than ninety days after the appeal is filed under this section.

(d) Appeals shall be scheduled to afford all parties full opportunity to participate before the superior court and the pollution control hearings board.

(e) Any person wishing to appeal the decision of the board made under (c) of this subsection shall seek review of the decision in accordance with chapter 34.05 RCW, except that the

petition for review must be filed with the superior court conducting the adjudication.

(3) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law. Nothing in this section is intended or shall be construed as affecting or modifying any existing right of a federally recognized Indian tribe to protect from impairment its federally reserved water rights in federal court.

Sec. 15. RCW 90.03.240 and 1987 c 109 s 82 are each amended to read as follows:

Upon the court's final determination of the rights to ~~((the diversion of))~~ water ~~((it shall be the duty of)),~~ the department ~~((to))~~ shall issue to each person entitled to ~~((the diversion of))~~ a water right by such a determination, a certificate ~~((under his official seal))~~ of adjudicated water right, setting forth the name and ~~((post office))~~ mailing address of record with the court of such person; the priority and purpose of the right; the period during which said right may be exercised, the point of diversion or withdrawal, and the place of use; the land to which said water right is appurtenant ~~((and when applicable));~~ the maximum ~~((quantity))~~ annual and instantaneous quantities of water allowed; and specific provisions or limitations or both under which the water right has been confirmed.

The department shall provide notice to the water right holder that the certificate has been prepared for issuance and that fees for the issuance of the certificate are due in accordance with RCW 90.03.470 and any other applicable fee schedule. If the water right holder fails to submit the required fees within one year from the date the notice was issued by the department, the department may move the court for sanctions for violation of the court's order in the final decree requiring payment.

Sec. 16. RCW 90.03.243 and 1982 c 15 s 1 are each amended to read as follows:

The expenses incurred by the state in a proceeding to determine rights to water initiated under RCW 90.03.110 or 90.44.220 or upon appeal of such a determination shall be borne by the state. Subject to the availability of state funding provided either by direct appropriation or funded through the administrative office of the courts for this specific purpose, the county in which an adjudication or a suit to administer an adjudication is being held must be provided the extraordinary costs imposed on the superior court of that county due to the adjudication.

Sec. 17. RCW 90.44.220 and 1987 c 109 s 119 are each amended to read as follows:

~~((In its discretion or upon the application of any party claiming right to the withdrawal and use of public groundwater, the department may file a petition))~~ Upon the filing of a petition with the department by a planning unit or by one or more persons claiming a right to any waters within the state or when, after investigation, in the judgment of the department, the public interest will be served by a determination of the rights thereto, the department shall file a petition to conduct an adjudication with the superior court of the county for the determination of the rights of appropriators of any particular groundwater body and all the provisions of RCW 90.03.110 through 90.03.240 ((as heretofore amended)) and sections 3 through 5, 8, 9, and 11 of this act, shall govern and apply to the adjudication and determination of such groundwater body and to the ownership thereof. Hereafter, in any proceedings for the adjudication and determination of water rights--either rights to the use of surface water or to the use of groundwater, or both--pursuant to chapter 90.03 RCW ((as heretofore amended)), all appropriators of groundwater or of surface water in the particular basin or area may be included as parties to such adjudication, as ((pertinent)) set forth in chapter 90.03 RCW.

Sec. 18. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

MOTION

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) ~~((Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220-)) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.~~

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION. Sec. 19. Except for section 14 of this act, this act applies only to adjudications initiated after the effective date of this section.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

1. RCW 90.03.170 (Determination of water rights--Hearing--Notice--Prior rights preserved) and 1987 c 109 s 77 & 1917 c 117 s 20; and

2. RCW 90.03.190 (Determination of water rights--Transcript of testimony--Filing--Notice of hearing) and 1987 c 109 s 78 & 1917 c 117 s 22."

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the committee striking amendment be adopted.

On page 4, beginning on line 13 of the amendment, after "(6)" strike all material through "chapter." on line 16

On page 17, after line 7 of the amendment, insert the following:

"**Sec. 19.** RCW 4.12.040 and 1989 c 15 s 1 are each amended to read as follows:

(1) No judge of a superior court of the state of Washington shall sit to hear or try any action or proceeding when it shall be established as hereinafter provided that said judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge in judicial districts where there is more than one judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court. In all judicial districts where there is only one judge, a certified copy of the motion and affidavit filed in the cause shall be transmitted by the clerk of the superior court to the clerk of the superior court designated by the chief justice of the supreme court. Upon receipt the clerk of said superior court shall transmit the forwarded affidavit to the presiding judge who shall direct a visiting judge to hear and try such action as soon as convenient and practical.

(2) The presiding judge in judicial districts where there is more than one judge, or the presiding judge of judicial districts where there is only one judge, may send a case for trial to another court if the convenience of witnesses or the ends of justice will not be interfered with by such a course and the action is of such a character that a change of venue may be ordered: PROVIDED, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his or her right to a trial by a jury of the county in which the offense is alleged to have been committed.

(3) This section does not apply to water right adjudications filed under chapter 90.03 or 90.44 RCW. Disqualification of judges in water right adjudications is governed by section 3 of this act.

Sec. 20. RCW 4.12.050 and 1941 c 148 s 1 are each amended to read as follows:

(1) Any party to or any attorney appearing in any action or proceeding in a superior court, may establish such prejudice by motion, supported by affidavit that the judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial before such judge: PROVIDED, That such motion and affidavit is filed and called to the attention of the judge before he or she shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the action, of the hearing of which the party making the affidavit has been given notice, and before the judge presiding has made any order or ruling involving discretion, but the arrangement of the calendar, the setting of an action, motion or proceeding down for hearing or trial, the arraignment of the accused in a criminal action or the fixing of bail, shall not be construed as a ruling or order involving discretion within the meaning of this proviso; and in any event, in counties where there is but one resident judge, such motion and affidavit shall be filed not later than the day on which the case is called to be set for trial: AND PROVIDED FURTHER, That notwithstanding the filing of such motion and affidavit, if the parties shall, by stipulation in writing agree, such judge may hear argument and rule upon any preliminary motions, demurrers, or other matter thereafter presented: AND PROVIDED FURTHER, That no party or attorney shall be permitted to make more than one such

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

application in any action or proceeding under this section and RCW 4.12.040.

(2) This section does not apply to water right adjudications filed under chapter 90.03 or 90.44 RCW. Disqualification of judges in water right adjudications is governed by section 3 of this act.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 17, after line 17 of the amendment, insert the following:

"NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 4, line 13 to the committee striking amendment to Engrossed Substitute House Bill No. 1571.

The motion by Senator Rockefeller carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 12, line 26, after "thereof.", insert "The court issuing a final decree shall retain continuing jurisdiction to administer the decree."

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1571 was deferred and the bill held its place on the second reading calendar.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Zarelli as to the scope and object of the Ways & Means Committee striking amendment to Substitute House Bill 1778, the President finds and rules as follows:

Substitute House Bill 1778 as it came over from the House of Representatives is a bill that contains multiple topics, but it is fair to characterize them as all being related to various enforcement and licensing matters, including associated infractions and accounts.

While the committee amendment contains these same provisions, it also adds new provisions that restructure the governance of the Fish & Wildlife Commission. These governance provisions go well beyond the original subject matter related to licensing and enforcement.

For these reasons, the President finds that Senator Zarelli's point is well-taken. The committee amendment is beyond the scope and object of the underlying bill and not properly before the body for consideration.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1778 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Marr, Senator Brown was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, by House Committee on Capital Budget (originally sponsored by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Liias and Simpson)

Concerning water pollution control.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.50A.020 and 1993 c 329 s 1 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the state treasury. Moneys in this fund may be spent only after legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) Other moneys provided by the federal government including funds under the American recovery and reinvestment act of 2009 for water pollution control facilities and related activities to achieve federal water pollution requirements;

(c) All state matching funds appropriated or authorized by the legislature;

~~((e))~~ (d) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

~~((d))~~ (e) All repayments of moneys borrowed from the fund;

~~((e))~~ (f) All interest payments made by borrowers from the fund;

~~((f))~~ (g) Any other fee or charge levied in conjunction with administration of the fund; and

~~((g))~~ (h) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

Sec. 2. RCW 90.50A.030 and 2007 c 341 s 38 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance, as provided in the water quality act of 1987 and ~~((as provided in))~~ RCW 90.50A.040, and pursuant to other federal requirements for achieving state and federal water pollution control for protection of the state's waters:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all

NINETY-THIRD DAY, APRIL 14, 2009

loans will be fully amortized not later (~~then~~) than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans, including additional subsidization to eligible recipients in the form of forgiveness of principal and negative interest loans or grants or any combination thereof, may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the money in the water pollution control revolving fund provided by congress for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination thereof. Uses of forgiveness of principal and negative interest loans or grants include but are not limited to the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act;

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act;

(d) For storm water projects; and

(e) For combined sewer overflow projects.

(4) If additional subsidization is made available from moneys provided by congress to eligible recipients in the form of forgiveness of principal or negative interest loans or grants or any combination thereof, the department shall accept applications consistent with this chapter.

(5) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

~~((+))~~ (6) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((5) The department may not use the moneys in the water pollution control revolving fund for grants.))~~

(7) When prioritizing project applications for loans, forgiveness of principal, and negative interest loans or grants or any combination thereof for water pollution control facilities, the department shall consider the following:

(a) The protection and improvement of water quality and public health;

(b) The cost to residential ratepayers if they must finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders, including projects with a history of noncompliance;

(d) Readiness of the project to proceed with planning, design, or construction;

(e) The cost-effectiveness of the project based on an analysis of alternatives, including regionalization;

(f) Whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(g) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(h) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(i) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(j) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

Sec. 3. RCW 90.50A.040 and 2007 c 341 s 39 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and 90.50A.080, allocate funds for loans, forgiveness of principal, negative interest loans or grants or any combination thereof in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act, and allocate funds for separate competitive programs relating to storm water systems, sewer systems, and septic systems prioritized on a worst case first need basis;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

act amendments of 1987 and estuary programs developed under section 320 of that act;

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

NEW SECTION. Sec. 4. A new section is added to chapter 90.50A RCW to read as follows:

Any public body receiving a loan, forgiveness of principal, or negative interest loan or grant or any combination thereof from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department it has sufficient legal authority to incur the debt for the loan that it is applying for.

Sec. 5. RCW 90.50A.060 and 1988 c 284 s 7 are each amended to read as follows:

If a public body defaults on loan payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

Sec. 6. RCW 90.48.110 and 2007 c 343 s 13 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(a) The department shall require, through the development of rules, that plans established in this subsection (1) include the following elements:

(i) Reviews and updates of sewer plans on a six-year cycle, including asset management and financial planning;

(ii) An equitable sewer user charge system for residential, commercial, and industrial users to cover all financial obligation of the planned sewer utility;

(iii) Connection fees for new connections to a sewer system that reflect a fair share cost of infrastructure from which new connections will benefit;

(iv) A capital wastewater facilities reserve fund dedicated to paying for wastewater infrastructure and equipment replacement; and

(v) A sewer use ordinance that restricts certain connections and wastes to protect a local government's investment and enhance the wastewater treatment's process stability and effluent quality. The ordinance must, at least:

(A) Require new sewers and connections to be properly designed and constructed;

(B) Require a provision with a timeline and proximity in which existing and future residences must connect to the sewer system;

(C) Prohibit inflow sources into the sewer system; and

(D) Prohibit introduction of toxic or hazardous wastes into the sewer system in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the national pollutant discharge elimination system permit or state waste discharge permit.

(b) Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.118B RCW or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

NEW SECTION. Sec. 7. The department of ecology may adopt rules to implement this act.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 2, line 29 of the amendment, after "act;" strike "and" and insert "~~(and)~~"

On page 2, line 33 of the amendment, after "act" insert ";" and

(d) For the planning, design, and construction of publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater"

On page 8, after line 15 of the amendment, insert the following:

"**Sec. 7.** RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) When making grants or loans for water pollution control facilities, the department may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(5) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 90.48.290 and 1987 c 109 s 145 are each amended to read as follows:

The department is authorized to make and administer grants within appropriations authorized by the legislature to any municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the

control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the department shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8(f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project;

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the department from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium. As such, grants may be made for the planning, design, and construction of any publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) No grant shall be made to any municipal or public corporation, or political subdivision for any project located within a drainage basin unless the department shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the department to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the department for any grant application filed with the department prior to July 1, 1974, in those situations where the department finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the department.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967, for projects which meet the requirements of this section and were commenced after the recipient had filed a grant application with the department."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 16 of the amendment, after "Sec. 7." strike "The" and insert "Except for RCW 90.50A.030(2)(d), 70.146.070, and 90.48.290, the"

Senators Honeyford and Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 29 to the committee striking amendment to Engrossed Substitute House Bill No. 2116.

The motion by Senator Honeyford carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Senator Honeyford moved that the following amendment by Senator Honeyford and others to the committee striking amendment be adopted.

On page 8, after line 16, insert the following:

"Sec. 7. RCW 90.48.260 and 2007 c 341 s 55 are each amended to read as follows:

(1) The department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

((+)) (a) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: ((+)) (i) Effluent treatment and limitation requirements together with timing requirements related thereto; ((+)) (ii) applicable receiving water quality standards requirements; ((+)) (iii) requirements of standards of performance for new sources; ((+)) (iv) pretreatment requirements; ((+)) (v) termination and modification of permits for cause; ((+)) (vi) requirements for public notices and opportunities for public hearings; ((+)) (vii) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; ((+)) (viii) requirements for inspection, monitoring, entry, and reporting; ((+)) (ix) enforcement of the program through penalties, emergency powers, and criminal sanctions; ((+)) (x) a continuing planning process; and ((+)) (xi) user charges.

((+)) (b) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

((+)) (c) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

(2) The governor shall have authority to perform those actions required of him or her by the federal clean water act.

(3) Redevelopment, as defined in the 2005 western Washington storm water management manual, is not subject to the forested condition flow control requirements of the 2005 western Washington storm water management manual.

POINT OF ORDER

Senator Rockefeller: "Mr. President, I respectfully request that you rule that amendment 367 to Engrossed Substitute House Bill No. 2116 is beyond the scope and object of the bill. Engrossed Substitute House Bill No. 2116 is a measure that revises our state's water pollution control revolving fund to do one thing: It would add grants and forgiveness of principal and negative interests to allowable uses of the fund. In order to allow our state to take full advantage of federal stimulus funding, I believe some sixty-five million dollars in total, that's now available to our state for water quality purposes. The floor amendment does not in any manner address the state fund or the criteria for administering the fund. Instead, it would declare that certain activities are not subject to certain requirements in the administrative manual of the Department of Ecology issued for guidance in the control of storm water and, therefore, Mr. President, it would appear that this amendment is well beyond the scope of the bill and I respectfully request that you so rule."

RULING BY THE PRESIDENT

President Owen: "Senator Rockefeller, in, relative to your point of order, the arguments you make are quite clear that this amendment is well beyond the scope and object of the bill and I don't believe it's necessary for the President to go into great detail on that. It's so far beyond the scope. Point is well taken."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy as amended to Engrossed Substitute House Bill No. 2116.

The motion by Senator Rockefeller carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 8, line 24 of the title amendment, after "90.50A.060," strike "and 90.48.110" and insert "90.48.110, 70.146.070, and 90.48.290"

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 2116 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senator Fairley

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler)

Concerning construction and industrial storm water general permits. Revised for 1st Substitute: Creating a technical assistance program for industrial and construction storm water permit permittees. (REVISED FOR ENGROSSED: Regarding conditioning industrial storm water general discharge permits.)

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Environment, Water & Energy be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.48.555 and 2004 c 225 s 2 are each amended to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

(a) Numeric effluent limitations;

(b) Narrative effluent limitations; or

(c) A combination of numeric and narrative effluent discharge limitations.

(3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

(a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;

(b) State developed, industry-specific performance-based numeric effluent limitations;

(c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or

(d) A determination by the department that:

(i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and

(ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:

(a) Existing controls on point and nonpoint sources of pollution;

(b) The variability of the pollutant or pollutant parameter in the storm water discharge; and

(c) As appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:

(a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

(b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

(ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will comply with state water quality standards; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

(7)(a) By November 1, 2009, the department shall modify or reissue the industrial storm water general permit to require compliance ((by May 1, 2009;)) with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).

(b) ((No later than September 1, 2008;)) The industrial storm water general permit must require permittees to comply

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

with appropriately derived numeric water quality-based effluent limitations in the permit, as described in (a) of this subsection, by no later than six months after the effective date of the modified or reissued industrial storm water general permit.

(c) For permittees that the department determines are unable to comply with the numeric water quality-based effluent limitations required by (a) of this subsection, within the timeline established in (b) of this subsection, the department shall establish a compliance schedule as follows:

(i) Any compliance schedule provided by the department must require compliance as soon as possible, and must require compliance by no later than twenty-four months, or two wet seasons, after the effective date of the industrial storm water general permit. For purposes of this subsection (7)(c)(i), "wet seasons" means October 1st through June 30th.

(ii) The department shall post on its web site the name, location, industrial storm water permit number, and the reason for requesting a compliance schedule for each permittee who requests a compliance schedule according to this subsection (7)(c). The department shall post this information no later than thirty days after receiving a permittee's request for a compliance schedule under this subsection (7)(c). The department shall also prepare a list of organizations and individuals seeking to be notified when such requests for compliance schedules are made, and notify them within thirty days after receiving a permittee's request for a compliance schedule. Notification under this subsection may be accomplished electronically.

(d) The department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.

(8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:

(i) An adaptive management indicator, such as monitoring benchmarks;

(ii) Monitoring;

(iii) Review and revisions to the storm water pollution prevention plan;

(iv) Documentation of remedial actions taken; and

(v) Reporting to the department.

(b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or

industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

(1) As funding to do so becomes available, the department shall create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center shall use its authority to support the duties listed in this subsection through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. The center may:

(a) Review and evaluate emerging storm water technologies;

(b) Research and develop innovative and cost-effective technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;

(c) Conduct pilot projects to test technical solutions;

(d) Serve as a clearinghouse and outreach center for information on storm water technology;

(e) Assist in the development of storm water control methods to better protect water quality, including source control, product substitution, pollution prevention, and storm water treatment;

(f) Coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and

(g) Collaborate with existing storm water outreach programs.

(2) The department shall consult with an advisory committee in the development of the storm water technical resource center. The advisory committee must include representatives from relevant state agencies, local governments, the business community, the environmental community, tribes, and the building and development industry.

(3) The department, in consultation with the storm water technical resource center advisory committee, shall identify a funding strategy for funding the storm water technical resource center.

(4) The department shall encourage all interested parties to help and support the technical resource center with in-kind services.

(5) The department shall prepare and submit a biennial progress report to the legislature.

NEW SECTION. Sec. 3. Section 1 of this act expires January 1, 2015."

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the committee striking amendment be adopted.

On page 3, line 38 of the amendment, after "two" insert "complete"

Senator Rockefeller spoke in favor of adoption of the amendment to the committee striking amendment.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 3, line 38 to the committee striking amendment to Engrossed Substitute House Bill No. 2222.

The motion by Senator Rockefeller carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy as amended to Engrossed Substitute House Bill No. 2222.

The motion by Senator Rockefeller carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 90.48.555; adding a new section to chapter 90.48 RCW; and providing an expiration date."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 2222 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2222 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2222 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Fairley

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1021, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Campbell, Morrell and Moeller)

Concerning prior notice of hospital surveys and audits. Revised for 2nd Substitute: Concerning notice of hospital audits.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Eide, further consideration of Second Substitute House Bill No. 1021 was deferred and the bill held its place on the second reading calendar.

MOTION

At 2:38 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:10 p.m. by President Owen.

The Senate resumed consideration of Substitute House Bill No. 1778 which had been deferred earlier in the day.

MOTION

Without objection, Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.15.050 and 1998 c 190 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means:

(a) A final conviction in a state or municipal court;
(b) A failure to appear at a hearing to contest an infraction or criminal citation; or

(c) An unvacated forfeiture of bail paid as a final disposition for an offense ((or an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court)).

(2) A plea of guilty, or a finding of guilt for a violation of this title or rule of the commission or director constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 2. RCW 77.15.700 and 2007 c 163 s 2 are each amended to read as follows:

(1) The department shall impose revocation and suspension of privileges in the following circumstances:

~~((+))~~ (a) Upon conviction, if directed by statute for an offense(~~(+)~~).

~~((+))~~ (b) Upon conviction of a violation not involving commercial fishing, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. ~~((Such))~~ Suspension of privileges under this subsection may be permanent. ~~((This subsection (2) does not apply to violations involving commercial fishing;~~

~~(3))~~ (c) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game~~((the department shall order))~~, Revocation and suspension ~~((of))~~ under this subsection must be ordered for all hunting privileges for two years. ~~((RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;~~

~~(4)(a))~~ (d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense(~~(+)~~); (ii) has an

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

uncontested notice of infraction~~((:));~~ ~~((iii))~~ fails to appear at a hearing to contest ~~((an))~~ a fish and wildlife infraction~~((:));~~ or ~~((iv))~~ is found to have committed an infraction ~~((three times in ten years involving any violation of recreational hunting or fishing laws or rules, the department shall order a)).~~ Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

~~((b))~~ ~~((2))~~(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges ~~((only where))~~ under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160 ~~((1) or (2))~~; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

~~((c))~~ ~~((b))~~ The commission may, by rule, designate ~~((additional))~~ infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

~~((5))~~ (3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, except for a violation of RCW 77.15.400 (1) through (3), the department may revoke all hunting licenses and tags and may order a suspension of ~~((one))~~ either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

Sec. 3. RCW 77.15.310 and 2003 c 39 s 38 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW ~~((77.55.040 or 77.55.320))~~ 77.57.010 or 77.57.070; or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

Sec. 4. RCW 77.15.320 and 2000 c 107 s 241 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW ~~((77.55.060))~~ 77.57.030;

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

Sec. 5. RCW 77.15.610 and 1998 c 190 s 33 are each amended to read as follows:

(1) A person who holds a fur buyer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person:

(a) Fails to have the license in possession while engaged in fur buying or practicing taxidermy for commercial purposes; or

(b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license.

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

Sec. 6. RCW 77.32.470 and 2008 c 35 s 1 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

(i) One day - Seven dollars for residents and fourteen dollars for nonresidents;

(ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;

(iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;

(iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and

(v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the commission.

(e) The temporary combination fishing license fee for active duty military personnel serving in any branch of the United States armed forces is the resident rate as set forth in (a) of this subsection. Active duty military personnel must provide a valid military identification card at the time of purchase of the temporary license to qualify for the resident rate.

(f) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in RCW 77.12.702.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or below a fee equal to the total cost of the individual license contained within any combination.

(6) The commission may adopt rules to allow the use of two fishing poles per fishing license holder for use on selected state waters. If authorized by the commission, license holders must purchase a two-pole stamp to use a second pole. The proceeds from the sale of the two-pole stamp must be deposited into the state wildlife account created in RCW 77.12.170 and used for the operation and maintenance of state-owned fish hatcheries. The fee for a two-pole stamp is twenty dollars for residents and nonresidents, and five dollars for resident seniors.

Sec. 7. RCW 77.65.010 and 2005 c 20 s 1 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person ~~((may not))~~ must have a license or permit issued by the director in order to engage in any of the following activities ((without a license or permit issued by the director)):

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters. As used in this subsection, "deliver" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters;

(c) Operate a charter boat or commercial fishing vessel engaged in a fishery;

(d) Engage in processing or wholesaling food fish or shellfish; or

(e) Act as a food fish guide ((for salmon)) for personal use in freshwater rivers and streams, ((other than that part of the Columbia river below the bridge at Longview)) except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 8. RCW 77.65.370 and 1998 c 190 s 98 are each amended to read as follows:

(1) A person shall not offer or perform the services of a ~~((professional salmon)) food fish guide without a food fish guide license in the taking of ((salmon)) food fish for personal use in freshwater rivers and streams, ((other than in that part of the Columbia river below the bridge at Longview, without a professional salmon guide license))~~ except that a charter boat

license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) Only an individual at least sixteen years of age may hold a ~~((professional salmon))~~ food fish guide license. No individual may hold more than one ~~((professional salmon))~~ food fish guide license.

Sec. 9. RCW 77.65.440 and 2000 c 107 s 55 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee		Governing Section
	(RCW 77.95.090 Resident)	Surcharge Nonresident	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) ((Salmon)) <u>Food Fish Guide</u>	\$130	\$630	RCW 77.65.370
	(plus \$20)	(plus \$100)	

Sec. 10. RCW 77.15.510 and 2001 c 253 s 43 are each amended to read as follows:

(1) A person is guilty of ~~((commercial))~~ acting as a game fish ((guiding)) guide, food fish guide, or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a ~~((professional salmon))~~ food fish guide and does not hold a ~~((professional salmon))~~ food fish guide license; or

(c) The person acts as a game fish guide and does not hold a game fish guide license.

(2) ~~((Commercial)) Acting without a game fish ((guiding or chartering without a))~~ guide license, food fish guide license, or charter license is a gross misdemeanor.

Sec. 11. RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(3) A ~~((fishing))~~ game fish guide license allows the holder to offer or perform the services of a ~~((professional))~~ game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7)(a) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian ~~((fishermen))~~ fishers lawfully

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

Sec. 12. RCW 77.08.010 and 2008 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections ~~((48) through (53))~~ (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((12))~~ (13) "Department" means the department of fish and wildlife.

~~((13))~~ (14) "Director" means the director of fish and wildlife.

~~((14))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((15))~~ (16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources

enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

~~((16))~~ (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((17))~~ (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((18))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((19))~~ (21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((20))~~ (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((21))~~ (23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((22))~~ (24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((23))~~ (25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((24))~~ (26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((25))~~ (27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((26))~~ (29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((27))~~ (30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((28))~~ (31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((29))~~ (33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((30))~~ (34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((31))~~ (35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((32))~~ (36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((32))~~ (37) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((33))~~ (38) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((34))~~ (40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((35))~~ (41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((36))~~ (42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((37))~~ (43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((38))~~ (44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((39))~~ (45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((40))~~ (46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((41))~~ (47) "Saltwater" means those marine waters seaward of river mouths.

~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((43))~~ (49) "Senior" means a person seventy years old or older.

~~((44))~~ (50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((45))~~ (51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((46))~~ (52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((47))~~ (53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((48))~~ (54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((49))~~ (55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((50))~~ (56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((51))~~ (57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((52))~~ (59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((54))~~ (62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((55))~~ (63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((56))~~ (64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 13. RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife account which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties, and the sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320. However, this excludes fish and shellfish overages, and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited pursuant to RCW 77.15.425;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(i) ~~(The sale of personal property seized by the department for fish, shellfish, or wildlife violations;~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~(j))~~) The department's share of revenues from auctions and raffles authorized by the commission; and

~~((*)~~) (j) The sale of watchable wildlife decals under RCW 77.32.560.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife account.

NEW SECTION. Sec. 14. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board. Permits excluded from subsection (1) of this section include fish and wildlife lands vehicle use permits, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

NEW SECTION. Sec. 15. A new section is added to chapter 77.32 RCW to read as follows:

(1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program. The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards.

(2) A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety. The commission may establish by rule the requirements an applicant must comply with when applying for or renewing a master hunter permit, including but not limited to a criminal background check. The

director may establish an advisory group to assist the department with administering the master hunter program.

(3) The fee for an initial master hunter permit may not exceed fifty dollars, and the cost of renewing a master hunter permit may not exceed twenty-five dollars. Funds generated under this section must be deposited into the fish and wildlife enforcement reward account established in RCW 77.15.425, and the funds must be used exclusively to administer the master hunter program.

NEW SECTION. Sec. 16. A new section is added to chapter 77.15 RCW to read as follows:

(1) The department may suspend a person's master hunter permit for the following reasons and corresponding lengths of time:

(a) If the person pays the required fine or is found to have committed an infraction under this chapter or the department's rules, the department shall suspend the person's master hunter permit for two years;

(b) If the person pays the required fine or is convicted of a misdemeanor, gross misdemeanor, or felony under this chapter, the department shall suspend the person's master hunter permit for life;

(c) If the person pays the required fine or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department shall suspend the person's master hunter permit for life;

(d) If the person pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated, the department shall suspend the person's master hunter permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's master hunter permit for life;

(f) If the person is cited, or charged by complaint, for an offense under this chapter; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department, the department shall suspend the person's master hunter permit for life.

(2) Any master hunter who is notified of an intended suspension may request an appeal hearing under chapter 34.05 RCW.

Sec. 17. RCW 77.15.370 and 2005 c 406 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director; ~~((or))~~

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law; or

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 18. RCW 77.15.425 and 2006 c 148 s 2 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. ~~((All receipts from criminal wildlife penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited into the account.))~~ Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under RCW 77.15.400 and 77.15.420; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter program, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 19. RCW 77.15.568 and 2007 c 337 s 4 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section ~~((does not apply))~~ applies to a wholesale fish dealer(=) acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Sec. 20. RCW 77.15.620 and 2002 c 301 s 7 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves: (a) Fish or shellfish worth two hundred fifty dollars or more; (b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or (c) violates any other rule of the department regarding wholesale fish buying and dealing. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 21. RCW 77.12.870 and 2002 c 20 s 3 are each amended to read as follows:

(1) The department, in consultation with the Northwest straits commission, the department of natural resources, and other interested parties, must create and maintain a database of known derelict fishing gear, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

~~((3) The department, in consultation with fishing industry groups and tribal comanagers, must evaluate methods to reduce future losses of fishing gear and report the results of this evaluation to the appropriate legislative committees by January 1, 2003.))~~

Sec. 22. RCW 77.12.879 and 2007 c 350 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species. A person who enters Washington transporting any commercial or recreational watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department must have in his or her possession valid documentation that the watercraft has been inspected and found free of aquatic invasive species. The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. ~~((The first report is due December 1, 2007.))~~

Sec. 23. RCW 77.60.150 and 2001 c 273 s 1 are each amended to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on

currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection ~~((4))~~ (3) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in RCW 77.60.160.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in RCW 77.60.160(2)(a). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

~~(3) ((The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2007.~~

~~((4))~~ The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the department ~~((of fish and wildlife))~~ shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of ~~((fish and wildlife))~~ may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

~~((5))~~ (4) The Puget Sound pilot program shall not include the culture of geoduck.

Sec. 24. RCW 77.85.230 and 2003 c 391 s 5 are each amended to read as follows:

(1) In consultation with the appropriate task force formed under RCW 77.85.220, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the appropriate task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing

reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the appropriate task force formed under RCW 77.85.220, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the appropriate task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed under RCW 77.85.220 and funding has been secured. A final plan shall be submitted by the appropriate task force to the lead entity for the geographic area established under this chapter.

Sec. 25. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

Sec. 26. RCW 77.120.030 and 2007 c 350 s 10 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(2) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws.

(3) The department, in consultation with ~~((the ballast water work group, or similar))~~ a collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification, the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

(7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington ~~((state))~~, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

Sec. 27. RCW 77.120.110 and 2007 c 350 s 14 are each amended to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used ~~(in consultation with the ballast water work group created in section 11 of this act,))~~ only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

Sec. 28. RCW 77.120.120 and 2007 c 350 s 15 are each amended to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. ~~((Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department.))~~ The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

Sec. 29. RCW 77.95.200 and 1998 c 251 s 2 are each amended to read as follows:

(1) The department shall develop and implement a program utilizing remote site incubators in Washington state. The program shall identify sites in tributaries that are suitable for reestablishing self-sustaining, locally adapted populations of coho, chum, or chinook salmon. The initial selection of sites shall be ~~((completed by July 1, 1999, and))~~ updated annually ~~((thereafter))~~.

(2) The department may only approve a remote site incubator project if the department deems it is consistent with the conservation of wild salmon and trout. The department shall only utilize appropriate salmonid eggs in remote site incubators, and may acquire eggs by gift or purchase.

(3) The department shall depend chiefly upon volunteer efforts to implement the remote site incubator program through volunteer cooperative projects and the regional fisheries enhancement groups. The department may prioritize remote site incubator projects within regional enhancement areas.

(4) The department may purchase remote site incubators and may use agency employees to construct remote site incubators. ~~((The director and the secretary of the department of corrections shall jointly investigate the potential of producing remote site incubators through the prison industries program of the department of corrections, and shall jointly report their finding to the natural resources committees of the house of representatives and the senate by December 1, 1999.))~~

(5) The department shall investigate the use of the remote site incubator technology for the production of warm water fish.

(6) ~~((The department shall evaluate the initial results of the program and report to the legislature by December 1, 2000.))~~ Annual reports on the progress of the program shall be provided to the fish and wildlife commission.

Sec. 30. RCW 77.95.310 and 1997 c 414 s 1 are each amended to read as follows:

~~((Beginning September 1, 1998, and each September 1st thereafter,))~~ (1) The department shall ~~((submit))~~ maintain a report ~~((to the appropriate standing committees of the legislature))~~ identifying ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~. This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify:

~~((1))~~ (a) The total treaty tribal and nontribal harvests by species and by management unit;

~~((2))~~ (b) Where and why the nontribal harvest does not meet the full allocation allowed under *United States v. Washington*, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and

~~((3))~~ (c) The location and quantity of salmon and steelhead harvested under the wastage provisions of *United States v. Washington*, 384 F. Supp. 312 (1974).

(2) Upon request, the department shall present the report required to be maintained under this section to the appropriate committees of the legislature.

Sec. 31. RCW 77.12.184 and 2000 c 252 s 1 are each amended to read as follows:

(1) The department shall deposit all moneys received from the following activities into the state wildlife ~~((fund))~~ account created in RCW 77.12.170:

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting and fishing rules.

Sec. 32. RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended to read as follows:

Moneys in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

Sec. 33. RCW 77.12.210 and 2000 c 107 s 218 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights-of-way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170; PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170.

Sec. 34. RCW 77.12.230 and 1987 c 506 s 32 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 to the department.

Sec. 35. RCW 77.12.323 and 1987 c 506 s 42 are each amended to read as follows:

(1) There is established in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 36. RCW 77.12.380 and 1987 c 506 s 44 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 37. RCW 77.12.390 and 1987 c 506 s 45 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the withdrawn lands are held.

Sec. 38. RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33 are each reenacted and amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory bird stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state wildlife ~~((fund))~~

account created in RCW 77.12.170. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the commission.

Sec. 39. RCW 77.15.100 and 2000 c 107 s 235 are each amended to read as follows:

(1) Unless otherwise provided in this title, fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the ~~((state wildlife fund))~~ fish and wildlife enforcement reward account established under RCW ~~((77.12.170))~~ 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held.

Sec. 40. RCW 77.32.430 and 2005 c 192 s 2 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW 77.32.050, when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

Sec. 41. RCW 77.32.530 and 1996 c 101 s 5 are each amended to read as follows:

(1) The commission in consultation with the director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The commission in consultation with the director may authorize hunting of up to a total of ~~((fifteen))~~ thirty big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The revenues shall be used to improve ~~((the habitat, health, and welfare of the species auctioned or raffled))~~ game management and shall supplement, rather than replace, other funds budgeted for management of ~~((that))~~ game species. The commission may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the commission to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

Sec. 42. RCW 77.32.560 and 2003 c 317 s 2 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170 and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural

communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The commission must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the commission by rule for the watchable wildlife decal in order to support watchable wildlife activities. A person who purchases a watchable wildlife decal must be issued one vehicle use permit free of charge.

Sec. 43. RCW 77.44.050 and 1999 c 235 s 1 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds for warm water game fish as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994 ~~((except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Meseberg warm water fish production facility during the biennium ending June 30, 2001))~~.

NEW SECTION. Sec. 44. Whenever any personal property comes into the possession of the officers of the department in connection with the official performance of their duties and the personal property remains unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition that may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time the property came into the possession of the department, unless the property has been held as evidence in any court, then, in that event, after sixty days from date when the case has been finally disposed of and the property released as evidence by order of the court, the department may:

(1) At any time thereafter sell the personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the department subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the director, the property consists of firearms or other items specifically usable in law enforcement work. At the end of each calendar year during which there has been such a retention, the department shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the director if the director determines that the following circumstances have occurred:

(a) The property has no substantial commercial value or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The director has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the director to bona fide dealers, in trade for law enforcement equipment, which equipment must

NINETY-THIRD DAY, APRIL 14, 2009

be treated as retained property for the purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm must be disposed of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the director, in a manner that is illegal, may be destroyed.

NEW SECTION. Sec. 45. Before the personal property shall be sold, a notice of such a sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold must be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice must be signed by the director. If the owner fails to reclaim the property prior to the time fixed for the sale in such a notice, the director shall conduct the sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of the bid shall deliver the property to the bidder.

NEW SECTION. Sec. 46. The moneys arising from sales under the provisions of this chapter must be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of the personal property and the balance, if any, must be forwarded to the state treasurer to be deposited into the fish and wildlife enforcement reward account under RCW 77.15.425.

NEW SECTION. Sec. 47. If the owner of the personal property so sold, or the owner's legal representative, shall, at any time within three years after the money has been deposited in the fish and wildlife enforcement reward account, furnish satisfactory evidence to the state treasurer of the ownership of the personal property, the owner or the owner's legal representative is entitled to receive from the fish and wildlife enforcement reward account the amount so deposited, with interest.

NEW SECTION. Sec. 48. (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department.

(2) The uniform unclaimed property act, chapter 63.29 RCW, does not apply to personal property in the possession of the department.

NEW SECTION. Sec. 49. In addition to any other method of disposition of unclaimed property provided under this chapter, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

NEW SECTION. Sec. 50. Sections 44 through 49 of this act constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 51. RCW 77.12.065 (Wildlife viewing tourism) and 2003 c 183 s 1 are each repealed.

Sec. 52. RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. ~~(Not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants.)~~ The department must continue to release rooster pheasants in eastern Washington. The eastern Washington pheasant enhancement account funds must not be

used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. The department shall submit an annual report to the appropriate committees of the legislature by December 1st regarding the department's eastern Washington pheasant activities.

NEW SECTION. Sec. 53. (1) The legislature finds that healthy wildlife populations are a valuable and treasured public resource to the people of the state of Washington. However, the legislature also finds that as the human population increases and encroaches on wildlife habitat, interactions between humans and wildlife will become more frequent.

(2) The legislature further finds that interactions between humans and wildlife can have significant financial impacts on the affected landowner. Although the resulting wildlife damage is felt most closely by the landowner, the general public, as beneficiaries and stewards of healthy wildlife populations, should bear some responsibility, as outlined in and limited by this act, for providing a measure of restitution to the impacted landowner, provided that the landowner has exhausted all legal, practicable self-help methods available to prevent wildlife damage from occurring.

(3) The legislature further finds that the commercial agriculture, horticulture, and livestock industries are important components of the state economy that can be negatively impacted by interactions with wildlife. However, the legislature also finds that other landowners, both commercial and residential, may be faced with wildlife interactions that result in property damage. It is the intent of the legislature to craft a solution whereby all property owners have a potential avenue to petition the state for some mitigation of the damages caused by wildlife.

(4) The legislature further finds that it is in the best interests of the state for the department of fish and wildlife to respond quickly to wildlife damage complaints and to work with those affected to prevent and minimize negative interactions while maintaining healthy wildlife populations.

(5) The legislature further finds that negative wildlife interactions can be best reduced by encouraging landowners to contribute, through their land management practices, to healthy wildlife populations and to provide access for related recreation.

Sec. 54. RCW 77.36.010 and 1996 c 54 s 2 are each amended to read as follows:

~~((Unless otherwise specified,))~~ The ((following)) definitions in this section apply throughout this chapter((-)) unless the context clearly requires otherwise.

(1) "Claim" means an application to the department for compensation under this chapter.

~~(2) "Commercial crop" means a ((commercially raised)) horticultural ((and/or)) or agricultural product ((and includes)),² including the growing or harvested product ((but does not include livestock)).~~ For the purposes of this chapter all parts of horticultural trees shall be considered a commercial crop and shall be eligible for claims.

~~((2) "Emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.))~~

(3) "Commercial livestock" means cattle, sheep, and horses held or raised by a person for sale.

~~(4) "Compensation" means a cash payment, materials, or service.~~

~~(5) "Damage" means economic losses caused by wildlife interactions.~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(6) "Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

(7) "Owner" means a person who has a legal right to commercial crops, commercial livestock, or other property that has been damaged during a wildlife interaction.

(8) "Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, commercial livestock, or other property.

NEW SECTION. Sec. 55. A new section is added to chapter 77.36 RCW to read as follows:

(1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the commercial livestock has been diminished. Payments for claims for damage to commercial livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or commercial livestock are only eligible for a claim under this subsection if:

(i) The owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of section 56 of this act have been satisfied; and

(iii) The damage caused to the commercial crop or commercial livestock satisfies the criteria for damage established by the commission under this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and commercial livestock qualifying for compensation under this subsection. An owner of a commercial crop or commercial livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or commercial livestock, which may not be set at a value of less than five hundred dollars.

(2)(a) The department may offer to provide noncash compensation only to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or commercial livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of section 56 of this act have been satisfied and if the damage satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or commercial livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

NEW SECTION. Sec. 56. A new section is added to chapter 77.36 RCW to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under section 55 of this act; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventative efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

NEW SECTION. Sec. 57. A new section is added to chapter 77.36 RCW to read as follows:

The department shall establish:

(1) The form of affidavits or proof required to accompany all claims under this chapter;

(2) The process, time, and methods used to identify and assess damage, including the anticipated timeline for the initiation and conclusion of department action;

(3) How claims will be prioritized when available funds for reimbursement are limited;

(4) Timelines after the discovery of damage by which an owner must file a claim or notify the department;

(5) Protocols for an owner to follow if the owner wishes to undertake activities that would complicate the determination of damages, such as harvesting damaged crops;

(6) The process for determining damage assessments, including the role and selection of professional damage assessors and the responsibility for reimbursing third-party assessors for their services;

(7) Timelines for a claimant to accept, reject, or appeal a determination made by the department;

(8) The identification of instances when an owner would be ineligible for compensation;

(9) An appeals process for an owner eligible for compensation under section 55 of this act who is denied a claim or feels the compensation is insufficient; and

NINETY-THIRD DAY, APRIL 14, 2009

(10) Other policies necessary for administering this chapter.

NEW SECTION. Sec. 58. A new section is added to chapter 77.36 RCW to read as follows:

(1) Except as otherwise provided in this section and as limited by section 55 of this act and RCW 77.36.070 and 77.36.080, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife reduced by the amount of compensation provided to the claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions, except that, subject to appropriation to pay compensation for damage to commercial livestock, the value of killed or injured commercial livestock may be no more than two hundred dollars per sheep, one thousand five hundred dollars per head of cattle, and one thousand five hundred dollars per horse; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or commercial livestock filing a claim under section 55 of this act only if the outcome of an appeal filed by the claimant under section 55 of this act determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and commercial livestock, belongs to the claimant.

Sec. 59. RCW 77.36.070 and 1996 c 54 s 8 are each amended to read as follows:

The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 for claims ~~((under RCW 77.36.040 and for assessment costs and compromise of claims. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was not restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage))~~ and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

Sec. 60. RCW 77.36.080 and 1996 c 54 s 9 are each amended to read as follows:

(1) Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims ((under RCW 77.36.040 and for assessment costs and compromise of claims unless the legislature declares an emergency. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage)) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

(2)(a) The legislature may declare an emergency((defined for the purposes of this section as any happening arising from)) if weather, fire, or other natural ((conditions, or fire that causes unusually great)) events result in deer or elk causing excessive damage to ((commercially raised agricultural or horticultural)) commercial crops ((by deer or elk)). ((fn))

(b) After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessment costs under ((RCW 77.36.040 and for assessment and compromise of claims)) section 55 of this act.

Such money shall be used to pay ~~((animal damage))~~ wildlife interaction claims only if the claim meets the conditions of ~~((RCW 77.36.040))~~ section 55 of this act and the department has expended all funds authorized under RCW 77.36.070 or subsection (1) of this section.

Sec. 61. RCW 77.36.030 and 1996 c 54 s 4 are each amended to read as follows:

(1) Subject to ~~((the following))~~ limitations and conditions established by the commission, the owner, the owner's immediate family member, the owner's documented employee, or a tenant of real property may trap, consistent with RCW 77.15.194, or kill wildlife that is threatening human safety or causing property damage on that property, without the licenses required under RCW 77.32.010 or authorization from the director under RCW 77.12.240((wild animals or wild birds that are damaging crops, domestic animals, or fowl):

~~—(a) Threatened or endangered species shall not be hunted, trapped, or killed;~~

~~—(b) Except in an emergency situation, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director or the director's designee. In an emergency, the department may give verbal permission followed by written permission to trap or kill any deer, elk, or protected wildlife that is damaging crops, domestic animals, or fowl; and~~

~~—(c) On privately owned cattle ranching lands, the land owner or lessee may declare an emergency only when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding damage caused by wild animals or wild birds. In such an emergency, the owner or lessee may trap or kill any deer, elk, or other protected wildlife that is causing the damage but deer and elk may only be killed if such lands were open to public hunting during the previous hunting season, or the closure to public hunting was coordinated with the department to protect property and livestock).~~

(2) ~~((Except for coyotes and Columbian ground squirrels,))~~ The commission shall establish the limitations and conditions of this section by rule. The rules must include:

(a) Appropriate protection for threatened or endangered species;

(b) Instances when verbal or written permission is required to kill wildlife;

(c) Species that may be killed under this section; and

(d) Requirements for the disposal of wildlife trapped or killed under this section ((remain the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The department shall dispose of wildlife so taken within three days of receiving such a notification and in a manner determined by the director to be in the best interest of the state)).

(3) In establishing the limitations and conditions of this section, the commission shall take into consideration the recommendations of the Washington state wolf conservation and management plan.

NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW to read as follows:

This chapter represents the exclusive remedy against the state for damage caused by wildlife interactions.

Sec. 63. RCW 77.12.240 and 1989 c 197 s 1 are each amended to read as follows:

(1) The ((director)) department may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

(2) The ((director or other employees of the)) department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Proceeds from sales shall be deposited in the state treasury to be credited to the state wildlife ((fund)) account created in RCW 77.12.170.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 64. The fish and wildlife commission shall formally review the rules and policies adopted under sections 53 through 66 of this act. If, in the process of reviewing the rules, the fish and wildlife commission identifies recommended statutory changes related to the subject of sections 53 through 66 of this act and to the ability of the fish and wildlife commission to fulfill the intent of sections 53 through 66 of this act, those recommendations must be forwarded to the appropriate policy committees of the legislature during the regularly scheduled 2014 legislative session.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

1. RCW 77.36.005 (Findings) and 1996 c 54 s 1;
2. RCW 77.36.020 (Game damage control--Special hunt/remedial action) and 2003 c 385 s 1 & 1996 c 54 s 3;
3. RCW 77.36.040 (Payment of claims for damages--Procedure--Limitations) and 1996 c 54 s 5;
4. RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c 54 s 6;
5. RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s 7; and
6. RCW 77.12.260 (Agreements to prevent damage to private property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

NEW SECTION. Sec. 66. The following sections are each decodified:

RCW 77.36.900; and
RCW 77.36.901.

NEW SECTION. Sec. 67. Sections 53 through 66 of this act apply prospectively only and not retroactively. Sections 53 through 66 of this act apply only to claims that arise on or after July 1, 2010. Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must be adjudicated under chapter 77.36 RCW as it existed prior to July 1, 2010.

NEW SECTION. Sec. 68. The fish and wildlife commission shall complete all initial rule-making activities that are required in order to allow sections 53 through 66 of this act to take effect on July 1, 2010.

NEW SECTION. Sec. 69. Sections 53 through 66 of this act take effect July 1, 2010.

NEW SECTION. Sec. 70. Section 64 of this act expires July 30, 2014.

Sec. 71. RCW 77.04.030 and 2001 c 155 s 1 are each amended to read as follows:

(1) The fish and wildlife commission consists of ~~((nine))~~ seven registered voters of the state. ~~((In January of each odd-numbered year.))~~

(2) The governor shall appoint commissioners, who must be registered voters, with the advice and consent of the senate ~~((three registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified)).~~ The governor shall appoint two commissioners each January, except every fourth January following January 2010 the governor shall appoint one commissioner. Commissioners serve for a term of four years.

(3) If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. ~~((Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members))~~

(4) The governor shall appoint commissioners representing the various geographic areas of the state. Specifically, one member must reside within the boundaries of each of the six administrative regions recognized by the department on the effective date of this section. One member shall be appointed at-large. No two members may be residents of the same county.

(5) The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 72. RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to read as follows:

(1) The commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the chair and by ~~((five))~~ three members. ~~((Five))~~ Four members constitute a quorum for the transaction of business.

(2) The commission ~~((at a meeting in each odd-numbered year))~~ shall elect one of its members as ~~((chairman))~~ chair and another member as ~~((vice-chairman))~~ vice-chair, each of whom shall serve for a term of two years or until a successor is elected and qualified. Beginning January 1, 2014, no member may serve as chair unless that member has served on the commission for two or more years.

(3) Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 73. (1) In order to effectuate sections 71 and 72 of this act, the position of each sitting fish and wildlife commission member is considered vacated on August 1, 2009.

(2) The governor shall then appoint seven registered voters to the fish and wildlife commission, with the advice and consent of the senate, on August 1, 2009. The governor shall appoint two members for a term ending January 1, 2011, two members for a term ending January 1, 2012, two members for a term ending January 1, 2013, and one member for a term ending January 1, 2014.

(3) Nothing in this section prohibits the governor from appointing a sitting commissioner whose position is considered vacated under subsection (1) of this section as a commissioner under subsection (2) of this section.

Sec. 74. RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers ~~((, except the director of fish and wildlife,))~~ shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the ~~((fish and wildlife commission as prescribed by RCW 77.04.055))~~ governor according to the procedure set forth in RCW 77.04.080.

Sec. 75. RCW 77.04.080 and 2000 c 107 s 205 are each amended to read as follows:

(1) Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife.

(2) Whenever the position of director is vacated, the governor must appoint a new director from a list of three candidates recommended by the commission. The appointment must be made with the consent of the senate. The director serves at the pleasure of the governor.

(3) The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

(4) Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

(5) The director shall receive the salary fixed by the governor under RCW 43.03.040.

(6) The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

Sec. 76. RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff (~~and shall appoint the director of the department. The director and commission staff~~), which shall serve at the pleasure of the commission.

Sec. 77. RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each amended to read as follows:

The legislature supports the recommendations of the state fish and wildlife commission with regard to the commission's responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, (~~and~~) to select commission staff, and to make recommendations regarding appointment of the director of the department.

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the fish and wildlife commission. The commission acts in an open and deliberative process that encourages public involvement and increases public confidence in department decision making.

NEW SECTION. Sec. 78. A new section is added to chapter 77.04 RCW to read as follows:

The commission must provide an opportunity for the public to provide oral and written comments at any regular or special meeting of the commission held pursuant to RCW 77.04.060. Additionally, at any open public meeting convened pursuant to chapter 42.30 RCW or any gathering open to the public for purposes of providing information to the public or accepting public input, the commission, department, or both must provide the public an opportunity to: Provide written comments; and provide oral comments to the commission, department, or both, while addressing all in attendance.

NEW SECTION. Sec. 79. Sections 71 and 72 of this act take effect August 1, 2009.

Sec. 80. RCW 77.32.050 and 2003 c 389 s 1 are each amended to read as follows:

(1) All recreational licenses, permits, tags, and stamps required by this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational documents issued through an automated licensing system may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

(2) For the 2009-2011 biennium, the department may authorize an additional transaction fee on recreational documents of no greater than ten percent of the cost of a recreational document issued under this section, including a recreational license, permit, tag, stamp, or raffle ticket. The transaction fees shall be deposited into the state wildlife account as created in RCW 77.12.170.

NEW SECTION. Sec. 81. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425, 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050, 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240, 77.04.030, 77.04.060, 43.17.020, 77.04.080, 77.04.055, 77.04.013, and 77.32.050; reenacting and amending RCW 77.12.170 and 77.12.690; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.36 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.04 RCW; adding a new chapter to Title 77 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.12.065, 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; prescribing penalties; providing effective dates; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Jacobsen to not adopt the committee

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1778.

The motion by Senator Jacobsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Jacobsen moved that the following striking amendment by Senator Jacobsen and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.15.050 and 1998 c 190 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means:

(a) A final conviction in a state or municipal court;

(b) A failure to appear at a hearing to contest an infraction or criminal citation; or

(c) An unvacated forfeiture of bail paid as a final disposition for an offense ~~((or an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court)).~~

(2) A plea of guilty, or a finding of guilt for a violation of this title or rule of the commission or director constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 2. RCW 77.15.700 and 2007 c 163 s 2 are each amended to read as follows:

(1) The department shall impose revocation and suspension of privileges in the following circumstances:

~~((+))~~ (a) Upon conviction, if directed by statute for an offense~~(s)~~;

~~((2))~~ (b) Upon conviction of a violation not involving commercial fishing, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. ~~((Such))~~ Suspension of privileges under this subsection may be permanent. ~~((This subsection (2) does not apply to violations involving commercial fishing;~~

~~(3))~~ (c) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game~~((, the department shall order))~~. Revocation and suspension ~~((of))~~ under this subsection must be ordered for all hunting privileges for two years. ~~((RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;~~

~~(4(a))~~ (d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense~~(s)~~; (ii) has an uncontested notice of infraction~~(s)~~; (iii) fails to appear at a hearing to contest ~~((an))~~ a fish and wildlife infraction~~(s)~~; or (iv) is found to have committed an infraction ~~((three times in ten years involving any violation of recreational hunting or fishing laws or rules, the department shall order a))~~. Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

~~((b))~~ (2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges ~~((only where))~~ under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160 ~~((1) or (2))~~; WAC 220-56-116; WAC 220-56-315(11); or WAC 220-56-355 (1) through (4).

~~((c))~~ (b) The commission may, by rule, designate ~~((additional))~~ infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

~~((5))~~ (3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, except for a violation of RCW 77.15.400 (1) through (3), the department may revoke all hunting licenses and tags and may order a suspension of ~~((one))~~ either or both the deferred

education licensee's and the nondeferred accompanying person's hunting privileges for one year.

Sec. 3. RCW 77.15.310 and 2003 c 39 s 38 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW ~~((77.55.040 or 77.55.320))~~ 77.57.010 or 77.57.070; or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

Sec. 4. RCW 77.15.320 and 2000 c 107 s 241 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW ~~((77.55.060))~~ 77.57.030;

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

Sec. 5. RCW 77.15.610 and 1998 c 190 s 33 are each amended to read as follows:

(1) A person who holds a fur buyer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person:

(a) Fails to have the license in possession while engaged in fur buying or practicing taxidermy for commercial purposes; or

(b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license.

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

Sec. 6. RCW 77.32.470 and 2008 c 35 s 1 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

- (i) One day - Seven dollars for residents and fourteen dollars for nonresidents;
- (ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;
- (iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;
- (iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and
- (v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the commission.

(e) The temporary combination fishing license fee for active duty military personnel serving in any branch of the United States armed forces is the resident rate as set forth in (a) of this subsection. Active duty military personnel must provide a valid military identification card at the time of purchase of the temporary license to qualify for the resident rate.

(f) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in RCW 77.12.702.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or below a fee equal to the total cost of the individual license contained within any combination.

(6) The commission may adopt rules to allow the use of two fishing poles per fishing license holder for use on selected state waters. If authorized by the commission, license holders must purchase a two-pole stamp to use a second pole. The proceeds from the sale of the two-pole stamp must be deposited into the state wildlife account created in RCW 77.12.170 and used for the operation and maintenance of state-owned fish hatcheries. The fee for a two-pole stamp is twenty dollars for residents and nonresidents, and five dollars for resident seniors.

Sec. 7. RCW 77.65.010 and 2005 c 20 s 1 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person ~~((may not))~~ must have a license or permit issued by the director in order to engage in any of the following activities ((without a license or permit issued by the director)):

- (a) Commercially fish for or take food fish or shellfish;
- (b) Deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters. As used in this subsection, "deliver" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters;
- (c) Operate a charter boat or commercial fishing vessel engaged in a fishery;
- (d) Engage in processing or wholesaling food fish or shellfish; or
- (e) Act as a food fish guide ~~((for salmon))~~ for personal use in freshwater rivers and streams, ~~((other than that part of the~~

Columbia river below the bridge at Longview)) except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 8. RCW 77.65.370 and 1998 c 190 s 98 are each amended to read as follows:

(1) A person shall not offer or perform the services of a ~~((professional salmon))~~ food fish guide without a food fish guide license in the taking of ~~((salmon))~~ food fish for personal use in freshwater rivers and streams, ~~((other than in that part of the Columbia river below the bridge at Longview, without a professional salmon guide license))~~ except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) Only an individual at least sixteen years of age may hold a ~~((professional salmon))~~ food fish guide license. No individual may hold more than one ~~((professional salmon))~~ food fish guide license.

Sec. 9. RCW 77.65.440 and 2000 c 107 s 55 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee		Governing Section
	(RCW 77.95.090 Surchage)	Resident Nonresident	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) ((Salmon)) <u>Food</u> Fish Guide	\$130	\$630	RCW 77.65.370
	(plus \$20)	(plus \$100)	

Sec. 10. RCW 77.15.510 and 2001 c 253 s 43 are each amended to read as follows:

(1) A person is guilty of ~~((commercial))~~ acting as a game fish ((guiding)) guide, food fish guide, or chartering without a license if:

- (a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;
- (b) The person acts as a ~~((professional salmon))~~ food fish guide and does not hold a ~~((professional salmon))~~ food fish guide license; or
- (c) The person acts as a game fish guide and does not hold a game fish guide license.

(2) ~~((Commercial))~~ Acting without a game fish ((guiding or chartering without a)) guide license, food fish guide license, or charter license is a gross misdemeanor.

Sec. 11. RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for ((profit)) commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(3) A ((fishing)) game fish guide license allows the holder to offer or perform the services of a ((professional)) game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7)(a) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian ((fishermen)) fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

Sec. 12. RCW 77.08.010 and 2008 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections ((48) through (53)) (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

((12)) (13) "Department" means the department of fish and wildlife.

((13)) (14) "Director" means the director of fish and wildlife.

((14)) (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

((15)) (16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

((16)) (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

((17)) (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

((18)) (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

((19)) (21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

((20)) (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

((21)) (23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

((22)) (24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

((23)) (25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

((24)) (26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

((25)) (27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

((26)) (29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

((27)) (30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

((28)) (31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

NINETY-THIRD DAY, APRIL 14, 2009

~~((29))~~ (33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((30))~~ (34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((31))~~ (35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((32))~~ (36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((32))~~ (37) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((33))~~ (38) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((34))~~ (40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((35))~~ (41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((36))~~ (42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((37))~~ (43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((38))~~ (44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((39))~~ (45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((40))~~ (46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((41))~~ (47) "Saltwater" means those marine waters seaward of river mouths.

~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((43))~~ (49) "Senior" means a person seventy years old or older.

~~((44))~~ (50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((45))~~ (51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((46))~~ (52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((47))~~ (53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((48))~~ (54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((49))~~ (55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((50))~~ (56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((51))~~ (57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((52))~~ (59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((54))~~ (62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((55))~~ (63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((56))~~ (64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 13. RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife account which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties, and the sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320. However, this excludes fish and shellfish overages, and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited pursuant to RCW 77.15.425;

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

~~(i) ((The sale of personal property seized by the department for fish, shellfish, or wildlife violations;~~

~~(f))~~ The department's share of revenues from auctions and raffles authorized by the commission; and

~~((+))~~ (j) The sale of watchable wildlife decals under RCW 77.32.560.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife account.

NEW SECTION. Sec. 14. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board. Permits excluded from subsection (1) of this section include fish and wildlife lands vehicle use permits, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

NEW SECTION. Sec. 15. A new section is added to chapter 77.32 RCW to read as follows:

(1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program. The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards.

(2) A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety. The commission may establish by rule the requirements an applicant must comply with when applying for or renewing a master hunter permit, including but not limited to a criminal background check. The director may establish an advisory group to assist the department with administering the master hunter program.

(3) The fee for an initial master hunter permit may not exceed fifty dollars, and the cost of renewing a master hunter permit may not exceed twenty-five dollars. Funds generated under this section must be deposited into the fish and wildlife enforcement reward account established in RCW 77.15.425, and the funds must be used exclusively to administer the master hunter program.

NEW SECTION. Sec. 16. A new section is added to chapter 77.15 RCW to read as follows:

(1) The department may suspend a person's master hunter permit for the following reasons and corresponding lengths of time:

(a) If the person pays the required fine or is found to have committed an infraction under this chapter or the department's rules, the department shall suspend the person's master hunter permit for two years;

(b) If the person pays the required fine or is convicted of a misdemeanor, gross misdemeanor, or felony under this chapter, the department shall suspend the person's master hunter permit for life;

(c) If the person pays the required fine or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department shall suspend the person's master hunter permit for life;

(d) If the person pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated, the department shall suspend the person's master hunter permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's master hunter permit for life;

(f) If the person is cited, or charged by complaint, for an offense under this chapter; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department, the department shall suspend the person's master hunter permit for life.

(2) Any master hunter who is notified of an intended suspension may request an appeal hearing under chapter 34.05 RCW.

Sec. 17. RCW 77.15.370 and 2005 c 406 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director; ~~((or))~~

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law; or

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 18. RCW 77.15.425 and 2006 c 148 s 2 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. ~~((All receipts from criminal wildlife penalty assessments under RCW 77.15.420 and~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~77.15.400 must be deposited into the account.)) Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under RCW 77.15.400 and 77.15.420; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter program, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.~~

Sec. 19. RCW 77.15.568 and 2007 c 337 s 4 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section (~~does not apply~~) applies to a wholesale fish dealer(;) acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Sec. 20. RCW 77.15.620 and 2002 c 301 s 7 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves: (a) Fish or shellfish worth two hundred fifty dollars or more; (b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or (c) violates any other rule of the department regarding wholesale fish buying and dealing. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 21. RCW 77.12.870 and 2002 c 20 s 3 are each amended to read as follows:

(1) The department, in consultation with the Northwest straits commission, the department of natural resources, and other interested parties, must create and maintain a database of known derelict fishing gear, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

~~((3) The department, in consultation with fishing industry groups and tribal comanagers, must evaluate methods to reduce future losses of fishing gear and report the results of this evaluation to the appropriate legislative committees by January 1, 2003.))~~

Sec. 22. RCW 77.12.879 and 2007 c 350 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species. A person who enters Washington by road transporting any commercial or recreational watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department must have in his or her possession valid documentation that the watercraft has been inspected and found free of aquatic invasive species. The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. ~~((The first report is due December 1, 2007-))~~

Sec. 23. RCW 77.60.150 and 2001 c 273 s 1 are each amended to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection ~~((4))~~ (3) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in RCW 77.60.160.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in RCW 77.60.160(2)(a). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

(3) ~~((The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003-))~~

~~((4))~~ The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In

administering the leases, the department of natural resources shall exercise its authority under RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the department ~~((of fish and wildlife))~~ shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of ~~((fish and wildlife))~~ may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

~~((5))~~ (4) The Puget Sound pilot program shall not include the culture of geoduck.

Sec. 24. RCW 77.85.230 and 2003 c 391 s 5 are each amended to read as follows:

(1) In consultation with the appropriate task force formed under RCW 77.85.220, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the appropriate task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the appropriate task force formed under RCW 77.85.220, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the appropriate task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed under RCW 77.85.220 and funding has been secured. A final plan shall be submitted by the appropriate task force to the

NINETY-THIRD DAY, APRIL 14, 2009

lead entity for the geographic area established under this chapter.

Sec. 25. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~(salmon recovery funding)~~ salmon recovery funding board in accordance with procedures adopted by the board.

Sec. 26. RCW 77.120.030 and 2007 c 350 s 10 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(2) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws.

(3) The department, in consultation with ~~(the ballast water work group, or similar)~~ a collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification, the department may enter into a compliance plan

with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

(7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington ~~(state)~~, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

Sec. 27. RCW 77.120.110 and 2007 c 350 s 14 are each amended to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used ~~(in consultation with the ballast water work group created in section 11 of this act)~~ only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

Sec. 28. RCW 77.120.120 and 2007 c 350 s 15 are each amended to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. ~~(Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department.)~~ The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

Sec. 29. RCW 77.95.200 and 1998 c 251 s 2 are each amended to read as follows:

(1) The department shall develop and implement a program utilizing remote site incubators in Washington state. The program shall identify sites in tributaries that are suitable for reestablishing self-sustaining, locally adapted populations of coho, chum, or chinook salmon. The initial selection of sites shall be ~~((completed by July 1, 1999, and))~~ updated annually ~~((thereafter))~~.

(2) The department may only approve a remote site incubator project if the department deems it is consistent with the conservation of wild salmon and trout. The department shall only utilize appropriate salmonid eggs in remote site incubators, and may acquire eggs by gift or purchase.

(3) The department shall depend chiefly upon volunteer efforts to implement the remote site incubator program through volunteer cooperative projects and the regional fisheries enhancement groups. The department may prioritize remote site incubator projects within regional enhancement areas.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(4) The department may purchase remote site incubators and may use agency employees to construct remote site incubators. ~~((The director and the secretary of the department of corrections shall jointly investigate the potential of producing remote site incubators through the prison industries program of the department of corrections, and shall jointly report their finding to the natural resources committees of the house of representatives and the senate by December 1, 1999.))~~

(5) The department shall investigate the use of the remote site incubator technology for the production of warm water fish.

(6) ~~((The department shall evaluate the initial results of the program and report to the legislature by December 1, 2000.))~~ Annual reports on the progress of the program shall be provided to the fish and wildlife commission.

Sec. 30. RCW 77.95.310 and 1997 c 414 s 1 are each amended to read as follows:

~~((Beginning September 1, 1998, and each September 1st thereafter.))~~ (1) The department shall ~~((submit))~~ maintain a report ~~((to the appropriate standing committees of the legislature))~~ identifying ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~. This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify:

~~((+))~~ (a) The total treaty tribal and nontribal harvests by species and by management unit;

~~((2))~~ (b) Where and why the nontribal harvest does not meet the full allocation allowed under *United States v. Washington*, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and

~~((3))~~ (c) The location and quantity of salmon and steelhead harvested under the wastage provisions of *United States v. Washington*, 384 F. Supp. 312 (1974).

(2) Upon request, the department shall present the report required to be maintained under this section to the appropriate committees of the legislature.

Sec. 31. RCW 77.12.184 and 2000 c 252 s 1 are each amended to read as follows:

(1) The department shall deposit all moneys received from the following activities into the state wildlife ~~((fund))~~ account created in RCW 77.12.170:

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting and fishing rules.

Sec. 32. RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended to read as follows:

Moneys in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

Sec. 33. RCW 77.12.210 and 2000 c 107 s 218 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights-of-way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170.

Sec. 34. RCW 77.12.230 and 1987 c 506 s 32 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 to the department.

Sec. 35. RCW 77.12.323 and 1987 c 506 s 42 are each amended to read as follows:

(1) There is established in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 36. RCW 77.12.380 and 1987 c 506 s 44 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 37. RCW 77.12.390 and 1987 c 506 s 45 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the withdrawn lands are held.

Sec. 38. RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33 are each reenacted and amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory bird stamp design and shall

NINETY-THIRD DAY, APRIL 14, 2009

provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the commission.

Sec. 39. RCW 77.15.100 and 2000 c 107 s 235 are each amended to read as follows:

(1) Unless otherwise provided in this title, fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the ~~((state wildlife fund))~~ fish and wildlife enforcement reward account established under RCW ~~((77.12.170))~~ 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held.

Sec. 40. RCW 77.32.430 and 2005 c 192 s 2 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW 77.32.050, when purchased

for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

Sec. 41. RCW 77.32.530 and 1996 c 101 s 5 are each amended to read as follows:

(1) The commission in consultation with the director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The commission in consultation with the director may authorize hunting of up to a total of ~~((fifteen))~~ thirty big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The revenues shall be used to improve ~~((the habitat, health, and welfare of the species auctioned or raffled))~~ game management and shall supplement, rather than replace, other funds budgeted for management of ~~((that))~~ game species. The commission may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the commission to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

Sec. 42. RCW 77.32.560 and 2003 c 317 s 2 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170 and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The commission must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the commission by rule for the watchable wildlife decal in order to support watchable wildlife activities. A person who purchases a watchable wildlife decal must be issued one vehicle use permit free of charge.

Sec. 43. RCW 77.44.050 and 1999 c 235 s 1 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds for warm water game fish as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994 ~~((, except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Meseberg warm water fish production facility during the biennium ending June 30, 2001)).~~

NEW SECTION. Sec. 44. Whenever any personal property comes into the possession of the officers of the department in connection with the official performance of their duties and the personal property remains unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition that may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time the property came into the possession of the department, unless the property has been held as evidence in any court, then, in that event, after sixty days from date when the case has been finally disposed of and the property released as evidence by order of the court, the department may:

(1) At any time thereafter sell the personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the department subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the director, the property consists of firearms or other items specifically usable in law enforcement work. At the end of each calendar year during which there has been such a retention, the department shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the director if the director determines that the following circumstances have occurred:

(a) The property has no substantial commercial value or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The director has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the director to bona fide dealers, in trade for law enforcement equipment, which equipment must be treated as retained property for the purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm must be disposed of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the director, in a manner that is illegal, may be destroyed.

NEW SECTION. Sec. 45. Before the personal property shall be sold, a notice of such a sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold must be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice must be signed by the director. If the owner fails to reclaim the property prior to the time fixed for the sale in such a notice, the director shall conduct the sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of the bid shall deliver the property to the bidder.

NEW SECTION. Sec. 46. The moneys arising from sales under the provisions of this chapter must be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of the personal property and the balance, if any, must be forwarded to the state treasurer to be deposited into the fish and wildlife enforcement reward account under RCW 77.15.425.

NEW SECTION. Sec. 47. If the owner of the personal property so sold, or the owner's legal representative, shall, at any time within three years after the money has been deposited in the fish and wildlife enforcement reward account, furnish satisfactory evidence to the state treasurer of the ownership of the personal property, the owner or the owner's legal representative is entitled to receive from the fish and wildlife enforcement reward account the amount so deposited, with interest.

NEW SECTION. Sec. 48. (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department.

(2) The uniform unclaimed property act, chapter 63.29 RCW, does not apply to personal property in the possession of the department.

NEW SECTION. Sec. 49. In addition to any other method of disposition of unclaimed property provided under this chapter, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

NEW SECTION. Sec. 50. Sections 44 through 49 of this act constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 51. RCW 77.12.065 (Wildlife viewing tourism) and 2003 c 183 s 1 are each repealed.

Sec. 52. RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. ~~((Not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants.))~~ The department must continue to release rooster pheasants in eastern Washington. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. The department shall submit an annual report to the appropriate committees of the legislature by December 1st regarding the department's eastern Washington pheasant activities.

NEW SECTION. Sec. 53. (1) The legislature finds that healthy wildlife populations are a valuable and treasured public resource to the people of the state of Washington. However, the

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

legislature also finds that as the human population increases and encroaches on wildlife habitat, interactions between humans and wildlife will become more frequent.

(2) The legislature further finds that interactions between humans and wildlife can have significant financial impacts on the affected landowner. Although the resulting wildlife damage is felt most closely by the landowner, the general public, as beneficiaries and stewards of healthy wildlife populations, should bear some responsibility, as outlined in and limited by this act, for providing a measure of restitution to the impacted landowner, provided that the landowner has exhausted all legal, practicable self-help methods available to prevent wildlife damage from occurring.

(3) The legislature further finds that the commercial agriculture, horticulture, and livestock industries are important components of the state economy that can be negatively impacted by interactions with wildlife. However, the legislature also finds that other landowners, both commercial and residential, may be faced with wildlife interactions that result in property damage. It is the intent of the legislature to craft a solution whereby all property owners have a potential avenue to petition the state for some mitigation of the damages caused by wildlife.

(4) The legislature further finds that it is in the best interests of the state for the department of fish and wildlife to respond quickly to wildlife damage complaints and to work with those affected to prevent and minimize negative interactions while maintaining healthy wildlife populations.

(5) The legislature further finds that negative wildlife interactions can be best reduced by encouraging landowners to contribute, through their land management practices, to healthy wildlife populations and to provide access for related recreation.

Sec. 54. RCW 77.36.010 and 1996 c 54 s 2 are each amended to read as follows:

~~((Unless otherwise specified,))~~ ~~The ((following))~~ definitions in this section apply throughout this chapter ~~((:))~~ unless the context clearly requires otherwise.

(1) "Claim" means an application to the department for compensation under this chapter.

(2) "Commercial crop" means a ((commercially raised)) horticultural ((and/or)) or agricultural product ((and includes)), including the growing or harvested product ((but does not include livestock)). For the purposes of this chapter all parts of horticultural trees shall be considered a commercial crop and shall be eligible for claims.

~~((2) "Emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.))~~

(3) "Commercial livestock" means cattle, sheep, and horses held or raised by a person for sale.

(4) "Compensation" means a cash payment, materials, or service.

(5) "Damage" means economic losses caused by wildlife interactions.

(6) "Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

(7) "Owner" means a person who has a legal right to commercial crops, commercial livestock, or other property that was damaged during a wildlife interaction.

(8) "Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, commercial livestock, or other property.

NEW SECTION. Sec. 55. A new section is added to chapter 77.36 RCW to read as follows:

(1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the commercial livestock has been diminished. Payments for claims for damage to commercial livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or commercial livestock are only eligible for a claim under this subsection if:

(i) The owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of section 56 of this act have been satisfied; and

(iii) The damage caused to the commercial crop or commercial livestock satisfies the criteria for damage established by the commission under this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and commercial livestock qualifying for compensation under this subsection. An owner of a commercial crop or commercial livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or commercial livestock, which may not be set at a value of less than five hundred dollars.

(2)(a) The department may offer to provide noncash compensation only to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or commercial livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of section 56 of this act have been satisfied and if the damage satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or commercial livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

NEW SECTION. Sec. 56. A new section is added to chapter 77.36 RCW to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under section 55 of this act; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventative efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

NEW SECTION. Sec. 57. A new section is added to chapter 77.36 RCW to read as follows:

The department shall establish:

(1) The form of affidavits or proof required to accompany all claims under this chapter;

(2) The process, time, and methods used to identify and assess damage, including the anticipated timeline for the initiation and conclusion of department action;

(3) How claims will be prioritized when available funds for reimbursement are limited;

(4) Timelines after the discovery of damage by which an owner must file a claim or notify the department;

(5) Protocols for an owner to follow if the owner wishes to undertake activities that would complicate the determination of damages, such as harvesting damaged crops;

(6) The process for determining damage assessments, including the role and selection of professional damage assessors and the responsibility for reimbursing third-party assessors for their services;

(7) Timelines for a claimant to accept, reject, or appeal a determination made by the department;

(8) The identification of instances when an owner would be ineligible for compensation;

(9) An appeals process for an owner eligible for compensation under section 55 of this act who is denied a claim or feels the compensation is insufficient; and

(10) Other policies necessary for administering this chapter.

NEW SECTION. Sec. 58. A new section is added to chapter 77.36 RCW to read as follows:

(1) Except as otherwise provided in this section and as limited by section 55 of this act and RCW 77.36.070 and 77.36.080, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife reduced by the amount of compensation provided to the claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions, except that, subject to appropriation to pay compensation for damage to commercial livestock, the value of killed or injured commercial livestock may be no more than two hundred dollars per sheep, one thousand five hundred dollars per head of cattle, and one thousand five hundred dollars per horse; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or commercial livestock filing a claim under section 55 of this act only if the outcome of an appeal filed by the claimant under section 55 of this act determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and commercial livestock, belongs to the claimant.

Sec. 59. RCW 77.36.070 and 1996 c 54 s 8 are each amended to read as follows:

The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife ((fund)) account created in RCW 77.12.170 for claims ((under RCW 77.36.040 and for assessment costs and compromise of claims. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was not restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage)) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

Sec. 60. RCW 77.36.080 and 1996 c 54 s 9 are each amended to read as follows:

(1) Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims ((under RCW 77.36.040 and for assessment costs and compromise of claims unless the legislature declares an emergency. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage)) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

(2)(a) The legislature may declare an emergency((; defined for the purposes of this section as any happening arising from)) if weather, fire, or other natural ((conditions, or fire that causes unusually great)) events result in deer or elk causing excessive damage to ((commercially raised agricultural or horticultural)) commercial crops ((by deer or elk)). ((fn))

(b) After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessment costs under ((RCW 77.36.040 and for assessment and compromise of claims)) section 55 of this act. Such money shall be used to pay ((animal damage)) wildlife interaction claims only if the claim meets the conditions of ((RCW 77.36.040)) section 55 of this act and the department has expended all funds authorized under RCW 77.36.070 or subsection (1) of this section.

Sec. 61. RCW 77.36.030 and 1996 c 54 s 4 are each amended to read as follows:

(1) Subject to ((the following)) limitations and conditions established by the commission, the owner, the owner's immediate family member, the owner's documented employee, or a tenant of real property may trap, consistent with RCW 77.15.194, or kill wildlife that is threatening human safety or causing property damage on that property, without the licenses required under RCW 77.32.010 or authorization from the director under RCW 77.12.240((; wild animals or wild birds that are damaging crops, domestic animals, or fowl:

— (a) Threatened or endangered species shall not be hunted, trapped, or killed;

— (b) Except in an emergency situation, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director or the director's designee. In an emergency, the department may give verbal permission followed by written permission to trap or kill any deer, elk, or protected wildlife that is damaging crops, domestic animals, or fowl; and

— (c) On privately owned cattle ranching lands, the land owner or lessee may declare an emergency only when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding damage caused by wild animals or wild birds. In such an emergency, the owner or lessee may trap or kill any deer, elk, or other protected wildlife that is causing the damage but deer and elk may only be killed if such lands were open to public hunting during the previous hunting season, or the closure to public hunting was coordinated with the department to protect property and livestock)).

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

~~(2) ((Except for coyotes and Columbian ground squirrels,)) The commission shall establish the limitations and conditions of this section by rule. The rules must include:~~

~~(a) Appropriate protection for threatened or endangered species;~~

~~(b) Instances when verbal or written permission is required to kill wildlife;~~

~~(c) Species that may be killed under this section; and~~

~~(d) Requirements for the disposal of wildlife trapped or killed under this section ((remain the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The department shall dispose of wildlife so taken within three days of receiving such a notification and in a manner determined by the director to be in the best interest of the state)).~~

~~(3) In establishing the limitations and conditions of this section, the commission shall take into consideration the recommendations of the Washington state wolf conservation and management plan.~~

NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW to read as follows:

This chapter represents the exclusive remedy against the state for damage caused by wildlife interactions.

Sec. 63. RCW 77.12.240 and 1989 c 197 s 1 are each amended to read as follows:

~~(1) The ((director) department) may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.~~

~~(2) The ((director or other employees of the)) department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Proceeds from sales shall be deposited in the state treasury to be credited to the state wildlife ((fund)) account created in RCW 77.12.170.~~

NEW SECTION. Sec. 64. The fish and wildlife commission shall formally review the rules and policies adopted under sections 53 through 66 of this act. If, in the process of reviewing the rules, the fish and wildlife commission identifies recommended statutory changes related to the subject of sections 53 through 66 of this act and to the ability of the fish and wildlife commission to fulfill the intent of sections 53 through 66 of this act, those recommendations must be forwarded to the appropriate policy committees of the legislature during the regularly scheduled 2014 legislative session.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

1. RCW 77.36.005 (Findings) and 1996 c 54 s 1;
2. RCW 77.36.020 (Game damage control--Special hunt/remedial action) and 2003 c 385 s 1 & 1996 c 54 s 3;
3. RCW 77.36.040 (Payment of claims for damages--Procedure--Limitations) and 1996 c 54 s 5;
4. RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c 54 s 6;
5. RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s 7; and
6. RCW 77.12.260 (Agreements to prevent damage to private property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

NEW SECTION. Sec. 66. The following sections are each decodified:

RCW 77.36.900; and
RCW 77.36.901.

NEW SECTION. Sec. 67. Sections 53 through 66 of this act apply prospectively only and not retroactively. Sections 53 through 66 of this act apply only to claims that arise on or after July 1, 2010. Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must be adjudicated under chapter 77.36 RCW as it existed prior to July 1, 2010.

NEW SECTION. Sec. 68. The fish and wildlife commission shall complete all initial rule-making activities that are required in order to allow sections 53 through 66 of this act to take effect on July 1, 2010.

NEW SECTION. Sec. 69. Sections 53 through 66 of this act take effect July 1, 2010.

NEW SECTION. Sec. 70. Section 64 of this act expires July 30, 2014.

Sec. 71. RCW 77.32.050 and 2003 c 389 s 1 are each amended to read as follows:

(1) All recreational licenses, permits, tags, and stamps required by this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational documents issued through an automated licensing system may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

~~(2) For the 2009-2011 biennium, the department shall charge an additional transaction fee of ten percent on all recreational licenses, permits, tags, stamps, or raffle tickets. These transaction fees must be deposited into the state wildlife account, created in RCW 77.12.170, for funding fishing and hunting opportunities for recreational license holders.~~

Sec. 72. RCW 77.32.350 and 2002 c 283 s 1 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for ~~((western Washington pheasant or))~~ migratory birds.

~~(1) ((A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant.~~

~~(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:~~

~~(a) For the resident and nonresident full season option, thirty-six dollars;~~

~~(b) For the youth full season option, eighteen dollars;~~

~~(c) For the three-day option, twenty dollars.~~

~~(3)) A migratory bird validation is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the validation for hunters is ten dollars for residents and nonresidents. The fee for the stamp for collectors is ten dollars.~~

~~((4)) (2) The migratory bird license must be validated at the time of signature of the licensee.~~

NEW SECTION. Sec. 73. A new section is added to chapter 77.32 RCW to read as follows:

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington.

(2) The permit is available as a season option, a youth full season option, or a three-day option. The fee for the permit is:

(a) For the resident full season option, seventy-five dollars;

(b) For the nonresident full season option, one hundred fifty dollars;

(c) For the youth full season option, thirty-five dollars;

(d) For the three-day option for a resident, thirty-five dollars and for a nonresident, seventy dollars.

NEW SECTION. Sec. 74. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Jacobsen spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator Benton: "Thank you Mr. President. We've just come out of caucus and we found a one seventy-five page

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

amendment on our desk and it's right here before us to vote on. I would suggest and I would like to ask that we set the bill aside for a few minutes so we have a chance to read. We all know what trouble we're in in this country, passing bills without reading them and I'd sure like a chance to read this rather large amendment that's just been dropped on my desk in the last five minutes. To come out of caucus immediately and be asked to vote on an amendment this size on an important piece of legislation like this, I don't think it's prudent and I'd like to suggest that we resist that for a few moments and give us a chance to absorb this amendment."

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Mr. President. In response to the good gentleman that just spoke. This amendments been on the bar for quite awhile, in fact we did go to caucus to caucus specifically on the very amendment that you're discussing. So, it has been there and available the whole time. Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jacobsen and others to Substitute House Bill No. 1778.

The motion by Senator Jacobsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425, 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050, 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240, 77.32.050, and 77.32.350; reenacting and amending RCW 77.12.170 and 77.12.690; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.36 RCW; adding new sections to chapter 77.32 RCW; adding a new chapter to Title 77 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.12.065, 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1778 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Swecker spoke in favor of passage of the bill.

Senators Morton, Schoesler and Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Hargrove, Oemig and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1778 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1778 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Fairley

SUBSTITUTE HOUSE BILL NO. 1778 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute House Bill No. 1778 was immediately transmitted to the House of Representatives.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1571 which had been deferred earlier in the day.

Senator Rockefeller spoke against the adoption of the amendment to the committee striking amendment.

Senator Honeyford spoke for the adoption of the amendment to the committee striking amendment.

A roll call on the motion had been demanded and sustained earlier in the day.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 12, line 26 to the committee striking amendment to Engrossed Substitute House Bill No. 1571.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senator Fairley

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Water & Energy as amended to Engrossed Substitute House Bill No. 1571.

The motion by Senator Rockefeller carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.50A.020,

NINETY-THIRD DAY, APRIL 14, 2009

90.50A.030, 90.50A.040, 90.50A.060, and 90.48.110; adding a new section to chapter 90.50A RCW; creating a new section; and declaring an emergency."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.180, 90.03.200, 90.03.210, 90.03.240, 90.03.243, 90.44.220, and 43.21B.110; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.170 and 90.03.190."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 1571 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1571 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1571 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Stevens, Swecker and Zarelli

Absent: Senator Hargrove

Excused: Senator Fairley

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6108, by Senators Prentice, Holmquist and Kohl-Welles

Allowing the state lottery to enter into agreements to conduct multistate shared games.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6108 was substituted for Senate Bill No. 6108 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.70.044 and 2002 c 349 s 2 are each amended to read as follows:

(1) Pursuant to RCW 67.70.040(1)(a), the commission may enter into the multistate agreement establishing a shared game lottery known as "The Big Game," that was entered into by party

2009 REGULAR SESSION

state lotteries in August 1996 and subsequently amended and a shared game lottery known as "Powerball."

(2) The shared game lottery account is created as a separate account outside the state treasury. The account is managed, maintained, and controlled by the commission and consists of all revenues received from the sale of shared game lottery tickets or shares, and all other moneys credited or transferred to it from any other fund or source under law. The account is allotted according to chapter 43.88 RCW."

Senator Prentice spoke in favor of adoption of the striking amendment.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin to the striking amendment be adopted.

On page 1, after line 16, insert the following:

"Sec. 2. RCW 67.70.010 and 2002 c 349 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Commission" means the state lottery commission established by this chapter;

(2) "Director" means the director of the state lottery established by this chapter;

(3) "Interacting with any device or terminal" means operating or playing a terminal that allows for individual play against the device or terminal. Individual play against the device or terminal means the device or terminal has a random number generator at the terminal or device instead of drawing from a predetermined outcome like the electronic scratch ticket terminals authorized by tribal compact;

(4) "state lottery" means the lottery established and operated pursuant to this chapter;

~~((4+))~~(5) "Online game" means a lottery game in which a player pays a fee to a lottery retailer and selects a combination of digits, numbers, or symbols, type and amount of play, and receives a computer-generated ticket with those selections, and the lottery separately draws or selects the winning combination or combinations;

~~((5+))~~(6) "Shared game lottery" means any lottery activity in which the commission participates under written agreement between the commission, on behalf of the state, and any other state or states.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 19 of the title amendment, after "game", insert "and clarifying definitions"

On page 1, line 19, after "amending", insert "RCW 67.70.010 and"

Senator Delvin spoke in favor of adoption of the amendment to the striking amendment.

Senator Prentice spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 1, after line 16 to the striking amendment to Substitute Senate Bill No. 6108.

The motion by Senator Delvin failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 6108.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "lottery" strike the remainder of the title and insert "commission to enter into an agreement to conduct an additional shared lottery game; and amending RCW 67.70.044."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. In the past you have ruled whether or not different bills were an expansion of gambling and therefore took a two-thirds vote to pass it. Therefore I would ask that Substitute Senate Bill No. 6108 comprise an expansion of gambling that would require two-thirds vote for passage."

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, the President has rulings on points specifically on this issue and he believes that this is not considered an expansion of gambling. It would take a simple majority."

POINT OF ORDER

Senator Benton: "Thank you Mr. President, I rise to a point of order. Not to challenge you at all sir but I believe this may be have a little different twist. Maybe you've already looked at this particular one. This is not a multi-state lottery issue. This, the way I understand, it will allow us to enter into an agreement with other states to sell their lottery tickets in our state and visa versa. If that's the case we'll be offering lottery games that are offered from other states. That would seem to be that would indeed constitute an expansion of gambling in Washington State. So, again different, maybe a little different twist, we're hoping you might have a different ruling on this particular bill."

RULING BY THE PRESIDENT

President Owen: "I would not. Senator Benton, the President does not wish to elaborate because once I've made my ruling, I've made my ruling and so I do not go back and elaborate on the ruling once that's been done."

MOTION

On motion of Senator Marr, Senators Brown and Hargrove were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6108.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6108 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe,

McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Haugen, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senators Fairley and Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6108 was immediately transmitted to the House of Representatives.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1021, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Campbell, Morrell and Moeller)

Concerning prior notice of hospital surveys and audits. Revised for 2nd Substitute: Concerning notice of hospital audits.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Keiser be adopted.

On page 3, after line 5, insert the following:

"**Sec. 3.** RCW 70.38.105 and 2009 c ... (ESB 5423) s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003;

(ii) Up to five swing beds; or

(iii) Up to twenty-five swing beds for critical access hospitals which do not have a nursing home licensed under chapter 18.51 RCW within the same city or town limits. ~~((No more than))~~ Up to one-half of the additional beds designated for swing bed services under this subsection (4)(e)(iii) may be so designated before July 1, ~~((2009))~~ 2010, with the balance designated ~~((no sooner than))~~ on or after July 1, 2010.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings,

and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section."

Senator Pflug spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Keiser on page 3, after line 5 to Second Substitute House Bill No. 1021.

The motion by Senator Pflug carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "audits;" strike the remainder of the title and insert "and amending RCW 70.41.120, 70.41.122, and 70.38.105."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1021 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1021 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1021 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Fairley

SECOND SUBSTITUTE HOUSE BILL NO. 1021 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, by House Committee on Judiciary (originally sponsored by Representatives Liias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen)

Concerning access to employee restrooms in retail stores.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) A retail establishment that has a restroom facility for its employees must allow a customer to use that facility during normal business hours if the customer requesting the use of the employee restroom facility has been diagnosed with an eligible medical condition or uses an ostomy device, and provides evidence of the existence of the eligible medical condition or device in writing in the form of either:

(a) A signed statement by the customer's health care provider that shall be on a form that has been prepared by the department of health under subsection (2) of this section; or

(b) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition or use an ostomy device.

(2) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition or use of an ostomy device as required by subsection (1) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(3) Use of a fraudulent form as evidence of the existence of an eligible medical condition or use of an ostomy device is a misdemeanor punishable under RCW 9A.20.010.

(4) A retail establishment that has a restroom facility for its employees must allow a customer to use that facility during normal business hours if all of the following conditions are met:

(a) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom facility;

(b) The retail establishment does not normally make a restroom available to the public;

(c) The restroom facility itself is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; and

(d) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(5) For a first violation of this section, the city or county attorney shall issue a warning letter to the retail establishment and employee informing the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a civil infraction. The fine for a first infraction must not exceed one hundred dollars.

(6) A retail establishment is not required to make any physical changes to an employee restroom facility under this section and may require that an employee accompany the customer to the employee restroom facility.

(7) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee restroom facility that is not a public restroom if the act or omission meets all of the following:

(a) It is not willful or grossly negligent;

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

(c) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(8) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other permanent or temporary medical condition that requires immediate access to a restroom facility.

(c) "Health care provider" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, an osteopathic physicians assistant licensed under chapter 18.57A RCW, a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(d) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom facility located within that structure."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1138.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "establishment," strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

MOTION

On motion of Senator Stevens, Senator Roach was excused.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1138 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1138 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1138 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug,

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Representatives Seaquist, Hinkle, Morrell, Bailey, Moeller, Clibborn, Green and Cody)

Voting nay: Senators Becker, Holmquist, Honeyford, King, Stevens and Zarelli

Concerning telemedicine.

Excused: Senators Fairley and Roach

The measure was read the second time.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1397, by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Ericksen, Cody, Green, Hinkle, Morrell, Bailey, Williams, Nelson and Wood)

Senator Franklin moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

Concerning the delegation of authority to registered nurses.

"**NEW SECTION. Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 1397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(1) The home health program shall require registered nurse oversight and intervention, as appropriate. In-person contact between a home health care registered nurse and a patient is not required under the state's medical assistance program for home health services that are: (a) Delivered with the assistance of telemedicine and (b) otherwise eligible for reimbursement as a medically necessary skilled home health nursing visit under the program.

Senator Franklin spoke in favor of passage of the bill.

(2) The department in consultation with home health care service providers shall develop reimbursement rules and, in rule, define the requirements that must be met for a reimbursable skilled nursing visit when services are rendered without a face-to-face visit and are assisted by telemedicine.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1397.

(3)(a) The department shall establish the reimbursement rate for skilled home health nursing services delivered with the assistance of telemedicine that meet the requirements of a reimbursable visit as defined by the department.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

(b) Reimbursement is not provided for purchase or lease of telemedicine equipment.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

(4) Any home health agency licensed under chapter 70.127 RCW and eligible for reimbursement under the medical programs authorized under this chapter may be reimbursed for services under this section if the service meets the requirements for a reimbursable skilled nursing visit as defined by the department.

Excused: Senator Fairley

SUBSTITUTE HOUSE BILL NO. 1397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(5) Nothing in this section shall be construed to alter the scope of practice of any home health care services provider or authorizes the delivery of home health care services in a setting or manner not otherwise authorized by law.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5044,
 SUBSTITUTE SENATE BILL NO. 5117,
 SUBSTITUTE SENATE BILL NO. 5267,
 SUBSTITUTE SENATE BILL NO. 5276,
 SENATE BILL NO. 5298,
 SENATE BILL NO. 5303,
 SUBSTITUTE SENATE BILL NO. 5326,
 SUBSTITUTE SENATE BILL NO. 5480,
 SENATE BILL NO. 5587,
 SECOND SUBSTITUTE SENATE BILL NO. 5676,
 SUBSTITUTE SENATE BILL NO. 5752,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5882,

(6) The use of telemedicine is not intended to replace registered nurse health care visit when necessary.

(7) For the purposes of this section, "telemedicine" means the use of telemonitoring to enhance the delivery of certain home health medical services through:

(a) The provision of certain education related to health care services using audio, video, or data communication instead of a face-to-face visit; or

(b) The collection of clinical data and the transmission of such data between a patient at a distant location and the home health provider through electronic processing technologies. Objective clinical data that may be transmitted includes, but is not limited to, weight, blood pressure, pulse, respirations, blood glucose, and pulse oximetry."

Senator Franklin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1529.

The motion by Senator Franklin carried and the committee striking amendment was adopted by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1529, by House Committee on Health Care & Wellness (originally sponsored by

MOTION

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "telemedicine;" strike the remainder of the title and insert "and adding a new section to chapter 74.09 RCW."

MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 1529 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1529 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1529 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Fairley

SUBSTITUTE HOUSE BILL NO. 1529 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1413, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Nelson, Quall and Blake)

Concerning water discharge fees.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Marr and Swecker spoke in favor of passage of the bill.

Senators Honeyford and Carrell spoke against passage of the bill.

POINT OF ORDER

Senator Benton: "Thank you Mr. President. This is an eighteen cent per month per household tax, is what it is. It's a tax increase and I'm very concerned about tax increases especially this time of year although most of you know I'm concerned about tax increases all the time, not just during economic crisis but even more so especially during economic crisis. I'm concerned about tax increases and so this is a very specific tax increase, let's make no doubt about it, on every

household in the state of Washington and I would like to ask, Mr. President, if this bill requires a two-thirds vote to pass?"

RULING BY THE PRESIDENT

President Owen: "Senator Benton, in ruling upon your point of order, the President finds that the eighteen cents that is collected is for the expenses, to pay for the expenses for issuing and administering each class or permits under RCW 90.48.160, 90.48.162 and 90.48.260. It adjusts the fee therefore the President believes that it is a fee. It is not a tax and, therefore, requires a simple majority to pass."

Senators Benton and Roach spoke against passage of the bill.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1413.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1413 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Fairley and Kline

SUBSTITUTE HOUSE BILL NO. 1413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1740, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Hinkle)

Regarding the issuance of licenses to practice dentistry.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.32.195 and 2005 c 454 s 1 and 2005 c 164 s 1 are each reenacted and amended to read as follows:

The commission may, without examination, issue a license to persons who possess the qualifications set forth in this section.

(1) The commission may, upon written request of the dean of the school of dentistry of the University of Washington, issue a license to practice dentistry in this state to persons who have been licensed or otherwise authorized to practice dentistry in

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

another state or country and who have been accepted for employment by the school of dentistry as faculty members. For purposes of this subsection, this means teaching members of the faculty of the school of dentistry of the University of Washington. Such license shall permit the holder thereof to practice dentistry within the confines of the university facilities for a period of one year while he or she is so employed as a faculty member by the school of dentistry of the University of Washington. It shall terminate whenever the holder ceases to be a faculty member. Such license shall permit the holder thereof to practice dentistry only in connection with his or her duties in employment with the school of dentistry of the University of Washington. This limitation shall be stated on the license.

(2) The commission may, upon written request of the dean of the school of dentistry of the University of Washington or the director of a postdoctoral dental residency program (~~under RCW 18.32.040~~) approved by the commission, issue a limited license to practice dentistry in this state to university postdoctoral students or residents in (~~postgraduate~~) dental education or (~~postdoctorate~~) to postdoctoral residents in a dental residency program (~~under RCW 18.32.040~~) approved by the commission. Prior to July 1, 2010, a dental residency program must be accredited by the commission on dental accreditation, or be in the process of obtaining such accreditation, in order to be approved by the commission. On or after July 1, 2010, the dental residency program must be accredited by the commission on dental accreditation in order to be approved by the commission. The license shall permit the resident dentist to provide dental care only in connection with his or her duties as a university postdoctoral dental student or resident or a (~~postdoctorate~~) postdoctoral resident in a program (~~under RCW 18.32.040~~) approved by the commission.

(3) The commission may condition the granting of a license under this section with terms the commission deems appropriate. All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the dental profession, in accordance with this chapter, and in addition the licensee may be disciplined by the commission after a hearing has been held in accordance with the provisions set forth in this chapter, and determination by the commission that such licensee has violated any of the restrictions set forth in this section.

(4) Persons applying for licensure pursuant to this section shall pay the application fee determined by the secretary and, in the event the license applied for is issued, a license fee at the rate provided for licenses generally. After review by the commission, licenses issued under this section may be renewed annually if the licensee continues to be employed as a faculty member of the school of dentistry of the University of Washington, or is a university postdoctoral student or resident in (~~postgraduate~~) dental education, or a (~~postdoctorate~~) postdoctoral resident in a dental residency program (~~under RCW 18.32.040~~) approved by the commission, and otherwise meets the requirements of the provisions and conditions deemed appropriate by the commission. Any person who obtains a license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, in which case the applicant shall be subject to examination and the other requirements of this chapter.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

Committee on Health & Long-Term Care to Substitute House Bill No. 1740.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "dentistry;" strike the remainder of the title and insert "reenacting and amending RCW 18.32.195; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1740 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1740 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1740 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown and Ranker

Excused: Senators Fairley and Kline

SUBSTITUTE HOUSE BILL NO. 1740, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown and Ranker were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2052, by House Committee on Ways & Means (originally sponsored by Representative Cody)

Delaying the implementation of the health insurance partnership.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2052 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, McCaslin, Morton and Roach

Absent: Senator Hargrove

Excused: Senators Fairley and Ranker

SUBSTITUTE HOUSE BILL NO. 2052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives O'Brien, Warnick, Takko, Morrell, Hasegawa, Simpson and Moeller

Requesting passage of the federal act to restore payment of county health care costs.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Joint Memorial No. 4000 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Hargrove and Kastama were excused.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4000.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4000 and the memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Kastama and Ranker

HOUSE JOINT MEMORIAL NO. 4000, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2079, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Ericksen and Morrell)

Concerning the office of financial management's access to health professional licensing information.

The measure was read the second time.

MOTION

Senator Franklin moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.370.020 and 2007 c 259 s 51 are each amended to read as follows:

(1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) ~~((Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information))~~ Have access to the information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, whether the license is issued by the secretary of the department of health or a board or commission. The office shall also have access to information submitted to the department of health as part of the medical or health facility licensing process. Access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines, and the office shall maintain the same degree of confidentiality as the department of health. For professional licensing information provided to the office, the department of health shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners,

NINETY-THIRD DAY, APRIL 14, 2009

representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

Sec. 2. RCW 43.70.050 and 2005 c 274 s 301 are each amended to read as follows:

(1) The legislature intends that the department and board promote and assess the quality, cost, and accessibility of health care throughout the state as their roles are specified in chapter 9, Laws of 1989 1st ex. sess. in accordance with the provisions of this chapter. In furtherance of this goal, the secretary shall create an ongoing program of data collection, storage, assessability, and review. The legislature does not intend that the department conduct or contract for the conduct of basic research activity. The secretary may request appropriations for studies according to this section from the legislature, the federal government, or private sources.

(2) All state agencies which collect or have access to population-based, health-related data are directed to allow the secretary access to such data. This includes, but is not limited to, data on needed health services, facilities, and personnel; future health issues; emerging bioethical issues; health promotion; recommendations from state and national organizations and associations; and programmatic and statutory changes needed to address emerging health needs. Private entities, such as insurance companies, health maintenance organizations, and private purchasers are also encouraged to give the secretary access to such data in their possession. The secretary's access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines. Such data in any form where the patient or provider of health care can be identified shall not be disclosed, subject to disclosure according to chapter 42.56 RCW, discoverable or admissible in judicial or administrative proceedings. Such data can be used in proceedings in which the use of the data is clearly relevant and necessary and both the department and the patient or provider are parties.

(3) The department shall serve as the clearinghouse for information concerning innovations in the delivery of health care services, the enhancement of competition in the health care marketplace, and federal and state information affecting health care costs.

(4) The secretary shall review any data collected, pursuant to this chapter, to:

(a) Identify high-priority health issues that require study or evaluation. Such issues may include, but are not limited to:

(i) Identification of variations of health practice which indicate a lack of consensus of appropriateness;

(ii) Evaluation of outcomes of health care interventions to assess their benefit to the people of the state;

(iii) Evaluation of specific population groups to identify needed changes in health practices and services;

(iv) Evaluation of the risks and benefits of various incentives aimed at individuals and providers for both preventing illnesses and improving health services;

(v) Identification and evaluation of bioethical issues affecting the people of the state; and

(vi) Other such objectives as may be appropriate;

(b) Further identify a list of high-priority health study issues for consideration by the board, within their authority, for inclusion in the state health report required by RCW 43.20.050. The list shall specify the objectives of each study, a study timeline, the specific improvements in the health status of the

citizens expected as a result of the study, and the estimated cost of the study; and

(c) Provide background for the state health report required by RCW 43.20.050.

(5) Any data, research, or findings may also be made available to the general public, including health professions, health associations, the governor, professional boards and regulatory agencies and any person or group who has allowed the secretary access to data.

(6) Information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, shall be available to the office of financial management consistent with RCW 43.370.020, whether the license is issued by the secretary of the department of health or a board or commission. The department shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual. The office of financial management shall also have access to information submitted to the department of health as part of the medical or health facility licensing process.

(7) The secretary may charge a fee to persons requesting copies of any data, research, or findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy."

Senator Franklin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2079.

The motion by Senator Franklin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 43.370.020 and 43.70.050."

MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 2079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Oemig and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Kastama, Ranker and Rockefeller
SUBSTITUTE HOUSE BILL NO. 2079 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Morrell)

Concerning diagnostic imaging services.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2105 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Honeyford

Excused: Senators Fairley, Kastama and Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1300, by House Committee on Human Services (originally sponsored by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith)

Accessing mental health information.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1300 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021, by House Committee on Education Appropriations (originally sponsored by Representatives Kenney, Probst, Wallace, Sullivan, Priest, Maxwell, Chase, Ormsby, Hudgins, Jaks, Liias, White, Sells, Morrell, Kelley, Darnelle, Wood and Roberts)

Revitalizing student financial aid.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a myriad of financial aid programs exist for students at the federal, state, local, community, and institutional levels. These programs enable thousands of students across Washington to access all sectors of higher education, from apprenticeship programs to public and private four and two-year institutions of higher education. The legislature further finds that Washington state is a national leader in the distribution of financial aid to increase college access and affordability, ranking fourth in the nation in 2007 in terms of state student grant aid funding per capita.

It is the intent of the legislature to promote and expand access to state financial aid programs by determining which programs provide the greatest value to the largest number of students, and by fully supporting those programs. Furthermore, it is the intent of the legislature to designate all existing financial aid an opportunity pathway, with the effect of providing students with a clear understanding of available resources to pay for postsecondary education, thereby increasing access to postsecondary education and meeting the needs of local business and industry.

It is the intent of the legislature that the higher education coordinating board, the state board for community and technical colleges, the office of the superintendent of public instruction, the workforce training and education coordinating board, and institutions of higher education coordinate the development of outreach tools, such as a web-based portal for information on all opportunity pathway aid programs. The information should be communicated in a format and manner that provides an ease of understanding for students and their families and include other pertinent information on institutions of higher education, costs, and academic programs. It is also the intent of the legislature for institutions of higher education to incorporate this information in promotional materials to prospective and current students and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.101 RCW to read as follows:

(1) The legislature intends to consolidate the educational opportunity grant program over a period of two years. As of August 1, 2009, no new educational opportunity grants may be made. Persons who have been selected by the higher education coordinating board to receive a grant before August 1, 2009, shall receive the full amount of their award, not to exceed two thousand five hundred dollars per academic year for a maximum of two years. All persons awarded an educational opportunity grant before August 1, 2009, must complete using the award before August 1, 2011. For these recipients, eligibility for the grant is forfeited after this period.

(2) This section expires August 1, 2011.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.92 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose and within overall appropriations for the state need grant, enhanced need grants are provided for persons who meet all of the following criteria:

- (a) Are needy students as defined in RCW 28B.92.030;
- (b) Are placebound students as defined in RCW 28B.92.030; and
- (c) Have completed the associate of arts or the associate of science degree, or its equivalent.

(2) The enhanced need grants established in this section are provided to this specific group of students in addition to the base state need grant, as defined by rule of the board.

Sec. 4. RCW 28B.92.060 and 2007 c 404 s 2 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

- (a) Financial need as determined by the amount of the family contribution; and
- (b) Other considerations, such as whether the student is a former foster youth, or is a placebound student who has completed an associate of arts or associate of science degree or its equivalent.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

Sec. 5. RCW 28B.92.030 and 2004 c 275 s 35 are each amended to read as follows:

As used in this chapter:

(1) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.92.150.

(2) "Financial aid" means loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Needy student" means a post high school student of an institution of higher education who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) "Disadvantaged student" means a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher education, who would otherwise qualify as a needy student, and who is attending an institution of higher education under an established program designed to qualify the student for enrollment as a full time student.

(5) "Board" means the higher education coordinating board.

(6) "Placebound student" means a student who (a) is unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors; and (b) may be influenced by the receipt of an

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

enhanced student financial aid award to complete a baccalaureate degree at an eligible institution.

Sec. 6. RCW 28B.15.0681 and 2007 c 151 s 2 are each amended to read as follows:

(1) In addition to the requirement in RCW 28B.76.300(4), institutions of higher education shall disclose to their undergraduate resident students on the tuition billing statement, in dollar figures for a full-time equivalent student:

~~((+))~~ (a) The full cost of instruction~~((,-(2)))~~;

~~((+))~~ (b) The amount collected from student tuition and fees~~((,-))~~; and

~~((+))~~ (c) The difference between the amounts for the full cost of instruction and the student tuition and fees~~((,-(noting)))~~

(2) The tuition billing statement shall note that the difference between the cost and tuition under subsection (1)(c) of this section was paid by state tax funds and other moneys.

(3) Beginning in the 2010-11 academic year, the amount determined in subsection (1)(c) of this section shall be labeled an "opportunity pathway" on the tuition billing statement.

(4) Beginning in the 2010-11 academic year, institutions of higher education shall label financial aid awarded to resident undergraduate students as an "opportunity pathway" on the tuition billing statement or financial aid award notification. Aid granted to students outside of the financial aid package provided through the institution of higher education and loans provided by the federal government are not subject to the labeling provisions in this subsection. All other aid from all sources including federal, state, and local governments, local communities, nonprofit and for-profit organizations, and institutions of higher education must be included. The disclosure requirements specified in this section do not change the source, award amount, student eligibility, or student obligations associated with each award. Institutions of higher education retain the ability to customize their tuition billing statements to inform students of the assistance source, amount, and type so long as provisions of this section are also fulfilled.

(5) The tuition billing statement disclosures shall be in twelve-point type and boldface type where appropriate.

Sec. 7. RCW 28B.76.500 and 1985 c 370 s 23 are each amended to read as follows:

(1) The board shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

(2) Each of the student financial aid programs administered by the board shall be labeled an "opportunity pathway." Loans provided by the federal government and aid granted to students outside of the financial aid package provided through institutions of higher education are not subject to the labeling provisions in this subsection. All communication materials, including, but not limited to, printed materials, presentations, and web content, shall include the "opportunity pathway" label.

(3) If the board develops a one-stop college information web-based portal that includes financial, academic, and career planning information, the portal shall display all available student financial aid programs, except federal student loans and aid granted to students outside of the financial aid package provided through institutions of higher education, under the "opportunity pathway" label.

(4) The labeling requirements in this section do not change the source, eligibility requirements, or student obligations associated with each program. The board shall customize its communications to differentiate between programs, eligibility requirements, and student obligations, so long as the reporting provisions of this chapter are also fulfilled.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.15 RCW to read as follows:

As used in this chapter, "dual credit program" means a program, administered by either an institution of higher education or a high school, through which high school students

in the eleventh or twelfth grade who have not yet received the credits required for the award of a high school diploma apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education and simultaneously earn high school and college credit.

Sec. 9. RCW 28B.15.820 and 2007 c 404 s 4 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; ~~((or))~~ (c) to provide financial aid to needy students as provided in subsection (10) of this section; or (d) to provide financial aid to students as provided in subsection (11) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least three credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a "needy student" as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the

NINETY-THIRD DAY, APRIL 14, 2009

costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

(11) Any moneys deposited in the institutional financial aid fund may be used by the institution for a locally administered financial aid program for high school students enrolled in dual credit programs. If institutions use funds in this manner, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges shall each adopt necessary rules to implement this subsection. Moneys from this fund may be used for all educational expenses related to a student's participation in a dual credit program including but not limited to tuition, fees, course materials, and transportation.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.92 RCW to read as follows:

Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students enrolled in dual credit programs as defined in section 8 of this act. Institutions of higher education are further encouraged to implement policies and procedures providing students enrolled in dual credit programs with the same access to institutional aid, including all educational expenses, as provided to resident undergraduate students.

Sec. 11. RCW 28B.12.060 and 2005 c 93 s 4 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of

this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible needy students in eligible post-secondary institutions (~~in need thereof~~). The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in RCW 28B.92.060(~~, except resident students defined in RCW 28B.15.012(2)(g)~~);

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) To the extent practicable, limiting the proportion of state subsidy expended upon nonresident students to fifteen percent, or such less amount as specified in the biennial appropriations act;

(5) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

~~((5))~~ (6) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.12 RCW to read as follows:

(1) Within existing resources, the higher education coordinating board shall establish the work-study opportunity grant for high-demand occupations, a competitive grant program to encourage job placements in high-demand fields. The board shall award grants to eligible institutions of higher education that have developed a partnership with a proximate organization willing to host work-study placements. Partner organizations may be nonprofit organizations, for-profit firms, or public agencies. Eligible institutions of higher education must verify that all job placements will last for a minimum of one academic quarter or one academic semester, depending on the system used by the eligible institution of higher education.

(2) The board may adopt rules to identify high-demand fields for purposes of this section. The legislature recognizes

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

that the high-demand fields identified by the board may differ in different regions of the state.

(3) The board may award grants to eligible institutions of higher education that cover both student wages and program administration.

(4) The board shall develop performance benchmarks regarding program success including, but not limited to, the number of students served, the amount of employer contributions, and the number of participating high-demand employers.

NEW SECTION. Sec. 13. (1) The Washington higher education loan program is created. The program is created to assist students in need of additional low-cost student loans and related loan benefits.

(2) The program shall be administered by the board. In administering the program, the board must:

(a) Periodically assess the needs and target the benefits to selected students;

(b) Devise a program to address the following issues related to loans:

(i) Issuance of low-interest educational loans;

(ii) Determining loan repayment obligations and options;

(iii) Borrowing educational loans at low interest rates;

(iv) Developing conditional loans that can be forgiven in exchange for service; and

(v) Creating an emergency loan fund to help students until other state and federal long-term financing can be secured;

(c) Accept public and private contributions;

(d) Publicize the program; and

(e) Work with public and private colleges and universities, the state board for community and technical colleges, the workforce training and education coordinating board, and with students, to conduct periodic assessment of program needs. The board may also consult with other groups and individuals as needed.

NEW SECTION. Sec. 14. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board.

(2) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the board.

(3) "Program" means the Washington higher education loan program.

(4) "Resident student" has the definition in RCW 28B.15.012(2) (a) through (d).

NEW SECTION. Sec. 15. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective August 1, 2011:

1. RCW 28B.101.005 (Finding--Intent) and 2003 c 233 s 1 & 1990 c 288 s 2;

2. RCW 28B.101.010 (Program created) and 2003 c 233 s 2 & 1990 c 288 s 3;

3. RCW 28B.101.020 (Definition--Eligibility) and 2004 c 275 s 67, 2003 c 233 s 3, & 1990 c 288 s 4;

4. RCW 28B.101.030 (Administration of program--Payments to participants) and 1990 c 288 s 5; and

5. RCW 28B.101.040 (Use of grants) and 2003 c 233 s 4 & 2002 c 186 s 3.

NEW SECTION. Sec. 16. Sections 13 and 14 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 17. This act takes effect August 1, 2009."

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Becker to the committee striking amendment be adopted.

On page 6, line 12 of the amendment, after "(noting)" insert " "

On page 6, after line 36 of the amendment, insert the following:

"(6) All tuition billing statements or financial aid award notifications at institutions of higher education must notify resident undergraduate students of federal tax credits related to higher education for which they may be eligible."

On page 7, line 19 of the amendment, after "label," insert "The portal shall also display information regarding federal tax credits related to higher education available for students or their families."

Senator Kilmer spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer and Becker on page 6, line 12 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2021.

The motion by Senator Kilmer carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development as amended to Engrossed Second Substitute House Bill No. 2021.

The motion by Senator Kilmer carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "aid;" strike the remainder of the title and insert "amending RCW 28B.92.060, 28B.92.030, 28B.15.0681, 28B.76.500, 28B.15.820, and 28B.12.060; adding a new section to chapter 28B.101 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.12 RCW; adding a new chapter to Title 28B RCW; creating a new section; repealing RCW 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.030, and 28B.101.040; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator King, the rules were suspended, Engrossed Second Substitute House Bill No. 2021 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Oemig was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2021 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2021 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser,

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Hewitt, Holmquist, Honeyford, King, Pflug, Roach, Schoesler and Zarelli

Excused: Senators Fairley and Ranker

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1589, by Representatives Green, Dickerson and O'Brien

Addressing venue for hearings to modify or revoke an order for conditional release.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.340 and 2000 c 94 s 8 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the patient, the ((~~county~~)) designated mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320((2)) (3)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of

the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3)(a) If the hospital or facility designated to provide outpatient care, the ((~~county~~)) designated mental health professional, or the secretary determines that:

(i) A conditionally released person is failing to adhere to the terms and conditions of his or her release;

(ii) Substantial deterioration in a conditionally released person's functioning has occurred;

(iii) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or

(iv) The person poses a likelihood of serious harm.

Upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the ((~~county~~)) designated mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(b) The hospital or facility designated to provide outpatient treatment shall notify the secretary or ((~~county~~)) designated mental health professional when a conditionally released person fails to adhere to terms and conditions of his or her conditional release or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm. The ((~~county~~)) designated mental health professional or secretary shall order the person apprehended and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(c) A person detained under this subsection (3) shall be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been conditionally released. The ((~~county~~)) designated mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing.

(d) The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the ((~~county~~)) designated mental health professional or the secretary shall file his or her petition and order of apprehension and detention with the court that originally ordered commitment or with the court in the county in which the person is detained and serve them upon the person detained. His or her attorney, if any, and his or her guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The venue for proceedings regarding a petition for modification or revocation of an order for conditional release shall be in the county in which the petition was filed. The issues to be determined shall be: (i) Whether the conditionally released person did or did not adhere to the terms and conditions of his or her conditional release; (ii) that substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the conditions listed in this subsection (3)(d) have occurred, whether the terms of conditional release should be modified or the person should be returned to the facility.

(e) Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his or her counsel and his or her guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the ((county)) designated mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than five days from the date of service of the petition upon the conditionally released person. The petition may be filed in the court that originally ordered commitment or with the court in the county in which the person is present. The venue for the proceedings regarding the petition for modification or revocation of an order for conditional release shall be in the county in which the petition was filed.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual period authorized in the original court order."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1589.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "release;" strike the remainder of the title and insert "and amending RCW 71.05.340."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1589 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1589 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1589 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Ranker

HOUSE BILL NO. 1589 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1791, by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Green, Dammeier, Morrell, Orwall, Walsh and Wood)

Clarifying certain community custody and drug offender sentencing alternative sentencing provisions.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.505 and 2008 c 231 s 25 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW ~~((9.94A.712))~~ 9.94A.507, relating to certain sex offenses;

(ix) RCW 9.94A.535, relating to exceptional sentences;

(x) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xi) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 2. RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. ~~((If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:~~

~~—(a) Whether the offender suffers from drug addiction;~~

~~—(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;~~

~~—(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and~~

~~—(d) Whether the offender and the community will benefit from the use of the alternative.~~

~~—(3) The examination report must contain:~~

~~—(a) Information on the issues required to be addressed in subsection (2) of this section; and~~

~~—(b) A proposed treatment plan that must, at a minimum, contain:~~

~~—(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;~~

~~—(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;~~

~~—(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~

~~—(iv) Recommended crime-related prohibitions and affirmative conditions.~~

~~—(4) After receipt of the examination report,)) (3) If the sentencing court determines that the offender is eligible for this alternative and that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection ~~((5))~~ (4) of this section or a residential chemical dependency treatment-based alternative under subsection ~~((6))~~ (5) of this section. If the court is considering the residential chemical dependency treatment-based alternative under subsection (5) of this section, then the court may order an examination of the offender as described in subsection (5) of this section. If the court is considering the prison-based alternative under subsection (4) of this section, the court may order a presentence chemical dependency screening that will inform the court of the offender's likelihood to be chemically dependent. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.~~

~~((5))~~ (4) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(b) ~~((The remainder of))~~ One-half the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

~~((6))~~ (5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative in this subsection, then the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from drug addiction;

(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(iv) Whether the offender and the community will benefit from the use of the alternative.

(b) The examination report must also contain:

(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(ii) Recommended crime-related prohibitions and affirmative conditions.

(c) The residential chemical dependency treatment-based alternative shall include:

~~((7))~~ (i) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under ~~((subsection (3)))~~(b) of this ~~((section))~~ subsection. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. If the court imposes a sentence under this subsection, then the treatment provider will be required to send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

~~((8))~~ (ii) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

~~((11))~~ (A) Authorize the department to terminate the offender's community custody status on the expiration date determined under ~~((a) of this))~~ subsection (5)(c)(i) of this section; or

~~((12))~~ (B) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

~~((13))~~ (C) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

~~((14))~~ (iii) If the court imposes a term of total confinement under ~~((b)(11))~~ ~~((b)(12))~~ ~~((b)(13))~~ (c)(ii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

~~((15))~~ (6) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

~~((16))~~ (7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

~~((17))~~ (8) If an offender sentenced to the prison-based alternative under subsection ~~((5))~~ ~~((4))~~ of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

~~((18))~~ (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

~~((19))~~ (10) Costs of examinations and preparing treatment plans under ~~((subsections (2) and (3) of))~~ this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 3. RCW 9.94A.660 and 2008 c 231 s 30 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a ~~((sentence under this section))~~ special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for ~~((this))~~ an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under section 4 of this act or a residential chemical dependency treatment-based alternative under section 5 of this act. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4) If the court is considering the prison-based alternative under section 4 of this act, the court may order a presentence chemical dependency screening that will inform the court of the offender's likelihood to be chemically dependent.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

~~((a))~~ (i) Whether the offender suffers from drug addiction;

~~((b))~~ (ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

~~((c))~~ (iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

~~((d))~~ (iv) Whether the offender and the community will benefit from the use of the alternative.

~~((e))~~ (b) The examination report must contain:

~~((a))~~ Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

~~((ii))~~ The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

~~((iii))~~ (i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

~~((iv))~~ (ii) Recommended crime-related prohibitions and affirmative conditions.

~~((4))~~ After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

recommendations regarding termination from treatment. At the hearing, the court may:

~~(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or~~

~~(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or~~

~~(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701;~~

~~(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.~~

~~(7) The) (6) When a court imposes a sentence of community custody under this section:~~

~~(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.~~

~~((8) The court may impose any of the following conditions:~~

~~(a) Pay all court-ordered legal financial obligations; or~~

~~(b) Perform community restitution work.~~

~~(9(a)) (b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and RCW 9.94A.737.~~

~~(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.~~

~~(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.~~

~~(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.~~

~~(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.~~

~~((10)) (8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.~~

~~((11) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.~~

~~((12)) (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.~~

~~((13)) (10) Costs of examinations and preparing treatment plans under ((subsections (2) and (3) of this section)) a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.~~

NEW SECTION. Sec. 4. (1) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

(3) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(4) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

NEW SECTION. Sec. 5. (1) A sentence for a residential chemical dependency treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months.

(2)(a) The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the examination report completed pursuant to RCW 9.94A.660.

(b) If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are each added to chapter 9.94A RCW.

NEW SECTION. Sec. 7. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 8. Sections 1 and 3 through 5 of this act take effect August 1, 2009.

NEW SECTION. Sec. 9. Section 2 of this act expires August 1, 2009."

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 9.94A.505 and 9.94A.660; reenacting and amending RCW 9.94A.660; adding new sections to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Regala to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1791.

The motion by Senator Regala carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Regala moved that the following striking amendment by Senator Regala be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.505 and 2009 c 28 s 6 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.507, relating to certain sex offenses;

(ix) RCW 9.94A.535, relating to exceptional sentences;

(x) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xi) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony

physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 2. RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. ~~((If the sentencing court determines that the offender is eligible for this alternative, the~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

- ~~(a) Whether the offender suffers from drug addiction;~~
 - ~~(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;~~
 - ~~(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and~~
 - ~~(d) Whether the offender and the community will benefit from the use of the alternative.~~
- ~~(3) The examination report must contain:~~
- ~~(a) Information on the issues required to be addressed in subsection (2) of this section; and~~
 - ~~(b) A proposed treatment plan that must, at a minimum, contain:~~
 - ~~(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;~~
 - ~~(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;~~
 - ~~(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~
 - ~~(iv) Recommended crime-related prohibitions and affirmative conditions.~~

~~(4) After receipt of the examination report,)) (3) If the sentencing court determines that the offender is eligible for this alternative and that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection ((5)) (4) of this section or a residential chemical dependency treatment-based alternative under subsection ((6)) (5) of this section. If the court is considering the residential chemical dependency treatment-based alternative under subsection (5) of this section, then the court may order an examination of the offender as described in subsection (5) of this section. To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.~~

~~((5)) (4) The prison-based alternative shall include:~~

~~(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;~~

~~(b) ((The remainder of)) One-half the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;~~

~~(c) Crime-related prohibitions including a condition not to use illegal controlled substances;~~

~~(d) A requirement to submit to urinalysis or other testing to monitor that status; and~~

~~(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.~~

~~((6)) (5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative in this subsection, then the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:~~

- ~~(i) Whether the offender suffers from drug addiction;~~
- ~~(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;~~
- ~~(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and~~
- ~~(iv) Whether the offender and the community will benefit from the use of the alternative.~~

~~(b) The examination report must also contain:~~

- ~~(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~
- ~~(ii) Recommended crime-related prohibitions and affirmative conditions.~~

~~(c) The residential chemical dependency treatment-based alternative shall include:~~

~~((a)) (i) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under ((subsection (3)))(b) of this ((section)) subsection. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. If the court imposes a sentence under this subsection, then the treatment provider will be required to send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;~~

~~((b)) (ii) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:~~

~~((c)) (A) Authorize the department to terminate the offender's community custody status on the expiration date determined under ((a) of this) subsection (5)(c)(i) of this section; or~~

~~((d)) (B) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or~~

~~((e)) (C) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;~~

~~((f)) (iii) If the court imposes a term of total confinement under ((b)(iii)) (c)(ii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.~~

~~((g)) (6) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:~~

- ~~(a) Devote time to a specific employment or training;~~

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

~~((8))~~ (7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

~~((9))~~ (8) If an offender sentenced to the prison-based alternative under subsection ~~((5))~~ (4) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

~~((10))~~ (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

~~((11))~~ (10) Costs of examinations and preparing treatment plans under ~~((subsections (2) and (3) of))~~ this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 3. RCW 9.94A.660 and 2008 c 231 s 30 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a ~~((sentence under this section))~~ special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for ~~((this))~~ an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under section 4 of this act or a residential chemical dependency treatment-based alternative under section 5 of this act. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

~~((a))~~ (i) Whether the offender suffers from drug addiction;

~~((b))~~ (ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

~~((c))~~ (iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

~~((d))~~ (iv) Whether the offender and the community will benefit from the use of the alternative.

~~((e))~~ (b) The examination report must contain:

~~((a))~~ Information on the issues required to be addressed in subsection (2) of this section; and

~~((b))~~ A proposed treatment plan that must, at a minimum, contain:

~~((i))~~ A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

~~((ii))~~ The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

~~((iii))~~ (i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

~~((iv))~~ (ii) Recommended crime-related prohibitions and affirmative conditions.

~~((4))~~ After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

~~((5))~~ The prison-based alternative shall include:

~~((a))~~ A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

~~((b))~~ The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the

NINETY-THIRD DAY, APRIL 14, 2009

2009 REGULAR SESSION

program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

~~(c) Crime-related prohibitions including a condition not to use illegal controlled substances;~~

~~(d) A requirement to submit to urinalysis or other testing to monitor that status; and~~

~~(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.~~

~~(6) The residential chemical dependency treatment-based alternative shall include:~~

~~(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;~~

~~(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:~~

~~(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or~~

~~(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or~~

~~(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701;~~

~~(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.~~

~~(7) The) (6) When a court imposes a sentence of community custody under this section:~~

~~(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.~~

~~((8) The court may impose any of the following conditions:~~

~~(a) Pay all court-ordered legal financial obligations; or~~

~~(b) Perform community restitution work.~~

~~(9)(a)) (b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and RCW 9.94A.737.~~

~~(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.~~

~~(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.~~

~~(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the~~

sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

~~((10)) (8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.~~

~~((11) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.~~

~~((12)) (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.~~

~~((13)) (10) Costs of examinations and preparing treatment plans under ((subsections (2) and (3) of this section)) a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.~~

NEW SECTION. Sec. 4. (1) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

(3) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(4) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

NEW SECTION. Sec. 5. (1) A sentence for a residential chemical dependency treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under

NINETY-THIRD DAY, APRIL 14, 2009

chapter 70.96A RCW for a period set by the court between three and six months.

(2)(a) The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the examination report completed pursuant to RCW 9.94A.660.

(b) If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are each added to chapter 9.94A RCW.

NEW SECTION. Sec. 7. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 8. Sections 1 and 3 through 5 of this act take effect August 1, 2009.

NEW SECTION. Sec. 9. Section 2 of this act expires August 1, 2009."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Regala to Substitute House Bill No. 1791.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 9.94A.505 and 9.94A.660; reenacting and amending RCW 9.94A.660; adding new sections to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1791 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Swecker spoke in favor of passage of

the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1791 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1791 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley and Ranker

SUBSTITUTE HOUSE BILL NO. 1791 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:28 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, April 15, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 15, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Hatfield, Haugen, Kauffman, Regala and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Tara Balakrishnan and Mitchell Mills, presented the Colors. Pastor Rebecca Shjerven of St. Mark's Lutheran Church by the Narrows of Tacoma offered the prayer.

MOTION

On motion of Senator McDermott, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 14, 2009

SGA 9165 ROGERS WEED, appointed on March 17, 2009, for the term ending at the governors pleasure, as Director of the Department of Community, Trade and Economic Development. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

April 14, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TOM A. JOHNSON, appointed March 30, 2009, for the term ending March 26, 2013, as Member of the Higher Education Facilities Authority.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

April 14, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CINDY WHALEY, appointed March 18, 2009, for the term ending December 31, 2014, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator McDermott, the appointees listed on the Gubernatorial Appointment report were referred to the committees as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE SENATE BILL NO. 5001,
- SENATE BILL NO. 5028,
- SENATE BILL NO. 5071,
- SENATE BILL NO. 5580,
- SENATE BILL NO. 5642,
- SENATE BILL NO. 5804,
- SUBSTITUTE SENATE BILL NO. 5881,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
- SENATE BILL NO. 5909,
- SENATE BILL NO. 5976,
- SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED HOUSE BILL NO. 2194,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6164 by Senator Regala

AN ACT Relating to providing local flexibility with existing revenues during severe economic downturns; amending RCW 82.46.010, 82.14.340, 9.46.113, and 67.28.1815; reenacting and amending RCW 82.46.035; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6165 by Senators Ranker, Rockefeller, Tom and Jarrett

AN ACT Relating to allowing greater use of short boards for appeals before the shorelines hearings board; and amending RCW 90.58.185.

Referred to Committee on Ways & Means.

ESB 6166 by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

AN ACT Relating to the sale of timber from state trust lands; amending RCW 79.15.510, 79.15.520, and 79.15.060; adding a new section to chapter 79.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6167 by Senators Kline, Regala and Hargrove

AN ACT Relating to crimes against property; amending RCW 4.24.230, 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.56.350; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6168 by Senators Tom and Prentice

AN ACT Relating to reducing costs in state elementary and secondary education programs; and amending RCW 28A.415.380, 28A.320.190, 28A.415.340, 28A.300.515, 28A.630.035, 28A.300.130, 28A.245.060, 28A.625.020, 28A.300.520, and 28A.320.125.

Referred to Committee on Ways & Means.

SB 6169 by Senator Prentice

AN ACT Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency; amending RCW 82.32.145 and 82.32.235; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6170 by Senators Hobbs and Prentice

AN ACT Relating to environmental tax incentives; amending RCW 81.104.170, 82.14.050, 82.14.060, 82.04.263, 82.04.294, 82.08.9651, 82.12.9651, 82.16.110, 82.16.120, 82.16.130, 82.08.890, 82.12.890, and 82.08.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.04

RCW; creating new sections; repealing RCW 82.08.813 and 82.12.813; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6171 by Senator Prentice

AN ACT Relating to savings in programs under the supervision of the department of health; amending RCW 43.20.050, 43.20.240, 70.119A.020, 70.119A.050, 70.119A.060, 70.119A.130, 64.44.070, 70.54.220, 70.54.220, 70.104.030, 70.104.050, 70.104.055, 70.56.010, 70.56.010, 70.56.020, 70.56.030, 70.56.050, and 70.104.090; repealing RCW 70.104.070, 70.104.080, 43.70.695, and 70.56.040; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6172 by Senators Rockefeller and Ranker

AN ACT Relating to oil spill prevention and preparedness; amending RCW 90.56.005; adding a new section to chapter 90.71 RCW; repealing RCW 90.56.120 and 90.56.130; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6173 by Senator Prentice

AN ACT Relating to improving sales tax compliance; amending RCW 82.04.470, 82.08.050, 82.08.130, 82.14B.042, 82.14B.200, 82.32.087, 82.32.290, 82.32.291, 82.32.330, 82.72.040, and 82.72.070; reenacting and amending RCW 82.04.050; adding new sections to chapter 82.32 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

SJM 8016 by Senators Honeyford, Holmquist, Schoesler, Delvin, Becker, Carrell, Morton, McCaslin, Parlette, Stevens, Swecker, King, Zarelli and Hewitt

Regarding government spending policies.

Referred to Committee on Ways & Means.

ESHB 2075 by House Committee on Finance (originally sponsored by Representative Hunter)

AN ACT Relating to the excise taxation of certain products and services provided or furnished electronically; amending RCW 82.04.190, 82.08.010, 82.12.010, 82.12.020, 82.04.060, 82.04.070, 82.04.110, 82.04.120, 82.04.2907, 82.04.297, 82.04.363, 82.04.4282, 82.04.470, 82.04.480, 82.04.065, 82.08.02525, 82.08.0253, 82.08.02535, 82.08.02537, 82.08.0256, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.805, 82.08.995, 82.12.0251, 82.12.02525, 82.12.0255, 82.12.0257, 82.12.0258, 82.12.0259, 82.12.0315, 82.12.02595, 82.12.0272, 82.12.0284, 82.12.0345, 82.12.0347, 82.12.805, 82.12.860, 82.12.995, 82.32.730, 82.08.195, 35.21.717, 48.14.080, 82.02.020, 82.04.44525, 82.08.040, 82.08.130, 82.12.035, 82.12.040, 82.14.465, 82.16.010, 82.32.020, and 82.32.023; reenacting and amending RCW 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; creating new sections; and repealing RCW 82.08.705 and 82.12.705.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

Referred to Committee on Ways & Means.

INTRODUCTION OF SPECIAL GUESTS

HB 2328 by Representatives Linville and Ericks

The President welcomed and introduced the Director of Donate Life Today, Andrea Greg who was seated in the gallery.

AN ACT Relating to reducing the administrative cost of state government; amending 2009 c 5 ss 6, 7, 8, 9, and 10 (uncodified); adding a new section to 2009 c 5 (uncodified); adding a new chapter to Title 49 RCW; creating a new section; and declaring an emergency.

MOTION

Referred to Committee on Ways & Means.

On motion of Senator McDermott, the Senate reverted to the sixth order of business.

MOTION

SECOND READING

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

MOTION

Senator King moved that Gubernatorial Appointment No. 9160, Larry Sanchez, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senator King spoke in favor of the motion.

On motion of Senator McDermott, the Senate advanced to the eighth order of business.

MOTION

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

Senator Benton moved adoption of the following resolution:

MOTION

SENATE RESOLUTION
8662

On motion of Senator Marr, Senators Brown, Fairley, Haugen, Kauffman and Regala were excused.

By Senator Benton

APPOINTMENT OF LARRY SANCHEZ

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9160, Larry Sanchez as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ, eye, and tissue donation and transplantation; and

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9160, Larry Sanchez as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

WHEREAS, There are more than one hundred thousand courageous Americans awaiting a lifesaving organ transplant, with eighteen individuals losing their lives every day because of the shortage of donations; and

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

WHEREAS, Every thirteen minutes a person is added to the national organ donation waiting list; and

Absent: Senators Hatfield and Stevens

WHEREAS, The organ, eye, and tissue donation from one individual can save or enhance the lives of over fifty people; and

Excused: Senators Brandland, Fairley, Haugen, Kauffman and Regala

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation another person's life has been saved or enhanced; and

Gubernatorial Appointment No. 9160, Larry Sanchez, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

SECOND READING

WHEREAS, Through organ, eye, and tissue donation a donor and donor's family receives gratitude from the recipient's family and is honored by the enhancement of the recipient's life; and

SECOND SUBSTITUTE HOUSE BILL NO. 1373, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Dickerson, Kagi, Green, Cody, Darneille, Dunshee, Roberts, Goodman, Appleton, Kenney, Orwall, Hurst, Moeller, Takko, Chase, Rolfes, Carlyle, Simpson, Nelson, Conway and Ormsby)

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize April as National Donate Life Month as declared by the Governor and honor those who have donated and celebrate the lives of the recipients.

Senator Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

NINETY-FOURTH DAY, APRIL 15, 2009

Concerning children's mental health services.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.521 and 2007 c 359 s 11 are each amended to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, or by a mental health professional regulated under Title 18 RCW who is under the direct supervision of a licensed mental health professional, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment. This section shall be administered in a manner consistent with federal early periodic screening, diagnosis, and treatment requirements related to the receipt of medically necessary services when a child's need for such services is identified through developmental screening.

(2) (~~This section expires July 1, 2010.~~) The department and the children's mental health evidence-based practice institute established in RCW 71.24.061 shall collaborate to encourage and develop incentives for the use of prescribing practices and evidence-based and research-based treatment practices developed under RCW 74.09.490 by mental health professionals serving children under this section.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1373.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.521; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1373 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1373 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1373 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, Honeyford and Schoesler

Excused: Senators Brandland, Fairley, Haugen, Kauffman and Regala

SECOND SUBSTITUTE HOUSE BILL NO. 1373 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Hinkle and Ormsby)

Addressing the termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements.

The measure was read the second time.

MOTION

Senator Holmquist moved that the following committee amendment by the Committee on Labor, Commerce & Consumer Protection be adopted.

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 46.93.080; and declaring an emergency."

Senator Holmquist spoke in favor of adoption of the committee amendment.

Senator Honeyford spoke against adoption of the committee amendment.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce & Consumer Protection to Engrossed Substitute House Bill No. 1664.

The motion by Senator Holmquist failed and the committee amendment was not adopted by a rising vote.

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Holmquist, the rules were suspended, Engrossed Substitute House Bill No. 1664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1664.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1664 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Fairley, Haugen, Hewitt, Kauffman and Regala

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby)

Establishing search and arrest authority provisions of offenders by department of corrections personnel.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or a department of corrections hearing officer. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a community corrections officer may require an offender (~~may be required~~) to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

(2) For the safety and security of department staff, an offender may be required to submit to pat searches, or other limited security searches, by community corrections officers, correctional officers, and other agency approved staff, without reasonable cause, when in or on department premises, grounds,

or facilities, or while preparing to enter department premises, grounds, facilities, or vehicles. Pat searches of offenders shall be conducted only by staff who are the same gender as the offender, except in emergency situations.

(3) A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court or department of corrections hearing officer.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 1792.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "and amending RCW 9.94A.631."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1792 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1792 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1792 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Fairley, Haugen, Hewitt, Kauffman and Regala

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1938, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney)

Considering postadoption contact between siblings in adoption proceedings. Revised for 2nd Substitute: Concerning postadoption contact with siblings.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1938 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1938.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1938 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Voting nay: Senator Zarelli

Absent: Senator Tom

Excused: Senators Fairley, Haugen, Hewitt and Kauffman

SECOND SUBSTITUTE HOUSE BILL NO. 1938, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961, by House Committee on Ways & Means (originally sponsored by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen and Wood)

Implementing the federal fostering connections to success and increasing adoptions act of 2008.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute House Bill No. 1961 was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1961.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1961 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford and Roach

Excused: Senators Fairley, Haugen and Kauffman

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:52 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:07 a.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Seaquist, Appleton, Hunt, Armstrong, Chandler, Chase and Miloscia)

Concerning personnel practices regarding exempt employment.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that information technologies have substantially altered the roles and responsibilities of employees in many state agencies since the creation of the Washington management service. With the understanding that the current economic crisis dictates finding every possible efficiency, the legislature intends to review the state's senior management and exempt services and understands that possible refinements in the service are needed. A review, in consultation with the various stakeholders and in light of current best practices, is warranted.

Sec. 2. RCW 41.06.133 and 2002 c 354 s 204 are each

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

amended to read as follows:

~~(1)~~ (1) The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

~~((1))~~ (a) The reduction, dismissal, suspension, or demotion of an employee;

~~((2))~~ (b) Training and career development;

~~((3))~~ (c) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

~~((4))~~ (d) Transfers;

~~((5))~~ (e) Promotional preferences;

~~((6))~~ (f) Sick leaves and vacations;

~~((7))~~ (g) Hours of work;

~~((8))~~ (h) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

~~((9))~~ (i) The number of names to be certified for vacancies;

~~((10))~~ (j) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

~~((11))~~ (k) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

~~((12))~~ (l) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

~~((13))~~ (m) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this

section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

(3) Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

(4)(a) The director shall require that each state agency report annually the following data:

(i) The number of classified, Washington management service, and exempt employees in the agency and the change compared to the previous report;

(ii) The number of bonuses and performance-based incentives awarded to agency staff and the base wages of such employees; and

(iii) The cost of each bonus or incentive awarded.

(b) A report that compiles the data in (a) of this subsection for all agencies will be provided annually to the governor and the appropriate committees of the legislature and must be posted for the public on the department of personnel's agency web site.

Sec. 3. RCW 41.06.170 and 2002 c 354 s 213 are each amended to read as follows:

(1) The director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2005, and to the Washington personnel resources board after June 30, 2005. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing. Decisions of the Washington personnel resources board on appeals filed after June 30, 2005, shall be final and not subject to further appeal.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2005, and to the Washington personnel resources board after June 30, 2005. If the position being exempted is vacant, the exclusive bargaining unit representative may act in lieu of an employee for the purposes of appeal.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board through December 31, 2005, and to the

NINETY-FOURTH DAY, APRIL 15, 2009

Washington personnel resources board after December 31, 2005. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

(5) Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection to Engrossed Substitute House Bill No. 2049.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 41.06.133 and 41.06.170; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2049 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Brandland, McCaslin and Morton were excused.

MOTION

On motion of Senator Marr, Senators Brown, Prentice and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2049 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2049 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Roach and Rockefeller

Excused: Senators Brandland, Kauffman, McCaslin and Morton

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. The tax payers of the state are coming to Olympia today and will gather on the steps of the Capitol. Those that can't come here today will be holding their 'Tea Parties' throughout the state. This is not unlike the original tea party held in Boston. These people feel that they're a grass roots movement. They feel that their rights have been trampled on and they're being ignored and so I would personally like to invite all the members of the Senate to this rally out on the steps today at noon. Thank you Mr. President."

SECOND READING

HOUSE BILL NO. 1517, by Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Liias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall

Changing requirements for the restoration of the right to vote for people convicted of felonies.

The measure was read the second time.

MOTION

Senator Carrell moved that the following striking amendment by Senators Carrell and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) ~~(Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on a felon list and the statewide voter registration list)) For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is restored as long as the person is no longer incarcerated.~~

~~(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.~~

~~(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.~~

~~(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.~~

~~(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.~~

~~(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons~~

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The ~~((canceling authority))~~ secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ~~((once all terms of sentencing have been completed))~~ and reregistering. ~~((If the person does not respond within thirty days, the registration must be canceled.))~~ To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

~~((2))~~ (6) The right to vote may be permanently restored by ~~(= for each felony conviction;))~~ one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

(7) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030.

Sec. 2. RCW 9.92.066 and 2003 c 66 s 2 are each amended to read as follows:

(1) Upon termination of any suspended sentence under RCW 9.92.060 or 9.95.210, such person may apply to the court for restoration of his or her civil rights not already restored by RCW 29A.08.520. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted.

(2)(a) Upon termination of a suspended sentence under RCW 9.92.060 or 9.95.210, the person may apply to the sentencing court for a vacation of the person's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the person has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 3. RCW 9.94A.637 and 2007 c 171 s 1 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights ~~((lost by operation of law upon conviction))~~ not already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99

NINETY-FOURTH DAY, APRIL 15, 2009

RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 4. RCW 9.96.050 and 2007 c 363 s 4 and 2007 c 171 s 2 are each reenacted and amended to read as follows:

(1)(a) When an offender on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the offender.

(b) The board retains the jurisdiction to issue a certificate of discharge after the expiration of the offender's or parolee's maximum statutory sentence. If not earlier granted and any and all legal financial obligations have been paid, the board shall issue a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years.

(c) The discharge, regardless of when issued, shall have the effect of restoring all civil rights (~~lost by operation of law upon conviction~~) not already restored by RCW 29A.08.520, and the certification of discharge shall so state.

(d) This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

(e) The board shall issue a certificate of discharge to the offender in person or by mail to the offender's last known address.

(2) The board shall send to the department of corrections a copy of every signed certificate of discharge for offender sentences under the authority of the department of corrections.

(3) The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

Sec. 5. RCW 10.64.140 and 2005 c 246 s 1 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

~~((+))~~ (a) The defendant's right to vote has been lost due to the felony conviction;

~~((2))~~ (b) If the defendant is registered to vote, the voter registration will be canceled;

~~((3))~~ (c) The right to vote is provisionally restored as long as the defendant is not under the authority of the department of corrections;

~~(d) The defendant must reregister before voting;~~

~~(e) The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations;~~

~~(f) The right to vote may be permanently restored by one of the following for each felony conviction:~~

~~((a))~~ (i) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

~~((b))~~ (ii) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;

~~((c))~~ (iii) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

~~((d))~~ (iv) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and

2009 REGULAR SESSION

~~((+))~~ (g) Voting before the right is restored is a class C felony under RCW 29A.84.660.

(2) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030.

Sec. 6. RCW 9.94A.885 and 1999 c 323 s 3 are each amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to ~~((the elective rights to vote and to engage))~~ engaging in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

NEW SECTION. **Sec. 7.** RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1 are each repealed."

Senators Carrell and Hargrove spoke in favor of adoption of the striking amendment.

Senator Kohl-Welles spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell and Hargrove to House Bill No. 1517.

The motion by Senator Carrell carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "felonies;" strike the remainder of the title and insert "amending RCW 29A.08.520, 9.92.066, 9.94A.637, 10.64.140, and 9.94A.885; reenacting and amending RCW 9.96.050; and repealing RCW 10.64.021."

MOTION

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1517 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Brown, Hargrove, Franklin and Swecker spoke in favor of passage of the bill.

Senators Sheldon, Brandland and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1517 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1517 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Jarrett, Kastama, Keiser, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, Marr, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Kauffman

HOUSE BILL NO. 1517 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Franklin assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1420, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley)

Revising real estate seller disclosure requirements.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.005 and 2007 c 107 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;

(c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the

Washington timeshare act, chapter 64.36 RCW; or

(d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.

(2) "Residential real property" means both improved and unimproved residential real property.

(3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(4) "Unimproved residential real property" means unimproved property ((zoned)) for which the maximum permitted development is one to four residential ((use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, or a mobile or manufactured home)) units or structures under the county or city zoning ordinances or comprehensive plan applicable to that real estate and does not include property defined as "timber land" under RCW 84.34.020.

Sec. 2. RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT..... ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER. FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that ~~((may))~~ affect the Buyer's use of the property?
- Yes No Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?
- Yes No Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?
- Yes No Don't know *H. Are there any pending or existing assessments against the property?

- Yes No Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that ~~((would))~~ affect future construction or remodeling?
 - Yes No Don't know *J. Is there a boundary survey for the property?
 - Yes No Don't know *K. Are there any covenants, conditions, or restrictions ~~((which affect))~~ recorded against title to the property?
- 2. WATER**
- A. Household Water
- Yes No Don't know (1) Does the property have potable water supply?
 - (2) If yes, the source of water for the property is:
 - Private or publicly owned water system
 - Private well serving only the property
 - * Other water system
 - Yes No Don't know *If shared, are there any written agreements?
 - Yes No Don't know *(3) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
 - Yes No Don't know *(4) Are there any ~~((known))~~ problems or repairs needed?
 - Yes No Don't know (5) Is there a connection or hook-up charge payable before the property can be connected to the water main?
 - Yes No Don't know (6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.)
 - Yes No Don't know (7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.)
 - Yes No Don't know (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

*(b) If yes, has all or any portion of the water right not been used for five or more successive years? ((If yes, please explain.))

[] Yes [] No [] Don't know

(c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day?

[] Yes [] No [] Don't know

*(8) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?

B. Irrigation Water

[] Yes [] No [] Don't know

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.)

[] Yes [] No [] Don't know

(a) If yes, has all or any portion of the water right not been used for five or more successive years?

[] Yes [] No [] Don't know

(b) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

[] Yes [] No [] Don't know

*(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:

.....

[] Yes [] No [] Don't know

C. Outdoor Sprinkler System (1) Is there an outdoor sprinkler system for the property?

[] Yes [] No [] Don't know

*(2) If yes, are there any defects in the system?

[] Yes [] No [] Don't know

*(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/SEPTIC SYSTEM

A. The property is served by: [] Public sewer system [] On-site sewage system (including pipes, tanks, drainfields, and all other component parts) [] Other disposal system, please describe:

[] Yes [] No [] Don't know

B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

[] Yes [] No [] Don't know

C. If the property is connected to an on-site sewage system:

[] Yes [] No [] Don't know

*(1) Was a permit issued for its construction?

[] Yes [] No [] Don't know

*(2) Was it approved by the local health department or district following its construction?

[] Yes [] No [] Don't know

(3) Is the septic system a pressurized system?

[] Yes [] No [] Don't know

(4) Is the septic system a gravity system?

[] Yes [] No [] Don't know

*(5) Have there been any changes or repairs to the on-site sewage system?

[] Yes [] No [] Don't know

(6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain:

[] Yes [] No [] Don't know

*(7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain.))

4. ELECTRICAL/GAS

[] Yes [] No [] Don't know

A. Is the property served by natural gas?

[] Yes [] No [] Don't know

B. Is there a connection charge for gas?

[] Yes [] No [] Don't know

C. Is the property served by electricity?

[] Yes [] No [] Don't know

D. Is there a connection charge for electricity?

Yes No Don't know *E. Are there any electrical problems on the property? ((If yes, please explain:))

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know **5. FLOODING**
A. ((~~Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:~~

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

Yes No Don't know B.)) Is the property located in a government designated flood zone or floodplain?

Yes No Don't know *G. Is there any soil or groundwater contamination?

Yes No Don't know **6. SOIL STABILITY**
*A. Are there any settlement, earth movement, slides, or similar soil problems on the property? ((If yes, please explain:

Yes No Don't know *H. Are there transmission poles(;~~transformers,~~) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes No Don't know B. Does any part of the property contain fill dirt, waste, or other fill material? If yes, please explain:)

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know **7. ENVIRONMENTAL**
*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *K. Are there any radio towers ((~~in the area~~)) that ((~~may~~)) cause interference with cellular telephone reception?

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know **8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know A. Is there a homeowners' association?
Name of association:
B. Are there regular periodic assessments:
\$. . . per Month Year
 Other

Yes No Don't know *C. Are there any pending special assessments?

Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

9. OTHER FACTS

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

[] Yes [] No [] Don't know *A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? (If yes, please explain:)

[] Yes [] No [] Don't know *B. Does the property have any plants or wildlife that are designated as species ((or [off]) of concern, or listed as threatened or endangered by the government?

[] Yes [] No [] Don't know *C. Is the property classified or designated as forest land or open space? (If so, specify:)

[] Yes [] No [] Don't know D. Do you have a forest management plan? If yes, attach.

[] Yes [] No [] Don't know *E. Have any development-related permit applications been submitted to any government agencies? (If so, specify:)

If the answer to E is "yes," what is the status or outcome of those applications?

10. FULL DISCLOSURE BY SELLERS

[] Yes [] No [] Don't know A. Other conditions or defects: *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification: The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO BUYER INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE BUYER BUYER

(2) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT..... ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO

OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

[] Yes [] No [] Don't know A. Do you have legal authority to sell the property? If no, please explain.

[] Yes [] No [] Don't know *B. Is title to the property subject to any of the following?
(1) First right of refusal
(2) Option
(3) Lease or rental agreement
(4) Life estate?

[] Yes [] No [] Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

[] Yes [] No [] Don't know *D. Is there a private road or easement agreement for access to the property?

[] Yes [] No [] Don't know *E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

[] Yes [] No [] Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?

[] Yes [] No [] Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?

[] Yes [] No [] Don't know *H. Are there any pending or existing assessments against the property?

[] Yes [] No [] Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

[] Yes [] No [] Don't know *J. Is there a boundary survey for the property?

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

Yes No Don't know

*K. Are there any covenants, conditions, or restrictions ~~((which affect))~~ recorded against the property?

(c) If no or don't know, is the water withdrawn from the water source less than five thousand gallons a day?

2. WATER

A. Household Water

Yes No Don't know

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property

* Other water system

*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?
.....

Yes No Don't know

*If shared, are there any written agreements?

B. Irrigation Water

Yes No Don't know

(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes No Don't know

(3) Are there any ~~((known))~~ problems or repairs needed?

Yes No Don't know

*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Yes No Don't know

*(b) If so, is the certificate available? (If yes, please attach a copy.)

Yes No Don't know

(5) Are there any water treatment systems for the property? If yes, are they Leased Owned

Yes No Don't know

*(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? ~~((If so, explain.))~~
.....

Yes No Don't know

(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Yes No Don't know

*(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
.....

Yes No Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know

C. Outdoor Sprinkler System

*(b) If yes, has all or any portion of the water right not been used for five or more successive years? ~~((If yes, please explain.))~~

Yes No Don't know

(1) Is there an outdoor sprinkler system for the property?
*(2) If yes, are there any defects in the system?~~((.....))~~

Yes No Don't know

(3) If yes, is the sprinkler system connected to irrigation water?

Yes No Don't know

*(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:
 Public sewer system,
 On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
 Other disposal system, please describe:

Yes No Don't know

B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes No Don't know

*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

D. If the property is connected to an on-site sewage system:

Yes No Don't know

* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped(+) ?

Yes No Don't know

* (3) Are there any defects in the operation of the on-site sewage system?

Don't know

(4) When was it last inspected?

By whom:

Don't know

(5) For how many bedrooms was the on-site sewage system approved?

..... bedrooms

Yes No Don't know

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes No Don't know

*F. Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes No Don't know

*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain:))

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

Yes No Don't know

*A. Has the roof leaked within the last five years?

Yes No Don't know

*B. Has the basement flooded or leaked?

Yes No Don't know

*C. Have there been any conversions, additions, or remodeling?

Yes No Don't know

* (1) If yes, were all building permits obtained?

Yes No Don't know

* (2) If yes, were all final inspections obtained?

Yes No Don't know

D. Do you know the age of the house? If yes, year of original construction:

Yes No Don't know

*E. Has there been any settling, slippage, or sliding of the property or its improvements?

Yes No Don't know

*F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- Foundations
- Decks
- Exterior Walls
- Chimneys
- Interior Walls
- Fire Alarm
- Doors
- Windows
- Patio
- Ceilings
- Slab Floors
- Driveways
- Pools
- Hot Tub
- Sauna
- Sidewalks
- Outbuildings
- Fireplaces
- Garage Floors
- Walkways
- Siding
- Other
- Wood Stoves

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

Yes No Don't know

If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

Yes No Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes No Don't know I. Is the attic insulated?

Yes No Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes No Don't know Electrical system, including wiring, switches, outlets, and service

Yes No Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

Yes No Don't know Hot water tank

Yes No Don't know Garbage disposal

Yes No Don't know Appliances

Yes No Don't know Sump pump

Yes No Don't know Heating and cooling systems

Yes No Don't know Security system
 Owned Leased
Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes No Don't know Security system

Yes No Don't know Tanks (type):

Yes No Don't know Satellite dish

Other:

*C. Are any of the following kinds of wood burning appliances present at the property?

Yes No Don't know (1) Woodstove?

Yes No Don't know (2) Fireplace insert?

Yes No Don't know (3) Pellet stove?

Yes No Don't know (4) Fireplace?

Yes No Don't know

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

A. Is there a Homeowners' Association? Name of Association:

Yes No Don't know

B. Are there regular periodic assessments: \$. . . per Month Year Other

Yes No Don't know

*C. Are there any pending special assessments?

Yes No Don't know

*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes No Don't know

7. ENVIRONMENTAL

*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know

*B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know

*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

Yes No Don't know *G. Is there any soil or groundwater contamination?

Yes No Don't know *H. Are there transmission poles(;transformers;) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know *K. Are there any radio towers in the area that ~~((may))~~ cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *B. Did any previous owner make any alterations to the home? ~~((If yes, please describe the alterations:))~~

Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:
The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof.
I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLERSELLER
NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
 DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller (~~((becomes aware))~~) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information((?)) or an adverse change ((occurs)) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescision shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The

buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "and amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fraser to not adopt the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Substitute House Bill No. 1420.

The motion by Senator Fraser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fraser moved that the following striking amendment by Senator Fraser and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.005 and 2007 c 107 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Improved residential real property" means:
 - (a) Real property consisting of, or improved by, one to four residential dwelling units;
 - (b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;
 - (c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW; or
 - (d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.
- (2) "Residential real property" means both improved and unimproved residential real property.
- (3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.
- (4) "Unimproved residential real property" means property zoned for residential use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, ~~((or))~~ a mobile or manufactured home, or a commercial building. It does not include property defined as "timber land" under RCW 84.34.020.

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

Sec. 2. RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT.....

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS.

THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

- Yes No Don't know **1. TITLE**
- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that ((may)) affect the Buyer's use of the property?
- Yes No Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?
- Yes No Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?
- Yes No Don't know *H. Are there any pending or existing assessments against the property?
- Yes No Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that ((would)) affect future construction or remodeling?
- Yes No Don't know *J. Is there a boundary survey for the property?
- Yes No Don't know *K. Are there any covenants, conditions, or restrictions ((which affect)) recorded against title to the property?
- 2. WATER**
- Yes No Don't know A. Household Water
 - (1) Does the property have potable water supply?
 - (2) If yes, the source of water for the property is:

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

- Private or publicly owned water system Yes No Don't know (b) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
- Private well serving only the property Yes No Don't know * (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:
- Other water system Yes No Don't know * (1) Is there an outdoor sprinkler system for the property?
- *If shared, are there any written agreements? Yes No Don't know * (2) If yes, are there any defects in the system?
- * (3) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source? Yes No Don't know * (3) If yes, is the sprinkler system connected to irrigation water?
- * (4) Are there any ((known)) problems or repairs needed? Yes No Don't know
- (5) Is there a connection or hook-up charge payable before the property can be connected to the water main? Yes No Don't know
- (6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.) Yes No Don't know
- (7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.) Yes No Don't know
- (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed? Yes No Don't know
- *(b) If yes, has all or any portion of the water right not been used for five or more successive years? ((If yes, please explain.))
- (c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day? Yes No Don't know
- * (8) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)? Yes No Don't know
- B. Irrigation Water Yes No Don't know
- (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.) Yes No Don't know
- (a) If yes, has all or any portion of the water right not been used for five or more successive years? Yes No Don't know

3. SEWER/SEPTIC SYSTEM

A. The property is served by:

- Public sewer system
- On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
- Other disposal system, please describe:

B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

C. If the property is connected to an on-site sewage system:

- * (1) Was a permit issued for its construction?
- * (2) Was it approved by the local health department or district following its construction?
- (3) Is the septic system a pressurized system?
- (4) Is the septic system a gravity system?
- * (5) Have there been any changes or repairs to the on-site sewage system?
- (6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain:

Yes No Don't know ~~*(7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain:))~~

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?
 Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental

4. ELECTRICAL/GAS

Yes No Don't know A. Is the property served by natural gas?
 Yes No Don't know B. Is there a connection charge for gas?
 Yes No Don't know C. Is the property served by electricity?
 Yes No Don't know D. Is there a connection charge for electricity?
 Yes No Don't know *E. Are there any electrical problems on the property? ((If yes, please explain:))

concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?
 Yes No Don't know *F. Has the property been used for commercial or industrial purposes?
 Yes No Don't know *G. Is there any soil or groundwater contamination?
 Yes No Don't know *H. Are there transmission poles(~~;~~ ~~transformers,~~) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

5. FLOODING

Yes No Don't know A. (~~Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:~~

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?
 Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?
 Yes No Don't know *K. Are there any radio towers (~~in the area~~) that ((~~may~~)) cause interference with cellular telephone reception?

~~Yes No Don't know B.)) Is the property located in a government designated flood zone or floodplain?~~

6. SOIL STABILITY

Yes No Don't know *A. Are there any settlement, earth movement, slides, or similar soil problems on the property? ((If yes, please explain:

8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS
 Yes No Don't know A. Is there a homeowners' association?
 Name of association:

~~Yes No Don't know B. Does any part of the property contain fill dirt, waste, or other fill material? If yes, please explain:))~~

7. ENVIRONMENTAL

Yes No Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know B. Are there regular periodic assessments:
 \$. . . per Month Year
 Other

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *C. Are there any pending special assessments?
 Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls,

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?
9. OTHER FACTS

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

- Yes No Don't know *A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? ~~((If yes, please explain:))~~
- Yes No Don't know *B. Does the property have any plants or wildlife that are designated as species ~~((or off))~~ of concern, or listed as threatened or endangered by the government?
- Yes No Don't know *C. Is the property classified or designated as forest land or open space? ~~((If so, specify:))~~
- Yes No Don't know D. Do you have a forest management plan? If yes, attach.
- Yes No Don't know *E. Have any development-related permit applications been submitted to any government agencies? ~~((If so, specify:))~~
If the answer to E is "yes," what is the status or outcome of those applications?

10. FULL DISCLOSURE BY SELLERS

- Yes No Don't know A. Other conditions or defects: *Are there any other existing material defects affecting the property that a prospective buyer should know about?
- B. Verification:
The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof.
I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATESELLERSELLER
NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE BUYER BUYER

(2) If the disclosure statement is being completed for a property for which the maximum allowable development after full subdivision would be more than four residential units or structures, the disclosure statement is only required to contain and the seller is only required to complete the questions listed in item 7. Environmental.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller

NINETY-FOURTH DAY, APRIL 15, 2009

disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT..... ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

[] Yes [] No [] Don't know A. Do you have legal authority to sell the property? If no, please explain.

[] Yes [] No [] Don't know *B. Is title to the property subject to any of the following?

- (1) First right of refusal
(2) Option
(3) Lease or rental agreement
(4) Life estate?

[] Yes [] No [] Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

[] Yes [] No [] Don't know *D. Is there a private road or easement agreement for access to the property?

[] Yes [] No [] Don't know *E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

[] Yes [] No [] Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?

[] Yes [] No [] Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?

[] Yes [] No [] Don't know *H. Are there any pending or existing assessments against the property?

[] Yes [] No [] Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

[] Yes [] No [] Don't know *J. Is there a boundary survey for the property?

[] Yes [] No [] Don't know *K. Are there any covenants, conditions, or restrictions ((which affect)) recorded against the property?

2. WATER

A. Household Water

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

[] Yes [] No [] Don't know	(1) The source of water for the property is: [] Private or publicly owned water system	[] Yes [] No [] Don't know	* (a) If yes, has all or any portion of the water right not been used for five or more successive years?
[] Yes [] No [] Don't know	[] Private well serving only the subject property	[] Yes [] No [] Don't know	* (b) If so, is the certificate available? (If yes, please attach a copy.)
[] Yes [] No [] Don't know	[] Other water system	[] Yes [] No [] Don't know	* (c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? ((If so, explain:))
[] Yes [] No [] Don't know	* If shared, are there any written agreements?	[] Yes [] No [] Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
[] Yes [] No [] Don't know	* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?	[] Yes [] No [] Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
[] Yes [] No [] Don't know	* (3) Are there any ((known)) problems or repairs needed?	[] Yes [] No [] Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
[] Yes [] No [] Don't know	(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.	[] Yes [] No [] Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
[] Yes [] No [] Don't know	* (5) Are there any water treatment systems for the property? If yes, are they [] Leased [] Owned	[] Yes [] No [] Don't know	* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
[] Yes [] No [] Don't know	* (6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?	[] Yes [] No [] Don't know	C. Outdoor Sprinkler System (1) Is there an outdoor sprinkler system for the property? * (2) If yes, are there any defects in the system? ((If so, explain:))
[] Yes [] No [] Don't know	(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?	[] Yes [] No [] Don't know	* (2) If yes, are there any defects in the system? ((If so, explain:)) * (3) If yes, is the sprinkler system connected to irrigation water?
[] Yes [] No [] Don't know	* (b) If yes, has all or any portion of the water right not been used for five or more successive years? ((If yes, please explain:))	[] Yes [] No [] Don't know	* (3) If yes, is the sprinkler system connected to irrigation water?
[] Yes [] No [] Don't know	* (7) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?	[] Yes [] No [] Don't know	3. SEWER/ON-SITE SEWAGE SYSTEM A. The property is served by: [] Public sewer system, [] On-site sewage system (including pipes, tanks, drainfields, and all other component parts) [] Other disposal system, please describe:
[] Yes [] No [] Don't know	B. Irrigation Water (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?	[] Yes [] No [] Don't know	B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.
[] Yes [] No [] Don't know	* (7) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?	[] Yes [] No [] Don't know	* C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

D. If the property is connected to an on-site sewage system:

Yes No Don't know * (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

Yes No Don't know (2) When was it last pumped(+) ?

Yes No Don't know * (3) Are there any defects in the operation of the on-site sewage system?

Don't know (4) When was it last inspected?

By whom:

Don't know (5) For how many bedrooms was the on-site sewage system approved?

..... bedrooms

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

*F. Have there been any changes or repairs to the on-site sewage system?

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? (~~If yes, please explain.~~)

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

Yes No Don't know *A. Has the roof leaked within the last five years?

Yes No Don't know *B. Has the basement flooded or leaked?

Yes No Don't know *C. Have there been any conversions, additions, or remodeling?

Yes No Don't know * (1) If yes, were all building permits obtained?

Yes No Don't know * (2) If yes, were all final inspections obtained?

Yes No Don't know D. Do you know the age of the house? If yes, year of original construction:

Yes No Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?

Yes No Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- | | | |
|--|---|-------------------------------------|
| Foundations | Decks | Exterior Walls |
| <input type="checkbox"/> Chimneys | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Windows | <input type="checkbox"/> Patio |
| <input type="checkbox"/> Ceilings | <input type="checkbox"/> Slab Floors | <input type="checkbox"/> Driveways |
| <input type="checkbox"/> Pools | <input type="checkbox"/> Hot Tub | <input type="checkbox"/> Sauna |
| <input type="checkbox"/> Sidewalks | <input type="checkbox"/> Outbuildings | <input type="checkbox"/> Fireplaces |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Other | <input type="checkbox"/> Wood Stoves | |

Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

Yes No Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes No Don't know I. Is the attic insulated?

Yes No Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes No Don't know Electrical system, including wiring, switches, outlets, and service

Yes No Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

Yes No Don't know Hot water tank

Yes No Don't know Garbage disposal

Yes No Don't know Appliances

Yes No Don't know Sump pump

Yes No Don't know Heating and cooling systems

Yes No Don't know Security system

Owned Leased

Other

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

Yes No Don't know *B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes No Don't know Security system

Yes No Don't know Tanks (type):

Yes No Don't know Satellite dish

Other:

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know *C. Are any of the following kinds of wood burning appliances present at the property?

Yes No Don't know (1) Woodstove?

Yes No Don't know (2) Fireplace insert?

Yes No Don't know (3) Pellet stove?

Yes No Don't know (4) Fireplace?

Yes No Don't know If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

Yes No Don't know *G. Is there any soil or groundwater contamination?

Yes No Don't know *H. Are there transmission poles(;- transformers;-) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

Yes No Don't know A. Is there a Homeowners' Association? Name of Association:

Yes No Don't know B. Are there regular periodic assessments: \$. . . per Month Year Other

Yes No Don't know *C. Are there any pending special assessments?

Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know *K. Are there any radio towers in the area that ((~~may~~)) cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *B. Did any previous owner make any alterations to the home? ((~~If yes, please describe the alterations:~~)))

NINETY-FOURTH DAY, APRIL 15, 2009

[] Yes [] No [] Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

[] Yes [] No [] Don't know A. Other conditions or defects: *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification: The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER NOTICE TO THE BUYER INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller ((becomes aware)) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information(±) or an adverse change ((occurs)) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property

NINETY-FOURTH DAY, APRIL 15, 2009

transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to sales of property that arise on or after the effective date of this section."

Senator Fraser spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser and others to Substitute House Bill No. 1420.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040; and creating a new section."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1420 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1420 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1420 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kauffman

SUBSTITUTE HOUSE BILL NO. 1420 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:53 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9122, Gidget Terpstra, as a member of the Board of Trustees, Shoreline Community College District No. 7, be confirmed.

Senator Fairley spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Hewitt, Holmquist, Parlette, Roach and Zarelli were excused.

MOTION

On motion of Senator Marr, Senators Haugen, Prentice and Tom were excused.

APPOINTMENT OF GIDGET TERPSTRA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9122, Gidget Terpstra as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9122, Gidget Terpstra as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Benton, Carrell, Kauffman, Roach and Tom

Gubernatorial Appointment No. 9122, Gidget Terpstra, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9113, Jerry Smith, as a member of the Board of Trustees, Shoreline Community College District No. 7, be confirmed.

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF JERRY SMITH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9113, Jerry Smith as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9113, Jerry Smith as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Franklin

Excused: Senators Carrell, Kauffman and Tom

Gubernatorial Appointment No. 9113, Jerry Smith, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

MOTION

On motion of Senator Marr, Senator Franklin was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9056, Arlene Joe, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF ARLENE JOE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9056, Arlene Joe as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9056, Arlene Joe as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Holmquist and Kauffman

Gubernatorial Appointment No. 9056, Arlene Joe, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128, by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist and Simpson)

Concerning health care coverage for children.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that substantial progress has been made toward achieving the equally important goals set in 2007 that all children in Washington state have health care coverage by 2010 and that child health outcomes improve. The legislature also finds that continued steps are necessary to reach the goals that all children in Washington state shall have access to the health services they need to be healthy and ready to learn and that key measures of child health outcomes will show year by year improvement. The legislature further finds that reaching these goals is integral to the state's ability to weather the current economic crisis. The recent reauthorization of the federal children's health insurance program provides additional opportunities for the state to reach these goals. In view of these important objectives, the legislature intends that the apple health for kids program be managed actively across administrations in the department of social and health services, and across state and local agencies, with clear accountability for achieving the intended program outcomes. The legislature further intends that the department continue the implementation of the apple health for kids program with a commitment to fully utilizing the new program identity with appropriate materials.

Sec. 2. RCW 74.09.470 and 2007 c 5 s 2 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the department shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the department shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

other federal funding sources that are now available or may become available in the future. The department and the caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The department shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The department shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in ~~((program eligibility))~~ the source of funding for coverage, the department shall transfer the family members to the appropriate ~~((programs))~~ source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The department shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The department shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. ~~((The department shall report to the appropriate committees of the legislature on its progress in this regard by December 2007.))~~ The department shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522 ~~((except when utilization patterns suggest that fee-for-service purchasing could produce equally effective and cost-efficient care)).~~ However, the department shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable

under federal law, the department shall require families to enroll in available employer-sponsored coverage, as a condition of participating in the program established under ~~((chapter 5, Laws of 2007))~~ this section, when it is cost-effective for the state to do so. Families who enroll in available employer-sponsored coverage under ~~((chapter 5, Laws of 2007))~~ this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the department shall develop and implement a schedule of premiums for children's health care coverage due to the department from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority leaders and the speaker and minority leader of the house of representatives. Premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

(b) Beginning no later than January 1, ~~((2009))~~ 2010, the department shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without ~~((a))~~ an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide a benefit package substantially similar to that offered in the apple health for kids program, and may differ with respect to cost-sharing, and other appropriate elements from that provided to children under subsection (3) of this section including, but not limited to, application of preexisting conditions, waiting periods, and other design changes needed to offer affordable coverage. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child.

(6) The department shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The department shall collaborate with the department of health, local public health jurisdictions, the office of ~~((the))~~ the superintendent of public instruction, the department of early learning, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of early learning child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

NINETY-FOURTH DAY, APRIL 15, 2009

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The department shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) ~~((A feasibility study and))~~ An implementation plan to develop online application capability that is integrated with the department's automated client eligibility system, and to develop data linkages with the office of ~~((the))~~ the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information. ~~((The department shall submit a feasibility study on the implementation of the requirements in this subsection to the governor and legislature by July 2008.))~~

(7) The department shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section and shall report to appropriate committees of the legislature by December 2010.

NEW SECTION. Sec. 3. The department must identify, within existing resources, a staff position as the single point of contact and coordination for the apple health for kids program. The position must ensure planning and coordination of all aspects of the apple health for kids program across all the involved agencies and with the various stakeholders, facilitate the collection, reporting, and analysis of the outcome data required in section 4 of this act, and facilitate the collection and reporting of the data required in section 2 of this act. The position must strive to provide transparency and accountability for the apple health for kids program and provide public reporting of the data required in sections 2 and 4 of this act.

Sec. 4. RCW 74.09.480 and 2007 c 5 s 4 are each amended to read as follows:

(1) The department, in collaboration with the department of health, health carriers, local public health jurisdictions, children's health care providers including pediatricians, family practitioners, and pediatric subspecialists, community and migrant health centers, parents, and other purchasers, shall ((identify explicit performance measures that indicate that a child has an established and effective medical home, such as)) establish a concise set of explicit performance measures that can indicate whether children enrolled in the program are receiving

health care through an established and effective medical home, and whether the overall health of enrolled children is improving. Such indicators may include, but are not limited to:

(a) Childhood immunization rates;

(b) Well child care utilization rates, including the use of behavioral and oral health screening, and validated, structured developmental ~~((assessment tools that include behavioral and oral health screening))~~ screens using tools, that are consistent with nationally accepted pediatric guidelines and recommended administration schedule, once funding is specifically appropriated for this purpose;

(c) Care management for children with chronic illnesses;

(d) Emergency room utilization; ~~((and))~~

(e) Visual acuity and eye health;

(f) Preventive oral health service utilization; and

(g) Children's mental health status. In defining these measures the department shall be guided by the measures provided in RCW 71.36.025.

Performance measures and targets for each performance measure must be ~~((reported to the appropriate committees of the senate and house of representatives by December 1, 2007))~~ established and monitored each biennium, with a goal of achieving measurable, improved health outcomes for the children of Washington state each biennium.

(2) Beginning in calendar year 2009, targeted provider rate increases shall be linked to quality improvement measures established under this section. The department, in conjunction with those groups identified in subsection (1) of this section, shall develop parameters for determining criteria for increased payment, alternative payment methodologies, or other incentives for those practices and health plans that incorporate evidence-based practice and improve and achieve sustained improvement with respect to the measures ~~((in both fee for service and managed care)).~~

(3) The department shall provide ~~((an annual))~~ a report to the governor and the legislature related to provider performance on these measures, beginning in September 2010 for 2007 through 2009 and ((annually)) biennially thereafter. The department shall advise the legislature as to its progress towards developing this biennial reporting system by September 30, 2009.

NEW SECTION. Sec. 5. This act may be known and cited as the apple health for kids act."

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Marr to the committee striking amendment be adopted.

On page 3, line 26 after "care))" insert ", subject to conditions, limitations, and appropriations provided in the biennial appropriations act"

On page 4, line 33 after "child." insert "Any pooling of the program enrollees that results in state fiscal impact must be identified and brought to the legislature for consideration."

Senators Keiser and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Marr on page 3, line 26 to the committee striking amendment to Engrossed Substitute House Bill No. 2128.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 4, line 3 of the amendment, after "(5)" strike "(a)" and insert "((a))"

On page 4, beginning on line 17 of the amendment, strike all of subsection (b) and insert "((b) Beginning January 1, 2009, the department shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without a premium subsidy from the state. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child.))"

Senators Pflug, Schoesler, Becker, Parlette and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser, Marr and Franklin spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 4, line 3 to the committee striking amendment Engrossed Substitute House Bill No. 2128.

The motion by Senator Pflug failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Engrossed Substitute House Bill No. 2128.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "2010;" strike the remainder of the title and insert "amending RCW 74.09.470 and 74.09.480; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2128 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Marr spoke in favor of passage of the bill.

Senators Zarelli and Pflug spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2128 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2128 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Holmquist and Kauffman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:31 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:27 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1487, by Representatives Hunter, Anderson, Kessler, Wallace and Eddy

Regarding resident student classification.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1487 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Morton was excused.

MOTION

On motion of Senator Marr, Senators Brown, Kastama and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1487.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1487 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

NINETY-FOURTH DAY, APRIL 15, 2009

McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Hewitt, Holmquist, Honeyford, Kauffman, King, McCaslin, Parlette, Pflug, Stevens and Swecker

Absent: Senator Roach

Excused: Senators Brown, Kastama, Morton and Rockefeller

HOUSE BILL NO. 1487, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5001,
SENATE BILL NO. 5028,
SENATE BILL NO. 5071,
SENATE BILL NO. 5580,
SENATE BILL NO. 5642,
SENATE BILL NO. 5804,
SUBSTITUTE SENATE BILL NO. 5881,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
SENATE BILL NO. 5909,
SENATE BILL NO. 5976,
SENATE JOINT MEMORIAL NO. 8001,

SECOND READING

HOUSE BILL NO. 1835, by Representatives Angel, Rolfes, Hinkle, Anderson, Haler, Short, Parker, Johnson, Bailey, Pedersen and Warnick

Concerning the use of respectful language in state statutes.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 44.04.280 and 2004 c 175 s 1 are each amended to read as follows:

(1) The legislature recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes towards people with disabilities. Many of the terms currently used diminish the humanity and natural condition of having a disability. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members. The legislature finds it necessary to clarify preferred language for new and revised laws by requiring the use of terminology that puts the person before the disability.

(2)(a) The code reviser is directed to avoid all references to: Disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled, in any new statute, memorial, or resolution, and to change such references in any existing statute, memorial, or resolution as sections including these references are otherwise amended by law.

(b) The code reviser is directed to replace terms referenced in (a) of this subsection as appropriate with the following revised terminology: "Individuals with disabilities," "individuals with developmental disabilities," "individuals with mental illness," and "individuals with (~~mental retardation~~)"

intellectual disabilities."

(3) No statute, memorial, or resolution is invalid because it does not comply with this section.

NEW SECTION. Sec. 2. The code reviser is directed to submit a recommendation to the legislature, in the form of a bill, concerning replacement of the phrase "mental retardation" with the phrase "intellectual disability" and making other perfecting changes that may be required, throughout the Revised Code of Washington. The code reviser shall consult with legislative committee staff and other interested or affected parties. The recommendation must be submitted to the appropriate committees of the house of representatives and the senate by December 1, 2009."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 1835.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 44.04.280; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1835 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1835 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1835 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama, Morton and Rockefeller

HOUSE BILL NO. 1835 as amended by the Senate, having received the constitutional majority, was declared passed. There

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

being no objection, the title of the bill was ordered to stand as the title of the act.

program and make recommendations on how to overcome those barriers.

SECOND READING

HOUSE BILL NO. 1199, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Regarding retainage of funds on public works projects.

The measure was read the second time.

NEW SECTION. Sec. 2. By December 1, 2009, the office of minority and women's business enterprises shall, in consultation with the state treasurer and within existing resources, submit a report with recommendations to the legislature that addresses the following issues:

(1) The availability of sources of capital for certified borrowers, including the amounts and interest rates for that capital;

(2) The loans that are not being funded for certified borrowers under the current program and why those loans are not being funded;

(3) The availability of other sources of capital in the marketplace for those nonfunded loans of certified borrowers, including the amounts and interest rates for that capital;

(4) Whether there are other institutions that may be willing to make those loans that are currently not being made to certified borrowers under the program;

(5) Whether the program could be modified to encourage lenders to make those loans that are not currently being made to certified borrowers and whether the cost of those loans would be a barrier;

(6) A review of how other states seek to increase access to capital for borrowers that traditionally lack access to capital; and

(7) The role community development financial institutions could play in mitigating the cost of lending to certified borrowers who are not currently being served by the program.

Sec. 3. RCW 43.86A.060 and 2008 c 187 s 3 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW; or

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository,

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1199.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1199 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kastama, Morton and Rockefeller

HOUSE BILL NO. 1199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1167, by Representatives Hasegawa, Kenney, Simpson, Chase and Santos

Studying the linked deposit program.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the linked deposit program is not accessible to many certified small businesses that the program was created to serve. The legislature further finds that the increased involvement of community development financial institutions in the linked deposit program could increase the participation of these small businesses. The legislature intends that the office of minority and women's business enterprises report to the legislature with an analysis of barriers faced by certified small businesses that are currently not able to participate in the linked deposit

NINETY-FOURTH DAY, APRIL 15, 2009

except that the treasurer (~~shall~~) may lower the amount of the preference to ensure that the effective interest rate on the (~~time certificate of~~) deposit is not less than (~~two~~) zero percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depositary shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act expire July 1, 2010."

Senator Berkey spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to House Bill No. 1199.

The motion by Senator Berkey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.86A.060; creating new sections; and providing an expiration date."

On motion of Senator Berkey, the rules were suspended, Engrossed House Bill No. 1167 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1167 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1167 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker,

Tom and Zarelli

Excused: Senators Kastama, Morton and Rockefeller

ENGROSSED HOUSE BILL NO. 1167 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959, by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Rodne, Williams and Armstrong)

Concerning land use and transportation planning for marine container ports.

The measure was read the second time.

MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 3, line 21, after "for" insert "consideration of"

Senator Haugen spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Fairley: "Would Senator Haugen yield to a question? Senator Haugen, have you passed this by the prime sponsor? I knew nothing about it. Is he ok with it?"

Senator Haugen: "Yes I have. I spoken to the Ports and they're fine with this."

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 21 to Engrossed Substitute House Bill No. 1959.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

MOTION

Senator Murray moved that the following amendment by Senator Murray be adopted.

On page 4, after line 24, insert the following:

"**Sec. 3.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action."

Renumber the remaining section consecutively.

Senator Murray spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Fairley: "Would Senator Murray yield to a question? Senator Murray, have you spoke with or do you know if the prime sponsor is ok with this amendment.?"

Senator Murray: "Yes, my understanding is all parties are agreed."

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 2, after line 24 to Engrossed Substitute House Bill No. 1959.

The motion by Senator Murray carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "ports;" insert "amending RCW 36.70A.200;"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 1959 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1959 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1959 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Fraser

Absent: Senator Brown

Excused: Senators Kastama, Morton and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847, by House Committee on State Government & Tribal Affairs (originally sponsored by Representative Haigh)

Regarding bid limits.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute House Bill No. 1847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1847.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1847 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Parlette, Sheldon and Stevens

Excused: Senators Kastama, Morton and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1300, by House Committee on Human Services (originally sponsored by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith)

Accessing mental health information.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2008 c 156 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

((23)) (24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

((24)) (26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

((25)) (27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((26)) (28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

((27)) (30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

((28)) (31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((29)) (32) "Psychiatric advanced registered nurse

practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

((30)) (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

((31)) (34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

((32)) (35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

((33)) (36) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

((34)) (37) "Release" means legal termination of the commitment under the provisions of this chapter;

((35)) (38) "Resource management services" has the meaning given in chapter 71.24 RCW;

((36)) (39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

((37)) (40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

((38)) (42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

((39)) (44) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) A mental health service provider shall release to the persons authorized under subsection (2) of this section, upon request:

(a) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known

NINETY-FOURTH DAY, APRIL 15, 2009

address of a person who has been committed under this chapter.

(b) Information related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(i) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(ii) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(iii) Was charged with a serious violent offense and such charges were dismissed under RCW 10.77.086.

Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service provider, provided that nothing in this subsection shall require the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section shall be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals, public health officers, therapeutic court personnel, personnel of the department of corrections, or personnel of the indeterminate sentence review board, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service provider or person employed by a mental health service provider, or its legal counsel, shall be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.440.

(3) A person who requests information under subsection (1)(b) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing an offender's risk to the community;

(iii) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(iv) Responding to an offender's failure to report for department of corrections supervision.

(b) Information shall not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in an activity which constitutes a crime or a violation of community custody or parole; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under this chapter.

(c) Any information received under this section shall be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) Such information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) Such information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under

this subsection shall be subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information related to mental health services under this section shall not require the consent of the subject of the records. Such request shall be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by e-mail or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service provider, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service provider and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(9) In collaboration with interested organizations, the department shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to such requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the department shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

Sec. 3. RCW 71.05.390 and 2007 c 375 s 15 are each amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, section 2 of this act, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

(a) Employed by the facility;

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

- (b) Who has medical responsibility for the Patient's care;
- (c) Who is a designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

- (i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;
- (ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and
- (iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ "

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

~~((b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320 (3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:~~

~~—(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;~~

~~—(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;~~

~~—(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;~~

~~—(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and~~

~~—(v)) (b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.~~

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only

NINETY-FOURTH DAY, APRIL 15, 2009

after giving notice to the committed person and the person's counsel.

(10)(a) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(11)(a) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(12) To the persons designated in RCW 71.05.425 and section 2 of this act for the purposes described in ~~((that))~~ those sections.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.56 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice

of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(18) When a patient would otherwise be subject to the provisions of ~~((RCW 71.05.390))~~ this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except as provided in section 2 of this act, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 4. RCW 71.05.445 and 2005 c 504 s 711 are each amended to read as follows:

(1) ~~((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~—(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.~~

~~—(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.~~

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

~~(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.~~

~~(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.~~

~~(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.~~

~~(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service(s) provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service(s) provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service(s) provider is not required to notify the department of corrections that the mental health service(s) provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.~~

~~((4)) (2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports~~

~~identified in subsection (2) of this section).~~

~~((5)) (3) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in ((subsection (1) of this section)) RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:~~

~~(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and~~

~~(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.~~

~~((6)) (4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.~~

~~((7)) (5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.440.~~

~~((8)) (6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.~~

~~((9)) (7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.~~

~~((10)) (8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.~~

Sec. 5. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management

services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) ~~((Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:~~

~~—(i) An evaluation report provided pursuant to a written supervision plan;~~

~~—(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan;~~

~~—(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection;~~

~~—(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only;~~

~~—(k)) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.~~

((+)) (k) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of

the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

((+)) (l) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 4 of the title, after "felony;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.05.390, 71.05.445, and 71.05.630; adding a new section to chapter 71.05 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1300.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.020 and 2008 c 156 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical,

mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((23))~~ (24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((24))~~ (26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((25))~~ (27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((26))~~ (28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

~~(29)~~ (29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((27))~~ (30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((28))~~ (31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((29))~~ (32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((30))~~ (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((31))~~ (34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((32))~~ (35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((33))~~ (36) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

~~((34))~~ (37) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((35))~~ (38) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((36))~~ (39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((37))~~ (40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((38))~~ (42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records

include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

~~((39))~~ (44) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) A mental health service provider shall release to the persons authorized under subsection (2) of this section, upon request:

(a) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under this chapter.

(b) Information related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(i) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(ii) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(iii) Was charged with a serious violent offense and such charges were dismissed under RCW 10.77.086.

Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service provider, provided that nothing in this subsection shall require the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section shall be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals, public health officers, therapeutic court personnel, personnel of the department of corrections, or personnel of the indeterminate sentence review board, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service provider or person employed by a mental health service provider, or its legal counsel, shall be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.440.

(3) A person who requests information under subsection (1)(b) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision.

(b) Information shall not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under this chapter.

(c) Any information received under this section shall be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) Such information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) Such information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection shall be subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information related to mental health services under this section shall not require the consent of the subject of the records. Such request shall be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by e-mail or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service provider, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service provider and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(9) In collaboration with interested organizations, the department shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to such requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the department shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

Sec. 3. RCW 71.05.390 and 2007 c 375 s 15 are each amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, section 2 of this act, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or

involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

- (i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;
- (ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and
- (iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the

NINETY-FOURTH DAY, APRIL 15, 2009

entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

~~((b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320 (3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:~~

~~(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;~~

~~(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;~~

~~(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;~~

~~(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and~~

~~(v) (b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.~~

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only

after giving notice to the committed person and the person's counsel.

(10)(a) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(11)(a) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(12) To the persons designated in RCW 71.05.425 and section 2 of this act for the purposes described in ~~((that)) those~~ sections.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.56 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived,

NINETY-FOURTH DAY, APRIL 15, 2009

2009 REGULAR SESSION

that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(18) When a patient would otherwise be subject to the provisions of ~~((RCW 71.05.390))~~ this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except as provided in section 2 of this act, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 4. RCW 71.05.445 and 2005 c 504 s 711 are each amended to read as follows:

~~(1) (The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.~~

~~(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.~~

~~(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.~~

~~(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.~~

~~(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.~~

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service(s) provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service(s) provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service(s) provider is not required to notify the department of corrections that the mental health service(s) provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

~~((4)) (2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section).~~

~~((5)) (3) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in ((subsection (1) of this section)) RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:~~

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

NINETY-FOURTH DAY, APRIL 15, 2009

~~((6))~~ (4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

~~((7))~~ (5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.440.

~~((8))~~ (6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

~~((9))~~ (7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

~~((10))~~ (8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 5. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon

transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

~~(j) (Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:~~

~~(i) An evaluation report provided pursuant to a written supervision plan.~~

~~(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.~~

~~(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.~~

~~(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.~~

~~(k)) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.~~

~~((1)) (k) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.~~

~~((m)) (l) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.~~

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NINETY-FOURTH DAY, APRIL 15, 2009

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 1300.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "felony;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.05.390, 71.05.445, and 71.05.630; adding a new section to chapter 71.05 RCW; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1300 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1300 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1300 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Zarelli

Excused: Senators Kastama, Morton and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1300 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:12 p.m., on motion of Senator Eide, the Senate adjourned until 10:30 a.m. Thursday, April 16, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 16, 2009

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Rockefeller.

The Sergeant at Arms Color Guard consisting of Pages Taylor Kay Talcott and Jonathan Lewis, presented the Colors. Senior Pastor Roger Worsham of Rainier View Christian Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 5599,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5015
SUBSTITUTE SENATE BILL NO. 5044,
SUBSTITUTE SENATE BILL NO. 5117,
SUBSTITUTE SENATE BILL NO. 5267,
SUBSTITUTE SENATE BILL NO. 5276,
SENATE BILL NO. 5298,
SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5326,
SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5480,
SUBSTITUTE SENATE BILL NO. 5571,
SENATE BILL NO. 5587,
SUBSTITUTE SENATE BILL NO. 5613,
SECOND SUBSTITUTE SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 5752,
SUBSTITUTE SENATE BILL NO. 5765,
SUBSTITUTE SENATE BILL NO. 5776,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
SUBSTITUTE SENATE BILL NO. 5882,
SENATE BILL NO. 6068,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8013,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1413,
SUBSTITUTE HOUSE BILL NO. 1419,
HOUSE BILL NO. 1426,
ENGROSSED HOUSE BILL NO. 1461,
HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1505,
SECOND SUBSTITUTE HOUSE BILL NO. 1522,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1578,
SUBSTITUTE HOUSE BILL NO. 1733,
SUBSTITUTE HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 2052,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE JOINT MEMORIAL NO. 4000,
HOUSE JOINT MEMORIAL NO. 4005,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6174 by Senators Brandland, Marr and Hatfield

AN ACT Relating to disclosure of information regarding persons who are involved in executions; amending RCW 10.95.180; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6175 by Senators Kline, Hargrove and Kohl-Welles

AN ACT Relating to correctional cost savings; and creating a new section.

Referred to Committee on Ways & Means.

SB 6176 by Senator Keiser

AN ACT Relating to adjusting medical assistance payment rates for hospitals; and amending RCW 74.09.5225.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Referred to Committee on Ways & Means.

MOTION

SB 6177 by Senator Kastama

AN ACT Relating to public financing of campaigns; amending RCW 42.17.390, 42.17.020, 42.17.095, 42.52.180, 42.17.128, and 42.17.130; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Swecker moved adoption of the following resolution:

SENATE RESOLUTION
8649

SB 6178 by Senators Prentice and Tom

AN ACT Relating to general assistance.

Referred to Committee on Ways & Means.

By Senator Swecker

WHEREAS, There are more than 700,000 veterans residing in the state of Washington; and

WHEREAS, 18 percent of the veterans who sought jobs within one to three years of discharge are unemployed; and

WHEREAS, The state of Washington has made promises in relation to employment for veterans' and their family's sacrifices that they have made in defense to our country and our state; and

WHEREAS, The laws of the state of Washington have long granted recognition of a veteran's sacrifices by providing preferred employment opportunities for veterans regardless of physical impairment;

NOW, THEREFORE, BE IT RESOLVED, That on this day, April 16, 2009, the Washington State Senate reaffirms its dedication to the preferred employment opportunities promised to veterans in 1895; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Disabled American Veterans of Washington.

Senators Swecker, Hobbs, Shin, Kauffman and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Swecker carried and the resolution was adopted by voice vote.

SB 6179 by Senators Tom, Fairley and Prentice

AN ACT Relating to chemical dependency specialist services; and amending RCW 70.96A.037.

Referred to Committee on Ways & Means.

SB 6180 by Senators Keiser, Tom and Prentice

AN ACT Relating to home care workers.

Referred to Committee on Ways & Means.

SB 6181 by Senators Tom, Prentice and Fairley

AN ACT Relating to the intensive resource home pilot; and amending RCW 74.13.800.

Referred to Committee on Ways & Means.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives from the Washington State Department of Veterans Affairs; Paul Hardy, Retired Sgt. Majors and Chiefs Association; Ryan Nabors, Vice Chairman, Veterans Legislative Coalition; Stan Gunno, Commander, WA. Disabled American Veterans; Ernest Hume, Adjutant, WA. Disabled American Veterans; Henry Gossage, Chairman, Veterans Legislative Coalition; Cecil Cheeka, Marine Corps League; Commander Lloyd Burroughs, National Association of Black Veterans; Oscar B. Hilman, Retired General; William L. Hughes; Retired Chief Warrant Officer 3, U. S. Army; John Lee, Director, WA. State Department of Veterans Affairs and others who were seated in the gallery.

SB 6182 by Senators Fairley, Prentice and Tom

AN ACT Relating to residential habilitation centers; and amending RCW 71A.20.020.

Referred to Committee on Ways & Means.

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. I just want to make a, tell a story about how things have changed since I came home from Vietnam. When I came back I was carrying a Russian-made AK-47 as a trophy rifle. I actually carried it on a sling on my shoulder. We landed at Travis Air Force Base and were disembarked, whatever that means, and I found out that my civilian flight was just about ready to leave so I jumped in a cab, rushed to the civilian airport, ran down the concourse, they waved me through, I ran down the causeway into the aircraft, now remember I'm carrying a AK-47, I have a black beret on, I haven't shaved for three days and I had a set of wrinkled khaki uniform on. When I got to the aircraft, the stewardess said, 'May I put that in the closet for you?' Thank you Mr. President."

ESB 6183 by Senator Regala

AN ACT Relating to early deportation of illegal alien offenders; and amending RCW 9.94A.685.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2194 by Representative Appleton

AN ACT Relating to extraordinary medical placement for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

PERSONAL PRIVILEGE

Senator McCaslin: "As the last standing member of the Senate of World War II, there was some humor in the war. I remember a comedian George Gobel was in the Army, you know I was in the Army then I went to the Air Force later on but they said they stationed him in Tulsa Oklahoma and of course you didn't have control of where they stationed you but he said, 'They must of needed me there because no Japanese planes got past Tulsa.'"

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1776, by House Committee on Education Appropriations (originally sponsored by Representatives Ericks, Haigh, Priest, Hunter, Liias, Sullivan, Pedersen, Maxwell, White and Kenney)

Changing school levy provisions.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2011)~~ 2014, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year ~~((had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess.))~~ using the Initiative 728 base and the allocation the district received in the current school year pursuant to RCW 84.52.068 ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004)); and~~

(b) The difference between the allocations the district would have received the prior school year ~~((had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess.))~~ using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) ~~((For the purposes of this section;))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((8) For the purposes of this section;))~~ (b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 base" means the allocation to the student achievement fund for the prior year that would have been made under chapter 3, Laws of 2001, as approved by the voters, if all annual adjustments to the initial 2001 allocation had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's annual salary cost-of-living increases as they would have been calculated under chapter 4, Laws of 2001, as approved by the voters, if each annual cost-of-living increase had been made in previous years and in each subsequent year as provided for under chapter 4, Laws of 2001.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules ~~((and regulations))~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 2. A new section is added to chapter 84.52 RCW to read as follows:

The legislature recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted

to the voters. It is the intent of the legislature to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy.

Sec. 3. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 4. 2006 c 119 s 3 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2012))~~ 2015.

Sec. 5. 2009 c 4 s 909 (uncodified) is amended to read as follows:

Section 908 of this act expires January 1, ~~((2012))~~ 2015."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1776.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 84.52.053; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); adding a new section to chapter 84.52 RCW; and providing expiration dates."

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1776 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

MOTION

On motion of Senator Marr, Senators Brown, Rockefeller and Shin were excused.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1776 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1776 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Stevens and Swecker

Excused: Senators Rockefeller and Shin

SUBSTITUTE HOUSE BILL NO. 1776 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1413,
SUBSTITUTE HOUSE BILL NO. 1419,
HOUSE BILL NO. 1426,
ENGROSSED HOUSE BILL NO. 1461,
HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1505,
SECOND SUBSTITUTE HOUSE BILL NO. 1522,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1578,
SUBSTITUTE HOUSE BILL NO. 1733,
SUBSTITUTE HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 2052,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE JOINT MEMORIAL NO. 4000,
HOUSE JOINT MEMORIAL NO. 4005,

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President, ladies and gentlemen of the Senate. Today is a very special day. It is the birthday of a very unique person. An individual that has given a lot to this state and quite frankly I don't think it would be appropriate to let the day go without recognizing her. April 16, 1823, she was born in a farm house near St. Elser, Quebec. In 1856, thirty-three years later at the age of thirty-three, Mother Joseph led a group of five nuns to the Pacific Northwest Territories. In 1858, just two years later she opened the first hospital, St. Joseph's hospital in Vancouver, WA. One tiny room with four beds and benches all carved by her. She was a fantastic wood working expert. I mean, she was a construction expert as well. It's said that Mother Joseph would inspect construction of the hospitals, the eleven hospitals that she ultimately was responsible for building, would inspect the construction and when she identified faulty construction would rip it out herself and actually many times quite remarkably repair the faulty construction herself. This is an incredible woman and today is her birthday and I had breakfast with a dear friend this morning from Vancouver who reminded me, who happens to serve on the Board of Directors of the Southwest Washington Medical Center which, of course, started out as St. Joseph's and he reminded me that today is the birthday of Mother Joseph. You know, she's the only individual in the entire United States who's statue both graces the Capitol of her state and graces the Capitol of the United States as well. Her statue appears in Statuary Hall in the United States Congress and it also appears down here on our second floor. I went down this morning because I promised my friend that I would say a little prayer in front of St. Joseph's statue this morning remembering her and remembering her incredible contributions to this state and I wanted to just bring this to everyone else's attention. Eleven hospitals, seven academies, five Indian schools and two orphanages, not just here in Washington but throughout what was then the Northwest Territories, Oregon, Idaho, and of course, Washington State. Just an incredible person, even parts of Montana at that time, a stickler for details she was. A stickler for detail and I'm told an incredible fund raiser, an incredible fund raiser. So, I just wanted to remind people. Yes, it is personal because it touches it in Vancouver and I think it touches the rest of us in this state. The legacy that this woman has left for us has been incredible and so please let's take a moment to remember the contribution of Mother Joseph's to our great state and to our nation. Thank you Mr. President."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1946, by House Committee on Education Appropriations (originally sponsored by Representatives Carlyle, Anderson, Wallace, Angel, White, Schmick, Hasegawa, Goodman, Sullivan, Haigh, Hudgins, Kenney and Maxwell)

Regarding higher education online technology.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that the state must educate more people to higher levels to adapt to the economic and social needs of the future. While our public

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

colleges and universities have realized great success in helping students achieve their dreams, the legislature also recognizes that much more must be done to prepare current and future students for a twenty-first century economy. To raise the levels of skills and knowledge needed to sustain the state's economic prosperity and competitive position in a global environment, the public higher education system must reach out to every prospective student and citizen in unprecedented ways, with unprecedented focus.

To reach out to these citizens, the state must dismantle the barriers of geographic isolation, cost, and competing demands of work and family life. The state must create a more nimble system of learning that is student-centric, more welcoming of nontraditional and underserved students, easier to access and use, and more tailored to today's student needs and expectations.

Technology can play a key role in helping achieve this systemic goal. While only a decade ago access to personal computers was widely viewed a luxury, today computers, digital media, electronic information, and content have changed the nature of how students learn and instructors teach. This presents a vast, borderless opportunity to extend the reach and impact of the state's public educational institutions and educate more people to higher levels.

Each higher education institution and workforce program serves a unique group of students and as such, has customized its own technology solutions to meet its emerging needs. While local solutions may have served institutions of higher education in the past, paying for and operating multiple technology solutions, platforms, systems, models, agreements, and operational functionality for common applications and support services no longer serves students or the state.

Today's students access education differently. Rather than enrolling in one institution of higher education, staying two to four years and graduating, today's learners prefer a cafeteria approach; they often enroll in and move among multiple institutions - sometimes simultaneously. Rather than sitting in lecture halls taking notes, they may listen to podcasts of a lecture while grocery shopping or hold a virtual study group with classmates on a video chat room. They may prefer hybrid courses where part of their time is spent in the classroom and part is spent online. They prefer online access for commodity administrative services such as financial aid, admissions, transcript services, and more.

Institutions of higher education not only must rethink teaching and learning in a digital-networked world, but also must tailor their administrative and student services technologies to serve the mobile student who requires dynamic, customized information online and in real time. Because these relationships are changing so fast and so fundamentally, it is incumbent on the higher education system to transform its practices just as profoundly.

Therefore, the legislature intends to both study and implement its findings regarding how the state's public institutions of higher education can share core resources in instructional, including library, resources, student services, and administrative information technology resources, user help desk services, faculty professional development, and more. The study will examine how public institutions of higher education can pursue a strategy of implementing single, shared, statewide commonly needed standards-based software, web hosting and support service solutions that are cost-effective, easily integrated, user-friendly, flexible, and constantly improving. The full range of applications that serve students, faculty, and administration shall be included. Expensive, proprietary, nonstandards-based customized applications, databases and

services, and other resources that do not allow for the transparent sharing of information across institutions, agencies, and educational levels, including K-12, are inconsistent with the state's objective of educating more people to higher levels.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

All institutions of higher education are encouraged to use common online learning technologies including, but not limited to, existing learning management and web conferencing systems currently managed and governed by the state board for community and technical colleges; and share professional development materials and activities related to effective use of these tools. The state board for community and technical colleges may adjust existing vendor licenses to accommodate and provide enterprise services for any interested institutions of higher education. The common learning management system shall be designed in a way that allows for easy sharing of courses, learning objects, and other digital content among the institutions of higher education. Institutions of higher education may begin migration to these common systems immediately. The state board for community and technical colleges shall convene representatives from each four-year institution of higher education to develop a shared fee structure.

NEW SECTION. Sec. 3. (1) The higher education coordinating board shall convene a higher education technology transformation task force to improve the efficiency, effectiveness, and quality of education relative to the strategic and operational use of technology in public education.

(2) The task force shall be composed of one member from each public four-year institution of higher education; six members from the community and technical colleges; two faculty members from four-year institutions of higher education, at least one of whom is selected by statewide bargaining representatives; two faculty members from community or technical colleges, at least one of whom is selected by statewide bargaining representatives; and one member each from the state board for community and technical colleges; the higher education coordinating board; the workforce training and education coordinating board; the department of information services; and the council of presidents. The task force shall select a chair from its membership.

(3) The task force shall prepare a report that includes a plan to improve the efficiency, effectiveness, and quality of public higher education relative to the strategic and operational use of technology in higher education.

(4) In developing the plan, the institutions of higher education and their partners, identified in this section, shall take the following actions:

(a) Investigate similar efforts, strategies, programs, and options in other states, of private providers of higher education in the state, and global consortia related to:

(i) Online learning technologies including but not limited to: Learning management, ePortfolio, web conferencing systems, and other education applications;

(ii) Personalized online student services including but not limited to: Recruitment, admissions, retention, advising, academic planning, course catalogs, transfer, and financial aid management;

(iii) Integrated online administrative tools including but not limited to: Student information management; financial management; payroll; human resources; and data collection, reporting, and analysis;

(iv) Sharing library resources including but not limited to: Copyrighted physical and e-books, and consolidated electronic journals and research database licensing and other models;

(v) Methods and open licensing options for effectively sharing digital content including but not limited to: Open courseware, open textbooks, open journals, and open learning objects;

(vi) Methods for pooling, coordinating, and otherwise more efficiently managing enrollments so colleges with extra enrollment space in online courses can easily and efficiently make those spaces available to students at other colleges, or to high school students through existing dual-credit programs, without economic, governance, or institutional penalty or disincentive from the provider or recipient institution;

(vii) Methods for ensuring online courses meet agreed upon instructional guidelines, policies, and quality, and methods for sharing these best practices to improve traditional courses' quality;

(b) Develop a process and timeline for the implementation of a statewide approach based on the investigation in (a) of this subsection;

(c) Focus on statewide capability and standards that enable the efficient use of common applications, web hosting services, user support, staff training, and consolidated software licenses and open educational resources;

(d) Identify the metrics that can be used to gauge success;

(e) Conduct a comprehensive audit of existing resources used by public institutions of higher education or agencies including but not limited to technology-related: Employees; infrastructure; application licenses and costs; web hosting facilities and services; digital content licenses; student, faculty, and administrative applications and services; and the amounts and uses of technology fees charged to students. The failure of the individual public institution of higher education or agency to fully, accurately, and thoroughly account for these resources and fees in detail shall expressly be stated in the task force report;

(f) Recommend strategies and specific tactics to: (i) Reduce duplication of applications, web hosting, and support services; (ii) effectively and efficiently use technology to share costs, data, and faculty professional development; (iii) improve the quality of instruction; and (iv) increase student access, transfer capability, and the quality of student, faculty, and administration services; and

(g) Recommend governance models, funding models, and accountability measures to achieve these and related objectives.

(5) Subject to funds for this specific purpose, the higher education coordinating board shall engage an independent expert to conduct an independent technical analysis of the findings of the comprehensive technology audits outlined in subsection (4)(e) of this section.

(6) The public institutions of higher education and their partners shall jointly report their findings and recommendations to the appropriate committees of the legislature by December 1, 2010. A preliminary report shall be delivered to appropriate committees of the legislature by December 1, 2009.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senator Kilmer spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1946.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "technology;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; and creating new sections."

MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1946 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1946 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1946 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen, Rockefeller and Shin

SECOND SUBSTITUTE HOUSE BILL NO. 1946 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2132, by Representatives Quall, Anderson, Carlyle, Dammeier, Probst, Sullivan, Johnson, Hudgins, Kelley, Chase, Wood and Santos

Regarding instruction in civics.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 2132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2132.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2132 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen, Rockefeller and Shin

HOUSE BILL NO. 2132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701, by House Committee on Ways & Means (originally sponsored by Representatives Hudgins, McCoy and Hasegawa)

Authorizing the department of information services to engage in high-speed internet activities.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities. Such deployment also offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents. The legislature further finds that improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(2) The legislature intends to support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology. The legislature further intends to ensure that all Washington citizens, businesses, schools, and organizations are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, structure, or size. In addition, the legislature intends that a statewide assessment of the availability, location, service levels, and other characteristics of high-speed internet services and other advanced telecommunications services in the state be conducted.

(3) In recognition of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is the purpose of this act to make high-speed internet service more readily available

throughout the state, especially in areas with a low utilization rate.

NEW SECTION. Sec. 2. (1) The broadband mapping account is established in the custody of the state treasurer. The department shall deposit into the account such funds received from legislative appropriation, federal grants authorized under the federal broadband data improvement act, P.L. 110-385, Title I, and donated funds from private and public sources. Expenditures from the account may be used only for the purposes of sections 3 through 5 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of information services is the single eligible entity in the state for purposes of the federal broadband data improvement act, P.L. 110-385, Title I.

(3) Funding received by the department under the federal broadband data improvement act, P.L. 110-385, Title I, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(4) The department of information services shall consult with the department of community, trade, and economic development or its successor agency, the office of financial management, and the utilities and transportation commission in coordinating broadband mapping activities. In carrying out any broadband mapping activities, the provisions of P.L. 110-385, Title I, regarding trade secrets, commercial or financial information, and privileged or confidential information submitted by the federal communications commission or a broadband provider are deemed to encompass the consulted agencies.

NEW SECTION. Sec. 3. (1) Subject to the availability of federal or state funding, the department may:

(a) Develop an interactive web site to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed; and

(b) Conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and creating a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(b) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. The department shall request of state agencies, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency.

NEW SECTION. Sec. 4. (1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet

deployment technology, and available speed tiers for high-speed internet based on any publicly available data.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data.

(3) The department shall establish an accountability and oversight structure to ensure that there is transparency in the bidding and contracting process and full financial and technical accountability for any information or actions taken by a third-party contractor creating this map.

(4) In contracting for purchase of the map in subsection (2)(a) of this section, the department may take no action, nor impose any condition on the third party, that causes any record submitted by a public or private broadband service provider to the third party to meet the standard of a public record as defined in RCW 42.56.010. This prohibition does not apply to any records delivered to the department by the third party as a component of the completed map. For the purpose of RCW 42.56.010(2), the purchase by the department of a completed map may not be deemed use or ownership by the department of the underlying information used by the third party to complete the map.

(5) Data or information that is publicly available as of the effective date of this section will not cease to be publicly available due to any provision of this act.

NEW SECTION. **Sec. 5.** (1) The department, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, and such advisors as the department chooses, may prepare regular reports that identify the following:

(a) The geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state;

(b) A detailed explanation of how any amount of funding received from the federal government for the purposes of broadband mapping, deployment, and adoption will be or have been used; and

(c) A determination of how nonfederal sources may be utilized to achieve the purposes of broadband mapping, deployment, and adoption activities in the state.

(2) To the greatest extent possible, the initial report should be based upon the information identified in the geographic system maps developed under the requirements of this chapter.

(3) The initial report should be delivered to the appropriate committees of the legislature as soon as feasible, but no later than January 18, 2010.

(4) Future reports based upon the requirements of subsection (1) of this section should be delivered to the appropriate committees of the legislature by January 15th of each year.

Sec. 6. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the ~~((Washington State University extension, in consultation with the))~~ department of information services. The ~~((Washington State University extension))~~ department may contract for services in order to carry out the ~~((extension's))~~ department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are

appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 7. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:))~~ The definitions in this section apply throughout this chapter unless the context clearly required otherwise.

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board;

(21) "Administrator" means the community technology opportunity program administrator designated by the department;

(22) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and

underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology;

(23) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies;

(24) "Council" means the advisory council on digital inclusion created in section 10 of this act;

(25) "High-speed internet" means broadband;

(26) "Underserved areas" means: (a) Areas in which high-speed internet download speeds and upload speeds are significantly below the state norm; (b) any census tract that is located in a federally designated empowerment zone, enterprise community, renewal community, or low-income community; (c) an area with a significant population of economically disadvantaged residents; or (d) an area in which a significant population of the residents are not able to adopt broadband because of disability, affordability of computers or software, or a lack of technological literacy.

Sec. 8. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. The governor or the governor's designee and the director or the director's designee shall deposit into the account federal grants authorized under Division B, Title VI of the American recovery and reinvestment act of 2009, legislative appropriations, and donated funds from private and public sources for purposes related to broadband deployment and adoption, including matching funds required by the act. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only ~~(for)~~ as matching funds for federal and other grants to fund the operation of the community technology opportunity program ~~(as provided in RCW 28B.32.040)~~ under this chapter and to fund other activities authorized in this act. Only the ~~(administrator)~~ director or the ~~(administrator's)~~ director's designee may authorize expenditures from the account.

NEW SECTION. Sec. 9. (1) The governor may take all appropriate steps to carry out the purposes of Division B, Title VI of the American recovery and reinvestment act of 2009, P.L. 111-5, and maximize investment in broadband deployment and adoption in the state of Washington consistent with this act. Such steps may include the designation of a broadband deployment coordinator; review and prioritization of grant applications by public and private entities as directed by the national telecommunications and information administration, the rural utility services, and the federal communications commission; disbursement of block grant funding; and direction to state agencies to provide staffing as necessary to carry out this section. The authority for overseeing broadband adoption and deployment efforts in the state is vested in the department.

(2) The department may apply for federal funds and other grants or donations, may deposit such funds in the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act), may oversee implementation of federally funded or mandated broadband programs and may adopt rules to administer the programs. These programs may include but are not limited to the following:

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(a) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet, computer, and related information technology for the purpose of identifying barriers to adoption;

(b) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(c) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(d) Creating, implementing, and administering programs to improve computer ownership, technology literacy, digital media literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(e) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act);

(f) Creating additional programs to spur the development of high-speed internet resources in the state;

(g) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware, software, and internet purchasing programs that may include allowing participation by community technology programs in state purchasing programs; and

(h) Developing last-mile technology loan programs targeting small businesses or businesses located in unserved and underserved areas.

NEW SECTION. Sec. 10. (1) Subject to the availability of federal or state funding, the department may reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, and governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications and services, and recommendations on incentives to stimulate the demand for and development of these applications and services;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. Sections 2 through 5, 9, and 10 of this act are each added to chapter 43.105 RCW.

NEW SECTION. Sec. 13. RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 28B.32.020 (Definitions) and 2008 c 262 s 7; and

(2) RCW 43.105.350 (Request for information from providers--Limitation) and 2008 c 262 s 3.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 17. (1) If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 28B.32.010, 43.105.020, and 28B.32.030; adding new sections to chapter 43.105 RCW; creating new sections; recodifying RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 28B.32.020 and 43.105.350; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Kastama to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1701.

The motion by Senator Kastama carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Kohl-Welles and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities. Such deployment also offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents. The legislature further finds that improvements in the deployment and adoption of high-speed internet services and the

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(2) The legislature intends to support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology. The legislature further intends to ensure that all Washington citizens, businesses, schools, and organizations are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, structure, or size. In addition, the legislature intends that a statewide assessment of the availability, location, service levels, and other characteristics of high-speed internet services and other advanced telecommunications services in the state be conducted.

(3) In recognition of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is the purpose of this act to make high-speed internet service more readily available throughout the state, especially in areas and for populations with a low utilization rate.

NEW SECTION. Sec. 2. (1) The broadband mapping account is established in the custody of the state treasurer. The department shall deposit into the account such funds received from legislative appropriation, federal grants authorized under the federal broadband data improvement act, P.L. 110-385, Title I, and donated funds from private and public sources. Expenditures from the account may be used only for the purposes of sections 3 through 5 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of information services is the single eligible entity in the state for purposes of the federal broadband data improvement act, P.L. 110-385, Title I.

(3) Funding received by the department under the federal broadband data improvement act, P.L. 110-385, Title I, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(4) The department of information services shall consult with the department of community, trade, and economic development or its successor agency, the office of financial management, and the utilities and transportation commission in coordinating broadband mapping activities. In carrying out any broadband mapping activities, the provisions of P.L. 110-385, Title I, regarding trade secrets, commercial or financial information, and privileged or confidential information submitted by the federal communications commission or a broadband provider are deemed to encompass the consulted agencies.

NEW SECTION. Sec. 3. (1) Subject to the availability of federal or state funding, the department may:

(a) Develop an interactive web site to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed; and

(b) Conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and creating a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(b) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. The department shall request of state agencies, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency.

NEW SECTION. Sec. 4. (1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet deployment technology, and available speed tiers for high-speed internet based on any publicly available data.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data.

(3) The department shall establish an accountability and oversight structure to ensure that there is transparency in the bidding and contracting process and full financial and technical accountability for any information or actions taken by a third-party contractor creating this map.

(4) In contracting for purchase of the map in subsection (2)(a) of this section, the department may take no action, nor impose any condition on the third party, that causes any record submitted by a public or private broadband service provider to the third party to meet the standard of a public record as defined in RCW 42.56.010. This prohibition does not apply to any records delivered to the department by the third party as a component of the completed map. For the purpose of RCW 42.56.010(2), the purchase by the department of a completed map may not be deemed use or ownership by the department of the underlying information used by the third party to complete the map.

(5) Data or information that is publicly available as of the effective date of this section will not cease to be publicly available due to any provision of this act.

NEW SECTION. Sec. 5. (1) The department, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, and such advisors as the department chooses, may prepare regular reports that identify the following:

(a) The geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state;

(b) A detailed explanation of how any amount of funding received from the federal government for the purposes of broadband mapping, deployment, and adoption will be or have been used; and

(c) A determination of how nonfederal sources may be utilized to achieve the purposes of broadband mapping, deployment, and adoption activities in the state.

(2) To the greatest extent possible, the initial report should be based upon the information identified in the geographic system maps developed under the requirements of this chapter.

(3) The initial report should be delivered to the appropriate committees of the legislature as soon as feasible, but no later than January 18, 2010.

(4) Future reports based upon the requirements of subsection (1) of this section should be delivered to the appropriate committees of the legislature by January 15th of each year.

Sec. 6. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs

NINETY-FIFTH DAY, APRIL 16, 2009

throughout the state. The community technology opportunity program must be administered by the ~~((Washington State University extension, in consultation with the))~~ department of information services. The ~~((Washington State University extension))~~ department may contract for services in order to carry out the ~~((extension's))~~ department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 7. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:))~~ The definitions in this section apply throughout this chapter unless the context clearly required otherwise.

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board;

(21) "Administrator" means the community technology opportunity program administrator designated by the department;

(22) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology;

(23) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies;

(24) "Council" means the advisory council on digital inclusion created in section 10 of this act;

(25) "High-speed internet" means broadband.

Sec. 8. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. The governor or the governor's designee and the director or the director's designee shall deposit into the account federal grants to the state authorized under Division B, Title VI of the American recovery and reinvestment act of 2009, legislative appropriations, and donated funds from private and public sources for purposes related to broadband deployment and adoption, including matching funds required by the act. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only ((for) as matching funds for federal and other grants to fund the operation of the community technology opportunity program ((as provided in RCW 28B.32.010)) under this chapter and to fund other activities authorized in this act. Only the ((administrator)) director or the ((administrator's)) director's designee may authorize expenditures from the account.

NEW SECTION. Sec. 9. (1) The governor may take all appropriate steps to carry out the purposes of Division B, Title VI of the American recovery and reinvestment act of 2009, P.L. 111-5, and maximize investment in broadband deployment and adoption in the state of Washington consistent with this act. Such steps may include the designation of a broadband deployment and adoption coordinator; review and prioritization of grant applications by public and private entities as directed by the national telecommunications and information administration, the rural utility services, and the federal communications commission; disbursement of block grant funding; and direction to state agencies to provide staffing as necessary to carry out this section. The authority for overseeing broadband adoption and deployment efforts on behalf of the state is vested in the department.

(2) The department may apply for federal funds and other grants or donations, may deposit such funds in the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act), may oversee implementation of federally funded or mandated broadband programs for the state and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet, computer, and related information technology for the purpose of identifying barriers to adoption;

(b) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(c) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(d) Creating, implementing, and administering programs to improve computer ownership, technology literacy, digital media literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities

that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(e) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act);

(f) Creating additional programs to spur the development of high-speed internet resources in the state;

(g) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware, software, and internet purchasing programs that may include allowing participation by community technology programs in state purchasing programs; and

(h) Developing technology loan programs targeting small businesses or businesses located in unserved and underserved areas.

NEW SECTION. Sec. 10. (1) Subject to the availability of federal or state funding, the department may reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, and local government and other governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications and services, and recommendations on incentives to stimulate the demand for and development of these applications and services;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. Sections 2 through 5, 9, and 10 of this act are each added to chapter 43.105 RCW.

NEW SECTION. Sec. 13. RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

1. RCW 28B.32.020 (Definitions) and 2008 c 262 s 7; and

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

2. RCW 43.105.350 (Request for information from providers--Limitation) and 2008 c 262 s 3.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 17. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama, Kohl-Welles and Zarelli to Engrossed Second Substitute House Bill No. 1701.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 28B.32.010, 43.105.020, and 28B.32.030; adding new sections to chapter 43.105 RCW; creating new sections; recodifying RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 28B.32.020 and 43.105.350; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Second Substitute House Bill No. 1701 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1701 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1701 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brandland

Excused: Senators Haugen, Rockefeller and Shin

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1355, by House Committee on Ways & Means (originally sponsored by Representatives Probst, Quall, Kessler, Sullivan, Wallace, Maxwell, Rolfes, Springer, Green, Jacks, Carlyle, Kenney, Ormsby, Seaquist, Lias, Sells, Priest, Dammeier, Hunt, Hudgins, Morrell, Van De Wege, Moeller, Chase, Conway, Goodman, Driscoll, Simpson, Santos and Kelley)

Establishing the opportunity internship program for high school students.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1355.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1355 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Haugen and Shin

SECOND SUBSTITUTE HOUSE BILL NO. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1986, by Representatives Hasegawa, Anderson, Wallace, White and Sells

Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that peer mentoring provides tangible and long-lasting opportunities for all students, especially for low-income students, students of color, and first generation students. These benefits include improved student achievement and planning for success in postsecondary education. The legislature further finds that

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

mentoring increases the self-worth of both mentees and mentors, while cultivating opportunities to improve communication skills and develop and enhance leadership and other critical transferable skills. Furthermore, the legislature finds that mentorship provides a valuable opportunity to increase student interest in career opportunities in the counseling and teaching professions, and thus intends to support those efforts to the maximum extent possible.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.12 RCW to read as follows:

(1) Western Washington University shall create and implement a pilot mentoring program to inspire academic success and introduce elementary students to educational opportunities. In addition to establishing a pilot project on its own campus, the university, in close collaboration with the state board for community and technical colleges, shall jointly identify a community or technical college to participate in the pilot program. The community or technical college selected shall demonstrate active partnerships with interested common schools, local businesses, and community organizations. Western Washington University and the state board for community and technical colleges shall identify the community or technical college by August 1, 2009.

(2) The state board for community and technical colleges shall work in close collaboration with Western Washington University to identify a community or technical college to participate in the pilot mentoring program.

(3) The goals of the pilot project are to:

(a) Encourage at-risk elementary school students to complete high school and attend college, boosting the percentage of Washington students who continue onto college;

(b) Provide positive role models for at-risk students and allow college students the opportunity to perform community service;

(c) Strengthen relationships between the community, the university, and area youth;

(d) Introduce at-risk students to college and provide them an opportunity to experience their public colleges and universities;

(e) Increase the number of youth who view going to college as both necessary and achievable; and

(f) Develop a model that is scalable statewide.

(4) Within existing resources, the pilot institutions shall:

(a) Recruit college students interested in serving as mentors to elementary school students;

(b) Identify local elementary schools with demonstrated need for a mentoring program;

(c) Develop a curriculum used for training college mentors. The college may grant college-level credit to students who complete the course;

(d) Develop any necessary contracts or interagency agreements to facilitate program implementation;

(e) Provide ongoing support and oversight of the program;

(f) Solicit grants, awards, and gifts from individuals, businesses, agencies, and foundations;

(g) Provide community outreach and publicity for the program;

(h) Develop appropriate outcome measures and evaluate the program at regular intervals;

(i) Together with the state board for community and technical colleges and in close collaboration with other community and institutional partners, submit to the legislature:

(i) A preliminary progress report by December 1, 2010, that includes a review of preliminary findings from the pilot project, recommendations regarding the resources necessary to expand

the model statewide, and a process and timeline for statewide implementation; and

(ii) A final report, updating the findings from the preliminary report, by December 1, 2011."

Senator Kilmer spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1986.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "mentoring;" strike the remainder of the title and insert "adding a new section to chapter 28B.12 RCW; and creating a new section."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed House Bill No. 1986 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1986 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1986 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Shin

ENGROSSED HOUSE BILL NO. 1986 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Capital Budget (originally sponsored by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Lias, Green, Miloscia, Orwall, Maxwell and Simpson)

Concerning the use of capital projects funds by school districts.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation(~~(including the)~~) and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. ~~(Major)~~ Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. Funds used for this purpose may not supplant routine annual preventive maintenance expenditures made from the district's general fund. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 2. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1)

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

Senators Fraser and Brandland spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1619.

The motion by Senator Fraser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 84.52.053; and reenacting and amending RCW 28A.320.330."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1619 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Shin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1361, by Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew,

O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell

Regarding county supervised community options.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1361.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1361 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Shin

HOUSE BILL NO. 1361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Brandland was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

Regarding the recovery of gear used in the coastal Dungeness crab fishery.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

(1)(a) As part of a coastal commercial Dungeness crab pot removal program, the department shall issue a crab pot removal permit that allows the participants in the Dungeness crab-coastal fishery created in RCW 77.70.280 to remove crab pots belonging to state commercial licensed crab fisheries from

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season, regardless of whether the crab pot was originally set by the participant or not. Nothing in this section prohibits the department from exempting certain crab pots from the coastal commercial Dungeness crab pot removal program or from restricting crab pot removal activities to specific geographic areas.

(b) The director may adopt rules to provide for a permit system that allows for the lawful and orderly removal of lost or abandoned crab pots. In cooperation with individuals with a current commercial Dungeness crab-coastal license, the department may consider expansion of the coastal commercial Dungeness crab pot removal program to times within the primary season as defined by the terms of a valid permit.

(c) Beginning fifteen days after the close of the primary commercial Dungeness crab-coastal harvest season, any individual with a current commercial Dungeness crab-coastal license and a valid crab pot removal permit issued by the department may remove a crab pot or crab pots used to harvest Dungeness crabs remaining in coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season.

(2) An individual participating in permitted crab pot removal activities in coastal marine waters who has a valid crab pot removal permit, and who adheres to the provisions of the permit as they relate to crab pot removal, is exempt from complying with the lost and found property provisions in chapter 63.21 RCW. The individual who removes the crab pot under a valid crab pot removal permit takes the property free and clear of all claims of the owner or previous holder and free and clear of all individuals claiming ownership under the previous owner.

(3)(a) A person is guilty of unlawful use of a crab pot removal permit if the person:

(i) Violates any terms or conditions of the permit issued under this section; or

(ii) Violates any rule of the department applicable to the requirement for, issuance of, or use of the permit.

(b) Unlawful use of a crab pot removal permit is a misdemeanor.

Sec. 2. RCW 63.21.080 and 1994 c 51 s 6 are each amended to read as follows:

This chapter shall not apply to:

(1) Motor vehicles under chapter 46.52 RCW;

(2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW;

(3) Uniform disposition of unclaimed property under chapter 63.29 RCW; ~~((and))~~

(4) Secured vessels under chapter ~~((88-27))~~ 79A.65 RCW; and

(5) Crab pots in coastal marine waters under section 1 of this act."

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others to the committee striking amendment be adopted.

On page 1, beginning on line 12 of the amendment, after "not." strike all material through "season." on line 28 and insert the following:

"(b) Beginning fifteen days after the close of the primary commercial Dungeness crab-coastal harvest season, any individual with a current commercial Dungeness crab-coastal license and a valid crab pot removal permit issued by the

department may remove a crab pot or crab pots used to harvest Dungeness crabs remaining in coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season.

(c) In cooperation with individuals with a current commercial Dungeness crab-coastal license, the department may expand the coastal commercial Dungeness crab pot removal program to those areas closed to commercial Dungeness crab harvest prior to the end of the primary season.

(d) Nothing in this section prohibits the department from exempting certain crab pots from the coastal commercial Dungeness crab pot removal program or from restricting crab pot removal activities to specific geographic areas.

(e) The department may adopt rules to implement this subsection (1)."

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 1, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 1516.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Engrossed Substitute House Bill No. 1516.

The motion by Senator Jacobsen and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "fisheries;" strike the remainder of the title and insert "amending RCW 63.21.080; adding a new section to chapter 77.70 RCW; and prescribing penalties."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1516 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1516 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1516 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice,

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by the President Pro Tempore.

MOTION

At 1:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:55 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261, by House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Lias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler and Cox)

Concerning the state's education system.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

(2) The legislature reaffirms the work of Washington Learns and other educational task forces that have been convened over the past four years and their recommendations to make bold

reforms to the entire educational system in order to educate all students to a higher level; to focus on the individualized instructional needs of students; to strive towards closing the achievement gap and reducing dropout rates; and to prepare students for a constantly evolving workforce and increasingly demanding global economy. In enacting this legislation, the legislature intends to continue to review, evaluate, and revise the definition and funding of basic education in order to continue to fulfill the state obligation under Article IX of the state Constitution. The legislature also intends to continue to strengthen and modify the structure of the entire K-12 educational system, including nonbasic education programmatic elements, in order to build the capacity to anticipate and support potential future enhancements to basic education as the educational needs of our citizens continue to evolve.

(3) The legislature recognizes that the first step in revising the definition and funding of basic education is to create a transparent funding system for both allocations and expenditures so that not only policymakers and educators understand how the state supports basic education but also taxpayers understand this. An adequate data system that enables the legislature to make rational, data-driven decisions on what educational programs impact student learning in order to more effectively and efficiently deliver the resources necessary to provide an ample program of basic education is also a necessity. A new prototypical funding system will allow the legislature to better understand how current resources are being used. A more complete and accurate educational data system will allow the legislature to understand whether current basic education programs are supporting student learning. Only with both of these systems in place can the legislature make informed decisions on how to best implement a dynamic and evolving system of basic education.

(4) For practical and educational reasons, major changes of the program of basic education and the funding formulas to support it cannot occur instantaneously. The legislature intends to build upon the previous efforts of the legislature and the basic education task force in order to develop a realistic implementation strategy for a new instructional program after technical experts develop the details of the prototypical schools funding formulas and data and reporting system that will support a new instructional program. The legislature also intends to establish a formal structure for ongoing monitoring of the capacity of the system to implement enhancements to basic education that is evidence-based and has been proven to have positive impacts on student learning. With this information the legislature can begin a schedule for implementation of a redefined program of basic education and the resources necessary to support it. It is the legislature's intent that when the system has the capacity to fully implement future reforms and enhancements they will be included in a definition and funding of basic education.

(5) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education.

NEW SECTION. **Sec. 2.** It is the intent of the legislature that the policies and allocation formulas adopted under this act will constitute the legislature's definition of basic education under Article IX of the state Constitution once fully implemented. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors.

PART I**PROGRAM AND FUNDING OF BASIC EDUCATION**

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

~~((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.~~

~~The requirements of the Basic Education Act are)) (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ((are)) is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."~~

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

~~((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be)) A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

(1) Satisfaction of the basic education (~~(program requirements)~~) goal identified in RCW 28A.150.210 (~~(shall be considered)~~) is intended to be implemented by the following minimum instructional program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The annual average total instructional hour offering shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature and only as the capacity of the educational system is adequate to support such an increase in instructional hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) The opportunity to complete the high school coursework necessary to meet state-established high school graduation requirements.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten(~~(PROVIDED, That)~~). However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

(5) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of this act which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled(~~(; based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)~~).

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW (~~(28A.150.250 and)~~) 28A.150.260, 28A.150.390, and section 108 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula (~~(and ratios)~~) provided in RCW 28A.150.260 and those amounts of dollars

NINETY-FIFTH DAY, APRIL 16, 2009

appropriated by the legislature to fund the salary requirements of RCW ((28A.150.100 and)) 28A.150.410.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students. PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))~~

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ((28A.150.250;)) 28A.150.260(3) and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured(~~(:—PROVIDED, That)~~). However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

~~((The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures))~~ The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula (~~(based on a ratio of students to staff))~~ for the distribution of a basic education instructional allocation for each ~~((annual average full time equivalent student enrolled in a))~~ common school district. ~~((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:~~

- ~~— (a) Certificated instructional staff and their related costs;~~
- ~~— (b) Certificated administrative staff and their related costs;~~
- ~~— (c) Classified staff and their related costs;~~
- ~~— (d) Nonsalary costs;~~
- ~~— (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and~~
- ~~— (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))~~

~~(2)((a))~~ The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this

section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

~~(3)(a) To the extent the technical details of the formula have been adopted by the legislature, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.~~

~~(b) For the purposes of this section, prototypical schools are defined as follows:~~

~~(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;~~

~~(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and~~

~~(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.~~

~~(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall at a minimum specify:~~

~~(i) Basic average class size;~~

~~(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and~~

~~(iii) Average class size in grades kindergarten through three.~~

~~(d) The minimum allocation for each level of prototypical school shall include allocations for staff in addition to classroom teachers.~~

~~(4) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.~~

~~(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.

(6) The allocations under subsections (3)(b), (c)(i), and (d), (4), and (7) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(7) The distribution formula shall include allocations to school districts to support staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.

(8) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(9)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c)) (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((~~PROVIDED, That the~~

~~distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100).~~

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((~~PROVIDED, That the definition~~)) and shall be included as part of the superintendent's biennial budget request((~~PROVIDED, FURTHER, That~~)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ((appropriations)) ways and means committee and the senate ways and means committee((~~PROVIDED, FURTHER, That~~)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4):))

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ((28A.150.250;)) 28A.150.260(;) (3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((~~and other state and local funds, excluding special excess levies~~)).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) (b), (c)(i), and (d), (4), and (7), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 108. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 109. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ~~((from the state general fund))~~ for the current use of the common schools such amounts as needed for state support to ~~((the common schools))~~ school districts during the ensuing biennium ((as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010)) for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 110. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007-))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review and to the quality education council established under section 113 of this act. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation. In making proposed changes to the high school graduation requirements, the state board and the legislature shall take into account the capacity of the educational system to implement those changes and if necessary shall establish an implementation schedule that reflects the capacity needs.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is

similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 111. (1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented beginning in the 2011-12 school year to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of the funding formulas and a concurrent implementation schedule.

(3) In addition to any other details the technical working group deems necessary, the technical working group shall:

(a) Based on the intent established in RCW 28A.150.260, determine how to adjust the actual allocations to school districts from the school prototypes and what additional data might be necessary to allow adjustments based on the actual number of full-time equivalent students in each grade level at each school in the district;

(b) Recommend whether there should be additional class size categories, in addition to those in RCW 28A.150.260, that should be specified in the omnibus appropriations act for prototypical schools;

(c) Recommend what staff categories, in addition to classroom teachers, should have specified allocations included in the omnibus appropriations act for prototypical schools. In developing the list, the working group shall at a minimum consider the following categories:

(i) Principals, including assistant principals and other certificated building-level administrators;

(ii) Teacher or classified employee librarians, a function that includes information literacy, technology, and media to support school library media programs;

(iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;

(iv) Guidance counselors, a function that includes parent outreach and graduation advisor;

(v) Professional development coaches;

(vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;

(vii) Office support, technology support, and noninstructional aides;

(viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

- (ix) Student and staff safety; and
- (x) Teacher mentor enhancement; and

(d) Recommend whether additional categories of enhancements to the annual average full-time equivalent student allocation should be included in the omnibus appropriations act for prototypical schools, any recommended criteria for those enhancements, and whether restrictions on when those enhancements apply should be included. The working group shall at a minimum give consideration to the following potential enhancements:

- (i) Based on student enrollment in exploratory career and technical education courses;
- (ii) Based on student enrollment in laboratory science courses;
- (iii) Based on student enrollment in preparatory career and technical education courses;
- (iv) Based on enrollment in preparatory career and technical education courses offered through a skill center; and
- (v) Based on the enrollment of highly capable students.

(4) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(5) The working group shall be monitored and overseen by the legislature. The working group shall submit its recommendations to the legislature by December 1, 2009.

NEW SECTION. Sec. 112. A new section is added to chapter 28A.300 RCW to read as follows:

(1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall biennially make determinations on the educational system's capacity to accommodate increased resources in relation to the recommended elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

(a) Review the recommendations of the superintendent of public instruction submitted under subsection (1) of this section; and

(b) Use the information as it continues to review, evaluate, and revise the definition and funding of basic education in a manner that serves the educational needs of the citizen's of Washington; continues to fulfill the state's obligation under Article IX of the state Constitution and ensures that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

(3) "System capacity" for purposes of this section includes, but is not limited to, the ability of schools and districts to provide the capital facilities necessary to support a particular instructional program, the staffing levels necessary to support an instructional program both in terms of actual numbers of staff as well as the experience level and types of staff available to fill positions, the higher education systems capacity to prepare the

next generation of educators, and the availability of data and a data system capable of helping the state allocate its resources in a manner consistent with evidence-based practices that are shown to improve student learning.

(4) The office of the superintendent of public instruction shall report to the legislature on a biennial basis beginning December 1, 2010.

NEW SECTION. Sec. 113. (1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under section 112 of this act and the availability of data and progress of implementing the data systems required under section 202 of this act. Any recommendations for modifications to the program of basic education shall be based on scientific evidence of which programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Two members of the house of representatives, with one member representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Two members of the senate, with one member representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter . . . , Laws of 2009 (this act).

(b) The initial report shall, at a minimum, give consideration to:

(i) Establishing a statewide beginning teacher mentoring and support system;

(ii) Strategies for enriching the instruction for all students, including highly capable;

(iii) Strategies for eliminating the achievement gap;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(iv) Potential dropout reduction and student reengagement strategies;

(v) Recommendations for a program of early learning for at-risk children and whether such program should be considered part of the program of basic education; and

(vi) Any system capacity limitations as appropriate.

(6) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

(7) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

PART II

EDUCATION DATA IMPROVEMENT SYSTEM

Sec. 201. RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ~~((education [evaluation]))~~ evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that

are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((d))~~ (g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ~~(and~~

~~(e))~~ (h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and sections 202 and 203 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 202. A new section is added to chapter 43.41 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when

NINETY-FIFTH DAY, APRIL 16, 2009

changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.

(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;

(b) The capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certification program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) The capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:

(i) To support the accuracy and auditing of financial data; and

(ii) Using the prototypical school model for school district financial accounting reporting;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;

(k) Information that is centrally accessible and updated regularly; and

(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.

(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under section 203 of this act available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and section 203 of this act, only to the extent funds are available for this purpose.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.300 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 202 of this act;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or section 202 of this act should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; and

(i) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed

phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section, RCW 43.41.400, and section 202 of this act shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

NEW SECTION. Sec. 204. A new section is added to chapter 43.41 RCW to read as follows:

The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement sections 201 through 203 of this act.

PART III OTHER EDUCATIONAL PROVISIONS

NEW SECTION. Sec. 301. A new section is added to chapter 28A.500 RCW to read as follows:

(1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 302. (1) Beginning July 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under this act and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

NINETY-FIFTH DAY, APRIL 16, 2009

(3) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in section 113 of this act. The working group shall report to the legislature December 1, 2011.

Sec. 303. RCW 28A.195.010 and 2004 c 19 s 106 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum ~~((program)) instructional hour offerings ((as prescribed in RCW 28A.150.220)), with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.~~

(2) The school day shall be the same as ~~((that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools)) defined in section 102 of this act.~~

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 304. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within one radius mile from school as determined under RCW 28A.160.180(2).

Sec. 305. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

(3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding. Once all-day kindergarten is fully implemented statewide, the quality education council created in section 113 of this act shall review the performance data of the schools and students and make recommendations to the legislature as to whether all-day kindergarten should be included in the definition of basic education. As the programs are phased-in, school districts that are not receiving state funding for all-day kindergarten may charge a copay from families to help support a district-provided all-day kindergarten. Copay waivers must be available to families who are low income.

School districts must adopt a policy that clearly defines "low income," the use of a copay, and a copay waiver.

NEW SECTION. Sec. 306. A new section is added to chapter 43.79 RCW to read as follows:

(1) The education stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation and only for K-12 educational purposes. All receipts from subsections (2) and (3) of this section shall be deposited into the account.

(2) By September 30, 2011, and by September 30th of each odd-numbered year thereafter, all general state revenues that exceed the state revenues from the previous fiscal biennium, up to a maximum of five percent over the previous fiscal biennium, shall be transferred to the education stabilization account such that the amount transferred to the education stabilization account is the amount needed to maintain the previous fiscal biennium's percentage of general state revenue spent on all of K-12 education.

(3) If the amount of revenue growth is greater than five percent over the previous fiscal biennium, by September 30, 2011, and by September 30th of each odd-numbered year thereafter, an amount equal to fifty percent of the increase over five percent shall be transferred to the education stabilization account.

(4) For the purposes of this section, "general state revenues" shall be as defined by Article VIII, section 1 of the state Constitution.

PART IV CERTIFICATION AND PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 401. The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) By January 1, 2010, the professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level of certification and along the entire career continuum. In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(b) By January 1, 2010, the professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the professional educator standards

NINETY-FIFTH DAY, APRIL 16, 2009

board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work. The proposal shall establish a timeline for when the assessment will be required for successful completion of a Washington state-approved teacher preparation program. The timeline shall take into account the capacity of the K-12 education and higher education systems to accommodate the new assessment. The proposal and timeline shall also address how the assessment will be included in state-reported data on preparation program quality; and

(c) A recommendation on the length of time that a residency certificate issued to a teacher is valid and within what time period a teacher must meet the minimum level of performance for and receive a professional certificate in order to continue being certified as a teacher. In developing this recommendation, the professional educator standards board shall consult with interested stakeholders including the Washington education association, the Washington association of school administrators, association of Washington school principals, and the Washington state school directors' association and shall include with its recommendation a description of each stakeholder's comments on the recommendation.

(3) The update and proposal in subsection (2)(a) and (b) of this section shall include, at a minimum, descriptions of:

(a) Estimated costs and statutory authority needed for further development and implementation of these assessments;

(b) A common and standardized rubric for determining whether a teacher meets the minimum level of performance of the assessments; and

(c) Administration and management of the assessments.

(4) To the extent that funds are appropriated for this purpose and in accordance with the timeline established in subsection (2) of this section, recognizing the capacity limitations of the education systems, the professional educator standards board shall develop the system and process as established in subsections (1), (2), and (3) of this section throughout the remainder of the 2010-11 and 2011-12 school years.

(5) Beginning no earlier than September 1, 2011, award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board and on the results of the evaluation authorized under RCW 28A.410.210(14) and under this section, and may not require candidates to enroll in a professional certification program.

(6) Beginning July 1, 2011, educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the professional educator standards board.

Sec. 403. RCW 28A.415.360 and 2007 c 402 s 9 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) ~~((The expected outcomes of these programs are))~~ A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) Skillful guidance for students participating in alternative assessment activities;

(e) Increased rigor of course offerings especially in mathematics, science, and reading;

(f) Increased student opportunities for focused, applied mathematics and science classes;

(g) Increased student success on state achievement measures; and

(h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction ~~((regarding the use of the funds;))~~ documenting how the use of the funds ~~((is associated with))~~ contributes to measurable improvement in the ~~((expected))~~ outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

PART V

SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT

NEW SECTION. **Sec. 501.** (1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

improvement in student achievement and alignment with the federal system of accountability.

(b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

Sec. 502. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability ~~((system))~~ framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student

learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

~~(c) ((Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~— (i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;~~

~~— (ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~— (iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;~~

~~— (d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;~~

~~— (e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;~~

~~— (f) Identify performance incentive systems that have improved or have the potential to improve student achievement;~~

~~— (g)) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

superintendent of public instruction of any improvements needed to the system; and

~~((h))~~ (d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION. Sec. 503. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of

education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 111 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

PART VI COMPENSATION

NEW SECTION. Sec. 601. A new section is added to chapter 43.41 RCW to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers,

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in section 113 of this act. The working group shall make an initial report to the legislature by December 1, 2012, and shall include

in its report recommendations for whether additional further work of the group is necessary.

**PART VII
GENERAL PROVISIONS--PROGRAM OF BASIC
EDUCATION**

Sec. 701. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

~~((The learning assistance program requirements in))~~ This chapter ~~((are))~~ is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ~~((programs))~~ supplemental instruction and services to assist underachieving students. ~~((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 702. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade))~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 703. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ((The distribution formula shall be based on one or more family income factors measuring economic need.

~~—(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~—(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through~~

NINETY-FIFTH DAY, APRIL 16, 2009

twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

~~—(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.~~

~~—(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.)~~

Sec. 704. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools(~~(, and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).~~

Sec. 705. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.)) Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program(~~(, priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~~~

Sec. 706. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education(~~(, PROVIDED, That)).~~ Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW (~~(28A.150.100;))~~ 28A.150.250 through

28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, (~~(28A.160.220))~~ 28A.300.035, and 28A.300.170(~~(, and 28A.500.010))~~) shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

NEW SECTION. Sec. 707. The following acts or parts of acts are each repealed:

1. RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;
2. RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;
3. RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;
4. RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;
5. RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and
6. RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

PART VIII MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 802. Sections 1, 102, and 108 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 803. Section 113 of this act constitutes a new chapter in Title 28A RCW.

NEW SECTION. Sec. 804. Sections 101 through 109 and 701 through 707 of this act take effect September 1, 2011.

NEW SECTION. Sec. 805. Section 111 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 806. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010, 28A.160.150, 28A.150.315, 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 43.79 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

28A.155.180; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2261.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that Engrossed Substitute House Bill No. 2261 be deferred and the bill hold its place on the second reading calendar.

Senator Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pflug that Engrossed Substitute House Bill No. 2261 be deferred and hold its place on the second reading calendar.

The motion by Senator Pflug was not carried by a voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

(2) The legislature reaffirms the work of Washington Learns and other educational task forces that have been convened over the past four years and their recommendations to make bold reforms to the entire educational system in order to educate all students to a higher level; to focus on the individualized instructional needs of students; to strive towards closing the achievement gap and reducing dropout rates; and to prepare students for a constantly evolving workforce and increasingly demanding global economy. In enacting this legislation, the legislature intends to continue to review, evaluate, and revise the definition and funding of basic education in order to continue to fulfill the state obligation under Article IX of the state Constitution. The legislature also intends to continue to strengthen and modify the structure of the entire K-12 educational system, including nonbasic education programmatic elements, in order to build the capacity to anticipate and support potential future enhancements to basic education as the educational needs of our citizens continue to evolve.

(3) The legislature recognizes that the first step in revising the definition and funding of basic education is to create a transparent funding system for both allocations and expenditures so that not only policymakers and educators understand how the state supports basic education but also taxpayers. An adequate data system that enables the legislature to make rational, data-driven decisions on which educational programs impact student learning in order to more effectively and efficiently deliver the resources necessary to provide an ample program of basic education is also a necessity. A new prototypical funding system will allow the legislature to better understand how current resources are being used. A more complete and accurate

educational data system will allow the legislature to understand whether current basic education programs are supporting student learning. Only with both of these systems in place can the legislature make informed decisions on how to best implement a dynamic and evolving system of basic education.

(4) For practical and educational reasons, major changes of the program of basic education and the funding formulas to support it cannot occur instantaneously. The legislature intends to build upon the previous efforts of the legislature and the basic education task force in order to develop a realistic implementation strategy for a new instructional program after technical experts develop the details of the prototypical schools funding formulas and the data and reporting system that will support a new instructional program. The legislature also intends to establish a formal structure for monitoring the implementation by the legislature of an evolving program of basic education and the financing necessary to support such a program. The legislature intends that the redefined program of basic education and funding for the program be fully implemented by 2018.

(5) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education.

NEW SECTION. Sec. 2. It is the intent of the legislature that specified policies and allocation formulas adopted under this act will constitute the legislature's definition of basic education under Article IX of the state Constitution once fully implemented. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors.

PART I

PROGRAM AND FUNDING OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

~~((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.~~

~~The requirements of the Basic Education Act are))~~ (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ((are)) is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for

instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

~~((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be))~~ A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

~~(1) ((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:~~

~~(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;~~

~~(b)) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.~~

~~(2) Each school district shall make available to students the following minimum instructional offering each school year:~~

~~(a) For students enrolled in grades one through twelve, at least a district-wide annual average ((total instructional hour offering)) of one thousand hours((The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

~~shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group), which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature; and~~

~~(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.~~

~~(3) The instructional program of basic education provided by each school district shall include:~~

~~(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;~~

~~(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;~~

~~(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;~~

~~(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;~~

~~(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;~~

~~(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and~~

~~(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.~~

~~((2)) (4) Nothing contained in ((subsection (1) of)) this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.~~

~~((3)) (5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten((-- PROVIDED, That)), to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.~~

~~((4)) (6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.~~

~~(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and~~

28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 109 of this act which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled(~~(-- based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).~~

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260, 28A.150.390, and section 109 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula ((and ratios)) provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ((28A.150.100 and)) 28A.150.410.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students. PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))~~

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ((28A.150.250;)) 28A.150.260((-)) and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured((- PROVIDED, That)). However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

~~((The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures)) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:~~

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula (~~based on a ratio of students to staff~~) for the distribution of a basic education instructional allocation for each ((annual average full

NINETY-FIFTH DAY, APRIL 16, 2009

time equivalent student enrolled in a) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

— (a) Certificated instructional staff and their related costs;
 — (b) Certificated administrative staff and their related costs;
 — (c) Classified staff and their related costs;
 — (d) Nonsalary costs;
 — (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and

— (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.)

(2)((a)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall at a minimum specify:

(i) Basic average class size;

2009 REGULAR SESSION

(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals;

(iii) Average class size for exploratory and preparatory career and technical education, laboratory science, advanced placement, and international baccalaureate courses; and

(iv) Average class size in grades kindergarten through three.

(d) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

(i) Principals, including assistant principals, and other certificated building-level administrators;

(ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;

(iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;

(iv) Guidance counselors, performing functions including parent outreach and graduation advisor;

(v) Professional development coaches;

(vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;

(vii) Office support, technology support, and other noninstructional aides;

(viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and

(ix) Classified staff providing student and staff safety.

(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building-level costs including maintenance, custodial, and security; and central office administration.

(b) The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced based on full-time equivalent student enrollment in exploratory career and technical education courses for students in grades seven through twelve; laboratory science courses for students in grades nine through twelve; preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(6) The allocations provided under subsections (3) and (4) of this section shall be enhanced to provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent enrollment. The minimum allocation for the programs shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(7) The allocations under subsections (3)(b), (c)(i), and (d), (4), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(8) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

(9)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(10)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((~~PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100~~)).

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010

~~through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((~~PROVIDED, That the definition~~)) and shall be included as part of the superintendent's biennial budget request((~~PROVIDED, FURTHER, That~~)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ((appropriations)) ways and means committee and the senate ways and means committee((~~PROVIDED, FURTHER, That~~)).~~

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

~~((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8). PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision. PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.~~

~~(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4)).~~

Sec. 107. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
 - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;
 - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
 - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

~~((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))~~

Sec. 108. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ~~((28A.150.250,))~~ 28A.150.260(3) (b), (c)(i), and (d), (4), and (8) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256 ~~(, and other state and local funds, excluding special excess levies)).~~

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) (b), (c)(i), and (d), (4), and (8), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 109. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the

committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 110. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ~~((from the state general fund))~~ for the current use of the common schools such amounts as needed for state support to ~~((the common schools))~~ school districts during the ensuing biennium ~~((as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010))~~ for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 111. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review and to the quality education council established under section 114 of this act. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school

graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 112. (1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in section 114 of this act for consideration.

(3) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in

NINETY-FIFTH DAY, APRIL 16, 2009

section 114 of this act. The working group shall submit its recommendations to the legislature by December 1, 2009.

NEW SECTION. Sec. 113. A new section is added to chapter 28A.300 RCW to read as follows:

(1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall biennially make determinations on the educational system's capacity to accommodate increased resources in relation to the elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

(a) Review the recommendations of the superintendent of public instruction submitted under subsection (1) of this section; and

(b) Use the information as it continues to review, evaluate, and revise the definition and funding of basic education in a manner that serves the educational needs of the citizen's of Washington; continues to fulfill the state's obligation under Article IX of the state Constitution and ensures that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

(3) "System capacity" for purposes of this section includes, but is not limited to, the ability of schools and districts to provide the capital facilities necessary to support a particular instructional program, the staffing levels necessary to support an instructional program both in terms of actual numbers of staff as well as the experience level and types of staff available to fill positions, the higher education systems capacity to prepare the next generation of educators, and the availability of data and a data system capable of helping the state allocate its resources in a manner consistent with evidence-based practices that are shown to improve student learning.

(4) The office of the superintendent of public instruction shall report to the legislature on a biennial basis beginning December 1, 2010.

NEW SECTION. Sec. 114. (1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under section 113 of this act and the availability of data and progress of implementing the data systems required under section 202 of this act. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter . . . , Laws of 2009 (this act).

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter . . . , Laws of 2009 (this act). The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

(7) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 115. (1) The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.

(2) The office of the superintendent of public instruction, with the support and assistance from the department of early learning, shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

providers, school districts, thrive by five Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(3) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall:

(a) Recommend student eligibility criteria that focus on children age three and four considered most at-risk;

(b) Develop options for a service delivery system that includes school districts, educational service districts, community and technical colleges, and public and private nonsectarian organizations;

(c) Develop options for shared governance that include the superintendent of public instruction and the department of early learning each with appropriate supervisory and administrative responsibilities;

(d) Develop recommended parameters and minimum standards for the program; and

(e) Continue development of a statewide kindergarten assessment process.

(4) The early learning working group shall be monitored and overseen by the quality education council established in section 114 of this act and shall submit progress reports to the council by September 1, 2010, and September 1, 2011, with a final report by September 1, 2012.

**PART II
EDUCATION DATA IMPROVEMENT SYSTEM**

Sec. 201. RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ~~((education [evaluation]))~~ evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be

compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((d))~~ (g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; (~~and~~

~~(e))~~ (h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and sections 202 and 203 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and

NINETY-FIFTH DAY, APRIL 16, 2009

evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.

(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;

(b) The capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certification program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) The capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:

(i) To support the accuracy and auditing of financial data; and

(ii) Using the prototypical school model for school district financial accounting reporting;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;

(k) Information that is centrally accessible and updated regularly; and

(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.

(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under section 203 of this act available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and section 203 of this act, only to the extent funds are available for this purpose.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.300 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to

assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 202 of this act;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or section 202 of this act should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; and

(i) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section, RCW 43.41.400, and section 202 of this act shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

NEW SECTION. Sec. 204. A new section is added to chapter 43.41 RCW to read as follows:

The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement sections 201 through 203 of this act.

**PART III
OTHER EDUCATIONAL PROVISIONS**

NEW SECTION. Sec. 301. A new section is added to chapter 28A.500 RCW to read as follows:

(1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 302. (1) Beginning July 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under this act and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in section 114 of this act. The working group shall report to the legislature December 1, 2011.

Sec. 303. RCW 28A.195.010 and 2004 c 19 s 106 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or

NINETY-FIFTH DAY, APRIL 16, 2009

other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum ~~((program)) instructional~~ hour offerings ~~((as prescribed in RCW 28A.150.220)), with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.~~

(2) The school day shall be the same as ~~((that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools)) defined in section 102 of this act.~~

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district:

2009 REGULAR SESSION

PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 304. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within ~~((one radius mile from school))~~ the walk area as determined under RCW ~~((28A.160.180(2)))~~ 28A.160.160(5).

Sec. 305. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is ~~((more than one radius mile from the))~~ outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall ((not)) be considered part of transportation of students "to and from school" for the purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(4) "Transportation services" for students living within ~~((one radius mile from school means school transportation services including the use of buses;))~~ the walk area includes the coordination of walk-to-school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 306. RCW 28A.160.170 and 2007 c 139 s 1 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150 ((for the current school year and the number of miles estimated to be driven for pupil transportation services)), along with ((a map describing student route)) identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from-school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 307. RCW 28A.160.180 and 1996 c 279 s 3 are each amended to read as follows:

Each district's annual student transportation allocation shall be ~~((based on differential rates))~~ determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate ((a standard student mile allocation rate for determining)) the transportation allocation for those services provided for in RCW 28A.160.150. (("Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student.)) The ((standard student mile)) allocation ((rate)) formula may be adjusted to include such additional differential factors as ~~((distance, restricted))~~ basic and special passenger ((load, circumstances that require use of special types of transportation vehicles, student with disabilities load, and small fleet maintenance)) counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) ~~((For transportation services for students living within one radius mile from school;))~~ The allocation shall be based on a regression analysis of the number of basic and special students ((in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act)) transported and as many other site characteristics that are identified as being statistically significant.

(3) ~~((The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle~~

~~amortization, for determining))~~ The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees ((on education and ways and means of the senate and house of representatives)) of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation ((rates to be used)) for the following year.

Sec. 308. RCW 28A.160.190 and 1990 c 33 s 145 are each amended to read as follows:

The superintendent shall notify districts of their student transportation allocation before January 15th. ~~((If the number of eligible students in a school district changes ten percent or more from the October report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction.))~~ The superintendent shall ((to the extent funds are available,)) recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on ~~((estimated amounts))~~ the prior school year's ridership report for payments to be made in September, October, November, December, and January.

NEW SECTION. Sec. 309. A new section is added to chapter 28A.160 RCW to read as follows:

The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.

NEW SECTION. Sec. 310. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

- (a) Efficient routing of buses;
- (b) Efficient use of vehicle capacity; and
- (c) Reasonable controls on compensation costs.

(2) The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

NEW SECTION. Sec. 311. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the

NINETY-FIFTH DAY, APRIL 16, 2009

transportation of students to and from school. The phase-in shall be according to the implementation schedule adopted by the legislature and shall begin no later than the 2013-14 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

(3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

PART IV CERTIFICATION AND PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 401. The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) By January 1, 2010, the professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level of certification and along the entire career continuum. In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

2009 REGULAR SESSION

(b) By January 1, 2010, the professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work. The proposal shall establish a timeline for when the assessment will be required for successful completion of a Washington state-approved teacher preparation program. The timeline shall take into account the capacity of the K-12 education and higher education systems to accommodate the new assessment. The proposal and timeline shall also address how the assessment will be included in state-reported data on preparation program quality; and

(c) A recommendation on the length of time that a residency certificate issued to a teacher is valid and within what time period a teacher must meet the minimum level of performance for and receive a professional certificate in order to continue being certified as a teacher. In developing this recommendation, the professional educator standards board shall consult with interested stakeholders including the Washington education association, the Washington association of school administrators, association of Washington school principals, and the Washington state school directors' association and shall include with its recommendation a description of each stakeholder's comments on the recommendation.

(3) The update and proposal in subsection (2)(a) and (b) of this section shall include, at a minimum, descriptions of:

(a) Estimated costs and statutory authority needed for further development and implementation of these assessments;

(b) A common and standardized rubric for determining whether a teacher meets the minimum level of performance of the assessments; and

(c) Administration and management of the assessments.

(4) To the extent that funds are appropriated for this purpose and in accordance with the timeline established in subsection (2) of this section, recognizing the capacity limitations of the education systems, the professional educator standards board shall develop the system and process as established in subsections (1), (2), and (3) of this section throughout the remainder of the 2010-11 and 2011-12 school years.

(5) Beginning no earlier than September 1, 2011, award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board and on the results of the evaluation authorized under RCW 28A.410.210(14) and under this section, and may not require candidates to enroll in a professional certification program.

(6) Beginning July 1, 2011, educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the professional educator standards board.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Sec. 403. RCW 28A.415.360 and 2007 c 402 s 9 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) ~~((The expected outcomes of these programs are))~~ A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) Skillful guidance for students participating in alternative assessment activities;

(e) Increased rigor of course offerings especially in mathematics, science, and reading;

(f) Increased student opportunities for focused, applied mathematics and science classes;

(g) Increased student success on state achievement measures; and

(h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction ~~((regarding the use of the funds;))~~ documenting how the use of the funds ~~((is associated with))~~ contributes to measurable improvement in the ~~((expected))~~ outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

**PART V
SHARED ACCOUNTABILITY FOR SCHOOL AND
DISTRICT IMPROVEMENT**

NEW SECTION. **Sec. 501.** (1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

(b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement,

and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

Sec. 502. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability ~~((system))~~ framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the

NINETY-FIFTH DAY, APRIL 16, 2009

house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

~~(c) ((Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;~~

~~(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;~~

~~(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;~~

~~(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;~~

~~(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;~~

~~(g)) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and~~

~~((h)) (d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;~~

(5) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and

providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION. Sec. 503. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features:

(i) An academic performance audit using peer review teams of educators that considers school and community factors in

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

**PART VI
COMPENSATION**

NEW SECTION. Sec. 601. A new section is added to chapter 43.41 RCW to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district

employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in section 114 of this act. The working group shall make an initial report to the legislature by December 1, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

**PART VII
GENERAL PROVISIONS--PROGRAM OF BASIC
EDUCATION**

Sec. 701. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

~~((The learning assistance program requirements in))~~ This chapter ~~((are))~~ is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ~~((programs))~~ supplemental instruction and services to assist underachieving students. ~~((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 702. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade))~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

NINETY-FIFTH DAY, APRIL 16, 2009

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 703. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula shall be based on one or more family income factors measuring economic need.~~

~~(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.~~

~~(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.~~

~~(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.)~~

Sec. 704. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools ~~((and to provide supplemental financial assistance to school districts to meet the extra costs of these programs))~~.

Sec. 705. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program ~~((priorities for funding shall exist for the early~~

~~elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~

Sec. 706. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education ~~((PROVIDED, That))~~. Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW ~~((28A.150.100;))~~ 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ~~((28A.160.220))~~ 28A.300.035, and 28A.300.170 ~~((and 28A.500.010))~~ shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

Sec. 707. RCW 28A.185.010 and 1984 c 278 s 12 are each amended to read as follows:

Pursuant to rules ~~((and regulations))~~ adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW ~~((28A.185.020))~~ 28A.150.260.

Sec. 708. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on two and three hundred fourteen one-thousandths percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds (as may be) provided by the state for ((this program, in accordance with RCW 28A.150.370;)) the program for highly capable students under RCW 28A.150.260 shall be categorical funding ((on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment)) to provide services to highly capable students as determined by a school district under RCW 28A.185.030.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 709. The following acts or parts of acts are each repealed:

1. RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;
2. RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;
3. RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;
4. RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;
5. RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and
6. RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

**PART VIII
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 801. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 802. Sections 1, 102, and 109 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 803. Section 114 of this act constitutes a new chapter in Title 28A RCW.

NEW SECTION. Sec. 804. Sections 101 through 110 and 701 through 709 of this act take effect September 1, 2011.

NEW SECTION. Sec. 805. Sections 304 through 311 of this act take effect September 1, 2013.

NEW SECTION. Sec. 806. Section 112 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 807. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

Beginning on page 3, line 3 of the amendment, strike all of section 101

Re-number the sections consecutively and correct any internal references accordingly.

Beginning on page 6, line 21 of the amendment, strike all of section 104

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 16, line 27 of the amendment, strike all of section 107

Re-number the sections consecutively and correct any internal references accordingly.

On page 27, beginning on line 28 of the amendment, strike all of subsection (1)

Re-number the remaining subsections consecutively.

On page 28, line 3 of the amendment, after "develop the" strike "basic education"

Beginning on page 38, line 20 of the amendment, strike all of sections 303 through 309

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 59, line 6 of the amendment, strike all of

sections 701 through 708

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 64, line 15 of the amendment, strike "701 through" On page 64, line 17 of the amendment, strike "304 through" and insert "310 and"

On page 65, line 2 of the title amendment, after "RCW", strike all material through "28A.185.020;" on line 7 and insert "28A.150.210, 28A.150.250, 28A.150.260, 228A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.415.360, and 28A.305.130;"

Senators King and Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, line 3 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

Beginning on page 10, line 18 of the amendment, strike all of section 106 and insert the following:

"NEW SECTION. Sec. 106. (1) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of funding formulas based on prototypical schools and an implementation schedule and submit recommendations to the legislature by December 1, 2009.

(2) The funding formulas shall be based on minimum staff and nonstaff costs deemed necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act."

On page 18, beginning on line 10 of the amendment, after "28A.150.260(;" strike all material through "(8)" on line 11

On page 18, line 28 of the amendment, after "28A.150.260" strike all material through "(8)"

On page 65, line 3 of the title amendment, after "28A.150.250," strike "28A.150.260,"

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator Oemig spoke against adoption of the amendment to

the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 10, line 18 to the striking amendment Engrossed Substitute House Bill No. 2261.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following amendment by Senator King to the striking amendment be adopted.

On page 24, at the beginning of line 9 of the amendment, strike "and"

On page 24, line 13 of the amendment, after "consideration" insert "; and"

(d) Review and analyze all of the current state funds provided for K-12 education, including the allocations to the office of the superintendent of public instruction and the educational service districts, for the purposes of identifying efficiencies and areas where state funds could be redirected to be more effective in improving student learning"

Renumber the remaining subsections consecutively.

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator Oemig spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 24, line 9 to the striking amendment to Engrossed Substitute House Bill No. 2261.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator King to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and King to the striking amendment be adopted.

On page 22, beginning on line 26 of the amendment, after "review" strike all material through "act" on line 27

On page 24, beginning on line 11 of the amendment, after "legislature" strike all material through "act" on line 12

On page 24, beginning on line 26 of the amendment, after "legislature" strike all material through "act" on line 27

Beginning on page 25, line 27 of the amendment, strike all of section 114

Renumber the remaining section consecutively.

On page 28, beginning on line 28 of the amendment, strike all of subsection (4)

On page 38, beginning on line 17 of the amendment, after "legislature" strike all material through "act" on line 18

On page 58, beginning on line 37 of the amendment, after "legislature" strike all material through "act" on line 38

On page 64, beginning on line 13 of the amendment, strike all of section 803

Renumber the remaining sections consecutively.

On page 65, line 13 of the title amendment, after "28A.305 RCW;" strike "adding a new chapter to Title 28A RCW;"

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Jarrett spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Holmquist: "Would Senator McAuliffe yield to a question? Thank you Madam Chair. I was just wondering, I see that in this section where we're creating this quality education council that there are costs in regards to travel reimbursement and expenses and you can see that right in section 114, subsection 7, etc. So these are going to be additional cost to the tax payers to form this new layer of bureaucracy. So, my question to you Madam Chair; 'How much is this going to cost?' We just got this striking amendment earlier today. We haven't had time to get a fiscal note. Do you have any idea how much this is going to cost for the tax payers?"

Senator McAuliffe: "Yes. This is within existing funds. The people who are serving on this task force are currently funded within their agencies to do the work. We have legislators that are serving that will be serving with much of their own time and very little travel time. So, there is money in our final budgets to fund the work groups, to fund this bill but for this quality education council there is no funding at this point because there is no need."

Senator Holmquist: "Just reading from subsection 7, it says right there that they will be reimbursed for travel expenses in accordance with RCW. I mean this is the same plate language we have for every task force. It costs money so I don't think that is an accurate answer. I do appreciate you doing your best but this is going to cost money and it's right there in the bill. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and King on page 22, line 26 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator Holmquist failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Holmquist to the striking amendment be adopted.

On page 28, after line 32 of the amendment, insert the following:

"Sec. 116. RCW 28A.500.010 and 1999 c 317 s 1 are each amended to read as follows:

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

((Commencing with calendar year 2000;)) In addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds. The purpose of these funds is to mitigate the effect that above average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. These funds serve to equalize the property tax rates that individual taxpayers would pay for such levies and to provide tax relief to taxpayers in high tax rate school districts. Such funds are ~~((not))~~ part of the district's basic education allocation."

Beginning on page 37, line 3 of the amendment, strike all of sections 301 and 302

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Holmquist on page 28, after line 32 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 61, line 28, after "program", strike all material through "~~English.~~" On line 35 and insert, "; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English."

Senators Zarelli, Roach, Schoesler, Pflug, Becker, Benton, Stevens, Carrell and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Oemig, Jarrett and Kauffman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 61, line 28 to the striking amendment Engrossed Substitute House Bill No. 2261.

The motion by Senator Zarelli failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 63, after line 24 of the amendment, insert the following:

"NEW SECTION. Sec. 709. A new section is added to chapter 28A.185 RCW to read as follows:

To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for funding for a highly capable program beyond the amounts

provided through the highly capable funding formula under RCW 28A.150.260 and 28A.185.020. Safety net funds shall be awarded by the state safety net oversight committee subject to the conditions and limitations in subsections (1) through (4) of this section.

(1) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for the highly capable program exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for students in the highly capable program.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the safety net award process for the highly capable program, including determining the maximum allowable indirect cost for calculating safety net eligibility.

(3) The superintendent of public instruction shall provide technical assistance to school districts in preparing and submitting safety net applications for highly capable programs.

(4) The safety net committee for highly capable programs shall be composed of at least the following members:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor, who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of highly capable programs and funding."

Renumber the remaining section consecutively.

On page 65, line 13 of the title amendment, after "28A.305 RCW;" insert "adding a new section to chapter 28A.185 RCW;"

Senators Roach and Oemig spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 63, after line 24 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator Roach carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 7, beginning on line 5 of the amendment, after "~~school~~" strike "~~year.~~"

(a) For and insert "year. For"

On page 7, beginning on line 22 of the amendment, strike all of subsection (b)

On page 8, beginning on line 23 of the amendment, after "kindergarten" strike all material through "~~However,~~" on line 25, and insert ": PROVIDED, That"

On page 9, beginning on line 20 of the amendment, after "enrolled" strike all material through "~~28A.150.220~~")" on line 23, and insert ", based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220"

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Beginning on page 16, line 27 of the amendment, strike all of section 107 and insert the following:

"NEW SECTION. Sec. 107. (1) The legislature finds that a critical factor in a child's success in school is that the child begin school ready to learn. The legislature further finds that due to a variety of factors, disadvantaged children are at risk of not being sufficiently ready to begin school. Therefore, the legislature intends to review all-day kindergarten and early learning programs to determine whether these programs provide evidence that they are beneficial for at-risk students and whether the programs should be included in the definition of basic education.

(2) By December 1, 2010, the state board of education shall report to the legislative education and fiscal committees on the following:

(a) A review of the school and student performance in school districts that have state-funded all-day kindergarten programs, whether there is evidence that the programs have improved student's academic achievement, and whether all-day kindergarten should be included in the definition of basic education;

(b) A review of early childhood programs for disadvantaged children who are at risk of not being ready to be successful in school, whether there is evidence that the programs have improved student readiness and academic achievement, whether early learning should be included in the definition of basic education; and

(c) Recommendations for a targeted assistance program for students who are ages birth to five who are at risk of being unsuccessful academically in school."

Beginning on page 27, line 28 of the amendment, strike all of section 115

On page 65, line 3 of the title amendment, after "28A.150.260," strike "28A.150.315,"

Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senator McDermott spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 7, line 5 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 22, line 26 of the amendment, after "the" strike "quality education council" and insert "steering committee"

On page 24, at the beginning of line 12 of the amendment, strike "quality education council" and insert "steering committee"

On page 24, line 26 of the amendment, after "the" strike "quality education council" and insert "steering committee"

Beginning on page 25, line 27 of the amendment, strike all of section 114 and insert the following:

"NEW SECTION. Sec. 114. A new section is added to chapter 28A.150 RCW to read as follows:

(1) The basic education steering committee is established to monitor and oversee implementation of the new definition of basic education. The steering committee shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, workforce training and education coordinating board, department of early learning, and the office of financial management.

(2) The chair or cochairs of the steering committee shall be selected by the members of the committee.

(3) The steering committee shall:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature;

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature for consideration;

(d) Recommend options for a compensation system that provides support for effective teaching and recruitment and retention of high quality staff, including:

(i) A plan to equalize school employee salaries across the state;

(ii) Cost-of-living adjustments;

(iii) A state salary schedule for superintendents that is capped at a maximum salary and limits the amount of local funds that can be used for the salaries;

(iv) Individual or building-based bonuses based on employee performance. The bonus criteria may consider measures of improvement in student achievement, attendance, and dropout and graduation rates, and other factors; and

(v) Merit pools to balance longevity with productivity and value added.

(e) Develop options for a new system of supplemental school funding through local school levies and local effort assistance and recommend a phase-in plan that reduces reliance on local school levies concurrently with increased state funding and assures that no district suffers a decrease in overall funding from one school year to the next due to implementation of the new systems.

(4) The steering committee may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the implementation of this act. The steering committee shall also monitor and request updates and progress reports from groups or agencies developing comprehensive education data systems.

(5) The steering committee shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of this act. The initial report from the steering committee shall also contain a recommended schedule for the concurrent phase-in of any changes in the instructional program of basic education and the implementation of the funding formulas and allocations to support the instructional program of basic education. The objective of the schedule is to assure that increases in funding

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

allocations occur concurrently with increases in program and instructional requirements.

ROLL CALL

(6) The steering committee shall submit subsequent reports to the governor and the legislature by November 15, 2010, and annually thereafter, ending November 15, 2016.

(7) Staff support for the basic education steering committee shall be provided by the state agencies with representatives on the committee, the senate committee services, and the office of program research of the house of representatives. Legislative members of the steering committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. If funding is specifically provided, the committee may contract for services to complete the tasks assigned under this section.

(8) This section expires June 30, 2017."

On page 28, line 29 of the amendment, after "by the" strike "quality education council" and insert "steering committee"

On page 38, line 17 of the amendment, after "and by the" strike "quality education council" and insert "steering committee"

On page 58, line 37 of the amendment, after "and the" strike "quality education council" and insert "steering committee"

On page 64, beginning on line 13 of the amendment, strike all of section 803

Renumber the remaining sections consecutively.

On page 65, line 13 of the title amendment, after "28A.305 RCW;" strike "adding a new chapter to Title 28A RCW;"

On page 65, line 15 of the title amendment, after "dates;" insert "providing an expiration date;"

Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senator Jarrett spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 22, line 26 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and King to the striking amendment be adopted.

On page 64, after line 22 of the amendment, insert the following:

"NEW SECTION. Sec. 807. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively.

Senators Holmquist, Schoesler, Pflug and Hewitt spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Jarrett spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and King on page 64, after line 22 to the striking amendment to Engrossed Substitute House Bill No. 2261.

The Secretary called the roll on the adoption of the amendment by Senators Holmquist and King to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

Senator Eide moved to table the amendment by Senator Benton.

A division was called.

The President declared the question before the Senate to be the motion by Senator Eide to table the amendment.

The motion by Senator Eide carried on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe and others as amended to Engrossed Substitute House Bill No. 2261.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.315, 28A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, 28A.225.200, 28A.185.010, and 28A.185.020; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW; adding new sections to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and 28A.155.180; providing effective dates; and declaring an emergency."

On page 65, line 4 of the title amendment, after "28A.230.090," insert "28A.500.010,"

On page 65, beginning on line 10 of the title amendment, after "43.41 RCW;" strike all material through "28A.500 RCW;" on line 11

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2261 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Senator Benton spoke against passage of the bill.

POINT OF ORDER

Senator Marr: "Mr. President, is the speaker speaking to the bill?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton."

Senators McAuliffe, Haugen, Franklin, Kohl-Welles, Shin, Jarrett and Ranker spoke in favor of passage of the bill.

Senators Schoesler, Marr, Becker, Jacobsen, King, Pflug, Swecker and Brandland spoke against passage of the bill.

Senator Sheldon spoke on final passage of the bill.

MOTION

On motion of Senator Brandland, Senators Delvin and Roach were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2261 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2261 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, Kauffman, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Pridemore, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 2261 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. I'd like to point out that an incredible amount of work went into the legislation that just passed including the members of the Basic Education Task Force that served all during the interim chaired by Dan Grimm and including former Superintendent Bergeson, several members of the public including a couple of great superintendents and several members of the legislature. Roxanne Leib of the Institute for Public Policy and amazing staff work as well from both the House and the Senate, Heather and Mary, thank you so much for the incredible work you did. There was quite an amazing group of bipartisan House and Senate members that came together and met frequently outside of the

task force to hash through the details of how to make progress. This is like any piece of major legislation. There were steps forward and steps backward and tons of frustration also through the legislative process but amazing amount of work went into collaboration and pulling it back together again. In particular there were members of our caucus who, not even appointed to the task force, and yet showed up almost every single time. I think more than I did. Senator Oemig and Senator McAuliffe were not members of the task force and yet they attended religiously and faithfully and put a lot of work into this. So, Mr. President, I just wanted to acknowledge, as we all know with any piece of legislation, incredible work on part of the public and staff and members and a special word for me to some folks back home in Spokane who inspired me every step of the way and, of course that is the Spokane Library Moms, Lisa, Susan and Denett have done an amazing job and made national coverage with the work that they've done to keep librarians and important work of school libraries on the map. So thanks to everyone who participated in this effort."

MOTION

At 3:48 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:36 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1555, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Chase, Green, Dickerson, Rolfes, Goodman, Campbell, Morrell, Cody, Simpson, Ormsby, Van De Wege, Seaquist, Appleton, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Sullivan, Priest, Eddy and Wood)

Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.27 RCW to read as follows:

A contractor must maintain and have available for inspection by the department a list of all direct subcontractors and a copy of their certificate of registration.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

A city that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the person is registered under chapter 18.27 RCW and report violations to the department of labor and industries. The department of licensing shall conduct the verification for cities that participate in the master license system.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

A city that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

person is registered under chapter 18.27 RCW and report violations to the department of labor and industries. The department of licensing shall conduct the verification for cities that participate in the master license system.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

A county that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the person is registered under chapter 18.27 RCW and report violations to the department of labor and industries.

Sec. 5. RCW 60.28.011 and 2007 c 494 s 504 and 2007 c 218 s 92 are each reenacted and amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Titles 50, 51, and 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or

supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue, the employment security department, the department of labor and industries, and the material suppliers and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW 39.10.210. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or material person who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.210.

Sec. 6. RCW 60.28.021 and 2007 c 218 s 94 are each amended to read as follows:

After the expiration of the forty-five day period for giving notice of lien provided in RCW 60.28.011(2), and after receipt of the ~~((department of revenue's))~~ certificates of the department of revenue, the employment security department, and the department of labor and industries, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue, the employment security department, and the department of labor and industries are discharged, and the claims of material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Sec. 7. RCW 60.28.040 and 1985 c 80 s 1 are each amended to read as follows:

(1) Subject to subsection (5) of this section, the amount of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract~~((except that))~~.

(2) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more, the amount of all other taxes, increases, and penalties under Title 82 RCW, due and owing from the contractor, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(3) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, the amount of all taxes, increases, and penalties due or to become due under Titles 50 and 51 RCW from the contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(4) Subject to subsection (5) of this section, the amount of all other taxes, increases, and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

(5) The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under such a public improvement contract shall have a first priority lien against the bond or retainage prior to all other liens. ~~((The amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.))~~

Sec. 8. RCW 60.28.051 and 2007 c 210 s 2 are each amended to read as follows:

Upon completion of a contract, the state, county, or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue, the employment security department, and the department of labor and industries of the completion of contracts over thirty-five thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he or she has received from the department of revenue ~~((a)),~~ the employment security department, and the department of labor and industries certificates that all taxes, increases, and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in ~~((the))~~ each department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

Sec. 9. RCW 60.28.060 and 1967 ex.s. c 26 s 25 are each amended to read as follows:

If within thirty days after receipt of notice by the department of revenue, the employment security department, and the department of labor and industries of the completion of the contract, the amount of all taxes, increases and penalties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the department of revenue, the employment security department, and the department of labor and industries may certify to the disbursing officer the amount of all taxes, increases and penalties due from the contractor, together with the amount of all taxes due and to become due with respect to the contract and may request payment thereof ~~((to the department of revenue))~~ in

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

accordance with the priority provided by this chapter. The disbursing officer shall within ten days after receipt of such certificate and request pay to the department of revenue, the employment security department, and the department of labor and industries the amount of all taxes, increases and penalties certified to be due or to become due ~~((with respect to the particular contract, and, after payment of))~~ and all claims which by statute are a lien upon the retained percentage withheld by the disbursing officer ~~(, shall pay to the department of revenue the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the department of revenue for the balance of all taxes, increases or penalties shown to be due by the certificate of the department of revenue))~~ in accordance with the priority provided by this chapter. If the contractor owes no taxes imposed pursuant to Titles 50, 51, and 82 RCW, the department of revenue, the employment security department, and the department of labor and industries shall so certify to the disbursing officer.

NEW SECTION. Sec. 10. A new section is added to chapter 51.04 RCW to read as follows:

The department shall conduct education and outreach to employers on workers' compensation requirements and premium responsibilities, including independent contractor issues. The department shall work with new employers on an individual basis and also establish mass education campaigns.

Sec. 11. RCW 50.12.070 and 2008 c 120 s 7 are each amended to read as follows:

(1)(a) Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and compensation paid to the person or entity performing the work. In addition to the penalty in subsection (3) of this section, failure to obtain or maintain the record is subject to RCW 39.06.010 ((and to a penalty determined by the commissioner, but not to exceed two hundred fifty dollars, to be collected as provided in RCW 50.24.120)).

(2)(a) Each employer shall register with the department and obtain an employment security account number. Registration must include the names and social security numbers of the owners, partners, members, or corporate officers of the business, as well as their mailing addresses and telephone numbers and other information the commissioner may by rule prescribe. Registration of corporations must also include the percentage of stock ownership for each corporate officer, delineated by zero percent, less than ten percent, or ten percent or more. Any changes in the owners, partners, members, or corporate officers of the business, and changes in percentage of ownership of the outstanding shares of stock of the corporation, must be reported to the department at intervals prescribed by the commissioner under (b) of this subsection.

(b) Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the full names and social security numbers of all such workers, and the total hours worked by each worker and

such other information as the commissioner may by regulation prescribe.

(c) If the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked, the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked. Benefits paid using computed hours are not considered an overpayment and are not subject to collections when the correction of computed hours results in an invalid or reduced claim; however:

(i) A contribution paying employer who fails to report the number of hours worked will have its experience rating account charged for all benefits paid that are based on hours computed under this subsection; and

(ii) An employer who reimburses the trust fund for benefits paid to workers and fails to report the number of hours worked shall reimburse the trust fund for all benefits paid that are based on hours computed under this subsection.

(3) Any employer who fails to keep and preserve records required by this section shall be subject to a penalty determined by the commissioner but not to exceed two hundred fifty dollars or two hundred percent of the quarterly tax for each offense, whichever is greater.

Sec. 12. 2008 c 120 s 10 (uncodified) is amended to read as follows:

(1) The joint legislative task force on the underground economy ~~((in the Washington state construction industry))~~ is established. For purposes of this section, "underground economy" means ~~((contracting and construction))~~ business activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices ~~((in the construction industry))~~ in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy ~~((in the construction industry))~~, the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing ~~((the construction))~~ business interests, selected from nominations submitted by statewide ~~((construction))~~ business organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(iv) Four members representing ~~((construction laborers))~~ labor interests, selected from nominations submitted by statewide labor organizations and appointed jointly by the

NINETY-FIFTH DAY, APRIL 16, 2009

president of the senate and the speaker of the house of representatives;

(v) One member representing cities, appointed by an association of cities;

(vi) One member representing counties, appointed by an association of counties.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or cochairs from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4) In conducting its study in 2009, the task force may consider:

(a) Issues previously discussed by the joint legislative task force on the underground economy in the construction industry and whether these issues need to be addressed in nonconstruction industries;

(b) The role of local governments in monitoring the underground economy;

(c) The need to establish additional benchmarks and measures for purposes of section 13 of this act;

(d) Such other items the task force deems necessary.

(5)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

~~((5))~~ (6) The task force shall report its ~~((preliminary))~~ findings and recommendations to the legislature by ~~((January 1, 2008, and submit a final report to the legislature by))~~ December ~~((31, 2008))~~ 1, 2009.

~~((6))~~ (7) This section expires ~~((July 1,))~~ December 15, 2009.

NEW SECTION. Sec. 13. The department of labor and industries, the employment security department, and the department of revenue shall coordinate and report to the appropriate committees of the legislature by December 1st of each year on the effectiveness of efforts implemented since July 1, 2008, to address the underground economy. The agencies shall use benchmarks and measures established by the institute for public policy and other measures it determines appropriate.

NEW SECTION. Sec. 14. Section 11 of this act takes effect October 1, 2009."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, King and Parlette to the committee striking amendment be adopted.

On page 10, after line 23, strike all material through line 28 on page 12.

Renumber the sections consecutively and correct any internal references accordingly.

On page 13, line 5 of the title amendment, after "50.12.070;", strike "amending 2008 c 120 s 10 (uncodified);"

Senators Holmquist, Honeyford and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kohl-Welles and Marr spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Marr, Senators Brown and Hatfield were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, King and Parlette on page 10, after line 23 to the committee striking amendment to Substitute House Bill No. 1555.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1555.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 60.28.021, 60.28.040, 60.28.051, 60.28.060, and 50.12.070; amending 2008 c 120 s 10 (uncodified); reenacting and amending RCW 60.28.011; adding a new section to chapter 18.27 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1555 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1555, as amended by the Senate

ROLL CALL

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute House Bill No. 1555 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli

Excused: Senators Brown and Hatfield

SUBSTITUTE HOUSE BILL NO. 1555 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, by House Committee on Judiciary (originally sponsored by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell)

Addressing claims for damages against the state and local governmental entities.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this section.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. Presentation is accomplished by delivery to the agent or other person designated to accept delivery at the agent's office, by registered mail, or by certified mail, return receipt requested. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ~~(All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which~~

~~brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.) All claims for damages must be presented on the standard tort claim form, maintained by the risk management division of the office of financial management and on its web site, and be adopted by the local government, and must: Describe the conduct and the circumstances that brought about the injury or damage; describe the injury or damage; state the time and place that the injury or damage occurred; state the names of all persons involved, if known; and contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose. The claim form must not list the claimant's social security number and must not require information not specified under this section. The claim must be signed: (a) By the party making the claim; (b) by the claimant's parent, guardian, or personal representative; (c) by a person with a written power of attorney; or (d) by an attorney admitted to practice in Washington state on the claimant's behalf. Local governmental entities must make available the standard tort claim form with instructions on how the form is to be presented, as well as the name, address, and business hours of the agent of the local governmental entity. If the claim form provided by the local governmental entity fails to seek the information specified in this section or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to file with the proper designated agent. The amount of damages stated on the claim form is not admissible at trial.~~

(4) No action shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ~~((and filed with))~~ the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(+) calendar day period. An action commenced within five business days after the sixty calendar day period has elapsed will be deemed timely.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 2. RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, which are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this section, shall be presented to ~~((and filed with))~~ the risk management division. ~~((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or~~

NINETY-FIFTH DAY, APRIL 16, 2009

damage, state the time and place the injury or damage occurred; state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.) Presentation is accomplished by delivery to the risk management division, by registered mail, or by certified mail, return receipt requested. All claims for damages must be presented on the standard tort claim form, maintained by the risk management division and on its web site, and must: Describe the conduct and the circumstances that brought about the injury or damage; describe the injury or damage; state the date, time, and place that the injury or damage occurred; state the names of all persons involved, if known; and contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose. The claim form must not list the claimant's social security number and must not require information not specified under this section. The claim must be signed: (a) By the party making the claim; (b) by the claimant's parent, guardian, or personal representative; (c) by a person with a written power of attorney; or (d) by an attorney admitted to practice in Washington state on the claimant's behalf. The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form with instructions on how the form is to be presented, as well as the name, address, and business hours of the risk management division.

(3) With respect to the content of ((such)) claims under this section and all procedural requirements in this section, this section ((shall)) must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim presentation requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ((and filed with)) the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty ((=)) calendar day period. An action commenced within five business days after the sixty calendar day period has elapsed is deemed timely."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

The President declared the question before the Senate to be the motion by Senator Fairley to not adopt the committee striking amendment by the Committee on Government Operations & Elections to Engrossed Substitute House Bill No. 1553.

The motion by Senator Fairley carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ((All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred; state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.)) For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division of the office of financial management, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:

(i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;

(ii) Must not require the claimant's social security number; and

(iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.

(d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.

(e) Presenting either the standard tort claim form or the local government tort claim form satisfies the requirements of this chapter.

(f) The amount of damages stated on the claim form is not admissible at trial.

(4) No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ~~((and filed with))~~ the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(=) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 2. RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, shall be presented to ~~((and filed with))~~ the risk management division. ~~((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.))~~ Claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter. A claim is deemed presented when the claim form is delivered in person or by

regular mail, registered mail, or certified mail, with return receipt requested, to the risk management division. For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the risk management division. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section.

(3) With respect to the content of ~~((such))~~ claims under this section and all procedural requirements in this section, this section ~~((shall))~~ must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ~~((and filed with))~~ the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(=) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Engrossed Substitute House Bill No. 1553.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Kline moved to immediately reconsider the vote by which the striking amendment by Senator Fairley to Engrossed Substitute House Bill No. 1553 was adopted.

MOTION

Senator King moved that the following amendment by Senator King and others to the striking amendment be adopted.

On page 2, beginning on line 28 of the amendment, after "signed" strike all material through "By" on line 34 and insert "by the party making the claim, unless the party making the claim is incapacitated. If the party making the claim is incapacitated, the claim may be signed by: (i) The claimant's parent or personal representative; (ii) a person with a written power of attorney; (iii) an attorney admitted to practice in Washington state on the claimant's behalf; or (iv)"

On page 5, beginning on line 4 of the amendment, after "signed" strike all material through "By" on line 10 and insert "by the party making the claim, unless the party making the claim is incapacitated. If the party making the claim is incapacitated, the claim may be signed by: (i) The claimant's parent or personal representative; (ii) a person with a written power of attorney; (iii) an attorney admitted to practice in Washington state on the claimant's behalf; or (iv)"

Senator King spoke in favor of adoption of the amendment to the striking amendment.

Senator Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 2, line 28 to the striking amendment to Engrossed Substitute House Bill No. 1553.

The motion by Senator King failed and the amendment to the striking amendment was not adopted by a rising vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker and others to the striking amendment be adopted.

On page 3, beginning on line 20 of the amendment, strike "(f) The amount of damages stated on the claim form is not admissible at trial."

On page 5, beginning on line 12 of the amendment, strike "(c) The amount of damages stated on the claim form is not admissible at trial."

Senators Swecker, King, Haugen and Kastama spoke in favor of adoption of the amendment to the striking amendment.

Senator Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker and others on page 3, line 20 to the striking amendment to Engrossed Substitute House Bill No. 1553.

The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin and others to the striking amendment be adopted.

On page 3, beginning on line 34 of the amendment, after "section" strike "and all procedural requirements in this section"

On page 5, beginning on line 20 of the amendment, after "this section" strike "and all procedural requirements in this section"

Senator Delvin spoke in favor of adoption of the amendment

to the striking amendment.

Senator Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin and others on page 3, line 34 to the striking amendment to Engrossed Substitute House Bill No. 1553.

The motion by Senator Delvin failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Engrossed Substitute House Bill No. 1553.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1553 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1553 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1553 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Brandland, Delvin, Holmquist, Honeyford, King, Morton, Schoesler, Sheldon and Stevens

Excused: Senator Hatfield

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1836, by Representatives Ormsby, Wood, Dunshee, Campbell, Moeller, Van De Wege, Simpson, Driscoll, Chase and Conway

Regarding public works involving off-site prefabrication.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce & Consumer Protection be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 39.12 RCW to read as follows:

(1)(a) On public works projects estimated to cost over one million dollars, all contracts for the production of off-site, prefabricated, nonstandard, project-specific items entered into by the contractor or any subcontractor with any contractor or employer who is located out of state and is not required to register under chapter 18.27 RCW must contain a provision requiring the out-of-state contractor or employer to submit a certified list of any off-site, prefabricated, nonstandard, project-specific items produced under the terms of each respective contract outside Washington. The list must be submitted to the awarding agency and to the department of labor and industries within ten days of delivery under the respective contract. The list must provide:

(i) A general description of the item;

(ii) The name and address of the in-state contractor, subcontractor, or employer;

(iii) The name, address, and federal employer identification number of the out-of-state contractor, subcontractor, or employer that produced the item.

(b) If the awarding agency is aware of incidences of noncompliance with the requirement to submit a list under (a) of this subsection, the awarding agency must report such incidences to the department of labor and industries. The failure to file a certified list required under (a) of this subsection constitutes the failure to file a record required to be filed under this chapter and subjects the out-of-state contractor or employer to the penalties in RCW 39.12.050. However, no penalty may be imposed for a first violation if the contractor or employer files the certified list within a reasonable time as determined by the department of labor and industries.

(c) The in-state contractor or subcontractor that contracted for the off-site, prefabricated, nonstandard, project-specific item produced outside Washington must notify the awarding agency when reasonably possible upon receipt of the item.

(2)(a) On public works projects estimated to cost over one million dollars, all contracts for the production of off-site, prefabricated, nonstandard, project-specific items entered into by the contractor or any subcontractor with any contractor or employer who is located out of state and is not required to register under chapter 18.27 RCW must contain a provision requiring the out-of-state contractor or employer to produce certified copies of payroll records as provided in subsection (3) of this section. The contract must also state that the contractor or employer producing the item consents to the jurisdiction of Washington for the enforcement of subsection (3) of this section.

(b) If the director of the department of labor and industries determines after a hearing under chapter 34.05 RCW that an in-state contractor or subcontractor has failed to comply with this subsection, the contractor or subcontractor is subject to a civil penalty of one thousand dollars for each second or subsequent failure to comply. Civil penalties shall be deposited into the public works administration account. The civil penalty does not

apply to a violation determined by the director to be an inadvertent error.

(3) Within ten days of receipt of a request by an interested party, contractors and employers producing the items identified in subsection (2)(a) of this section outside Washington must file with the awarding agency and the department of labor and industries certified copies of payroll records. The payroll records must contain the number of labor hours expended producing the items and the hourly rate of wages paid to the workers in each trade or occupation used in producing the items. If the awarding agency is aware of incidences of noncompliance with the requirement to submit payroll records under this subsection, the awarding agency must report such incidences to the department of labor and industries. The failure to produce the certified copies constitutes the failure to file a record required to be filed under this chapter and subjects the contractor or employer to the penalties in RCW 39.12.050.

(4) This section does not apply to entities responsible for supplying the materials to the manufacturers, fabricators, or employers that will be used to complete, construct, or assemble the items prior to their delivery to the public works site.

(5)(a) The required lists, payroll records, and certifications under this section must be submitted on forms made available by the department of labor and industries.

(b) The department of general administration shall develop standard contract language to meet the requirements of subsections (1)(a) and (2)(a) of this section and make the language available on its web site.

(6) For purposes of this section, "off-site, prefabricated, nonstandard, project-specific items" means products or items that are: (a) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (b) produced specifically for the public work and not considered to be regularly available shelf items; (c) produced or manufactured by labor expended to assemble or modify standard items; and (d) produced at an off-site location.

(7) Upon request, the department of labor and industries must submit any data collected under this act to the appropriate committees of the legislature for review.

(8) This section applies to contracts entered into on or after September 1, 2009, and expires December 31, 2011.

NEW SECTION. Sec. 2 The expiration of section 1 of this act does not affect any request or proceeding instituted prior to the expiration of section 1 of this act."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

MOTION

Senator King moved that the following amendment by Senator King and others to the committee striking amendment be adopted.

On page 1, line 6, after "over" strike "one" and insert "five"

On page 2, line 11, after "over" strike "one" and insert "five"

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kohl-Welles spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King and others on page 1, line 6 to the committee striking amendment to Engrossed House Bill No. 1836.

The motion by Senator King failed and the amendment to

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

the committee striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others to the committee striking amendment be adopted.

On page 1, line 8, after "items" insert "estimated to cost over fifty thousand dollars"

On page 2, line 13, after "items" insert "estimated to cost over fifty thousand dollars"

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kohl-Welles spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 8 to the committee striking amendment to Engrossed House Bill No. 1836.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by rising vote.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin and others to the committee striking amendment be adopted.

On page 2, line 3, after "to the", strike "penalties in RCW 39.12.050" and insert "civil penalties in RCW 39.12.050(1)"

On page 2, line 24, after "penalty of", strike "one thousand" and insert "five hundred"

On page 3, line 8, after "the" strike "penalties in RCW 39.12.050" and insert "civil penalties in RCW 39.12.050(1)"

Senator Delvin spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kohl-Welles spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin and others on page 2, line 3 to the committee striking amendment to Engrossed House Bill No. 1836.

The motion by Senator Delvin failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker to the committee striking amendment be adopted.

On page 3, after line 32 of the amendment, insert the following:

"(9) This section does not apply to transportation projects."

Senators Haugen and Kohl-Welles spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 3, after line 32 to the committee striking amendment to Engrossed House Bill No. 1836.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Consumer Protection as amended to Engrossed House Bill No. 1836.

The motion by Senator Kohl-Welles carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1836 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Kline, Tom and Keiser spoke in favor of passage of the bill.

Senators Swecker, Sheldon, Haugen, Schoesler, Honeyford, King and Carrell spoke against passage of the bill.

Senator Kastama spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1836, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1836 as amended by the Senate and the bill failed the Senate by the following vote: Yeas, 24; Nays, 23; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Hargrove, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Fraser, Haugen, Hewitt, Holmquist, Honeyford, Jarrett, Kastama, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Benton

Excused: Senator Hatfield

ENGROSSED HOUSE BILL NO. 1836 as amended by the Senate, failed to receive the constitutional majority, was declared lost.

MOTION

At 5:53 p.m., on motion of Senator Eide, the Senate was declared to recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson)

Concerning parent participation in dependency matters.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the

child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative and shall determine whether the department has made efforts in this regard;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order, including why placement with a relative is not appropriate at this time. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter

care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 2. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. If the court does not place the child with a relative, the court shall indicate why placement with a relative did not occur. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or

court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 3. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025

NINETY-FIFTH DAY, APRIL 16, 2009

or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives and if not, the court shall indicate why the child is not in a relative placement;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is

later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under ~~((RCW 13.34.130 and this section))~~ this chapter is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

NEW SECTION. Sec. 4. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

(a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(c) Parent-child visits;

(d) Statutory preference for placement with a relative, if appropriate; and

(e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 6. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall

discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child with a document containing the information contained in RCW 74.13.031(16). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 8. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

~~((+))~~ (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

~~((=))~~ (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

~~((=))~~ (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

~~((+))~~ (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) Six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to the prospective adoptive parents, in writing, information describing the limits of the adoption support program including the following information:

(a) The limits on monthly in-cash payments to adoptive families;

(b) The limits on the availability of mental health services and the funds with which to pay for these services;

(c) How to access mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children;

(e) That payment for residential or group care is not available for adopted children under this chapter;

(f) The risks inherent in adopting a child from the department.

Sec. 9. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; information on the limits of the adoption support program as provided in RCW 74.13.109(4); and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may,

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 10. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

~~((+))~~ (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

~~((2))~~ (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

~~((3))~~ (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

~~((4))~~ (d) The foster parent has advocated for services on behalf of the foster child;

~~((5))~~ (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

~~((6))~~ (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens to the committee striking amendment be adopted.

On page 19, line 16, after "under", strike "this chapter", and insert "the adoption support program"

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 19, line 16 to the committee striking amendment to Engrossed Substitute House Bill No. 1782.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Engrossed Substitute House Bill No. 1782.

The motion by Senator Hargrove carried and the committee

striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.065, 74.13.031, 74.13.109, 74.13.250, and 74.13.333; reenacting and amending RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1782 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Haugen, Prentice and Rockefeller were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Roach and Schoesler were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1782 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1782 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senators Holmquist and Tom

Excused: Senators Benton, Brown, Carrell, Hatfield, Prentice and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1888, by Representatives Springer and Angel

Repealing RCW 46.12.295.

The measure was read the second time.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1888.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1888 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Prentice and Rockefeller

HOUSE BILL NO. 1888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227, by House Committee on Education Appropriations (originally sponsored by Representatives Probst, Orwall, Santos, Nelson, Sullivan, Lias, Williams, Carlyle, Maxwell, Conway, Morrell, White, Goodman, Jacks, Kenney and Seaquist)

Enacting the evergreen jobs act.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Innovation be not adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the 2009 American recovery and reinvestment act includes new investments in research and development for green industries, renewable energy production, and incentives for installation and use of renewable energy and energy efficiency retrofits. The legislature further finds that state level initiatives include additional incentives for installation of renewable energy and energy efficiency retrofits. These initiatives include new incentives for production of renewable energy that will encourage the state to use renewable energy as well as become a major supplier of renewable energy to the world.

The legislature believes that these investments and initiatives will significantly increase demand for production of renewable energy and installation of energy efficiency retrofits.

The legislature recognizes that these demands will cultivate job opportunities for Washington state residents during economic downturns as such investments are particularly valuable during those times. The legislature also finds that the state's residents and economy may be unable to take full advantage of these opportunities if there is a shortage of workers with the skills needed for jobs in renewable energy and energy efficiency.

Further, the legislature finds that the current state and federal economic climate lends itself to the acceleration of the greening of the Washington economy, and presents an opportunity for Washington to take its place as a leader in the overall green economy of the future. The legislature recognizes that in order to most efficiently and effectively capture and use existing and new funding streams and ensure that Washington does in fact become a leader in the green economy, a statewide, comprehensive, and strategic plan must be developed to monitor the use of stimulus funds and ensure that local organizations participating in the programs receive the state support they need.

Therefore, the legislature intends that Washington state accelerate the greening of its economy by creating a highly skilled green jobs workforce by emphasizing green jobs skills within existing education and training funds through the evergreen jobs initiative. The legislature intends to establish the evergreen jobs initiative to ensure that the state's workforce is prepared for the new green economy; the state attracts investment and job creation in the green economy; the state is a net exporter of green industry products and services, with special attention to renewable energy technology and components; and Washington is a national and world leader in the green economy.

To achieve these ends, the evergreen jobs initiative will create a comprehensive and responsive framework to assist Washington in receiving at least a per capita share of federal stimulus funds and to ensure that state and local agencies and organizations receive the institutional support they need to capture and effectively use those funds.

Sec. 2. RCW 43.330.310 and 2008 c 14 s 9 are each amended to read as follows:

(1) The ~~((legislature establishes))~~ Washington state evergreen jobs initiative is established as a comprehensive green economy jobs growth initiative ((based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004)) with the goals of:

(a) Creating fifteen thousand new green economy jobs by 2020, with a target of thirty percent of those jobs going to veterans, members of the national guard, and low-income and disadvantaged populations;

(b) Capturing and deploying federal funds in a focused, effective, and coordinated manner;

(c) Preparing the state's workforce to take full advantage of green economy job opportunities and to meet the recruitment and training needs of industry and small businesses;

(d) Attracting private sector investment that will create new and expand existing jobs, with an emphasis on services and products that have a high economic or environmental impact and can be exported domestically and internationally;

(e) Making Washington state a net exporter of green industry products and services, with special attention to renewable energy technology and components;

(f) Empowering local agencies and organizations to recruit green economy businesses and jobs into the state by providing state support and assistance;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(g) Capitalizing on existing partnership agreements in the Washington works plan and the Washington workforce compact; and

(h) Operating in concert with the fourteen guiding principles identified by the department in its Washington state's green economy strategic framework.

(2) ((The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board of [for] community and technical colleges, and the higher education coordinating board, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs:

(3)(a)) The department and the workforce training and education coordinating board, in consultation with a working group consisting of government agencies, labor, businesses, and the Washington state apprenticeship training council, must develop and regularly update a comprehensive strategic plan to:

(a) Coordinate efforts across the state to ensure that federal funds are captured and deployed in a focused, effective, and coordinated manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

(i) Administrative and technical assistance;

(ii) Assistance with and expediting of permit processes; and

(iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize projects that:

(i) Have a strong and lasting economic or environmental impact;

(ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;

(iii) Create training programs leading to a credential, certificate, or degree in a green economy field;

(iv) Strengthen the state's competitiveness in a particular niche of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, if determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

(h) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

(i) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities; and

(j) Develop targeting criteria for existing investments that are consistent with the economic development commission's economic development strategy and the goals of this section and sections 3 through 5 of this act.

(3) The department and the workforce training and education coordinating board, in consultation with the department's working group, must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (2)(g) of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (2)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and sections 3 through 5 of this act; and

(f) Any other recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(4) The employment security department, in consultation with the department, the state workforce training and education coordinating board, ((the state board for community and technical colleges, the higher education coordinating board,

NINETY-FIFTH DAY, APRIL 16, 2009

Washington State University small business development center, and the Washington State University extension energy program, shall) and the department's working group must take the following actions:

(a) Conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries(=);

(b) ((The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of chapter 14, Laws of 2008 and other state clean energy and energy efficiency policies, shall) Propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy((- The employment security department and the department shall take into account)); and

(c) Define which ((jobs)) family-sustaining wage and benefits ranges within green economy industries will be considered middle or high-wage occupations and occupations that are part of career pathways to the same((- based on family-sustaining wage and benefits ranges. These)).

(5) The definitions, designations, and ((the)) results of the employment security department's broader labor market research(=) under subsection (4) of this section shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

((5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries and small businesses; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who

may be retrained for high-wage occupations in high-demand green industries; (c) dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries; (d) eligible veterans or national guard members; (e) disadvantaged populations; or (f) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8)) (6) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for middle or high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall, in consultation with the department and its working group:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) ((Plan)) Recommend strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Recommend strategies to leverage and align other public and private funding sources.

((9)) (7) The ((green industries)) evergreen jobs training account is created in the state treasury. Funds deposited to the account may include gifts, grants, or endowments from public or private sources, in trust or otherwise. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state ((workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section)) department and its working group, may authorize expenditures from the account((- The state board for community and technical colleges)) but must distribute grants from the account on a competitive basis. Grant funds from the evergreen jobs training account should be used when other public or private funds are insufficient or unavailable.

(a)((f) Allowable uses of) These grant funds((- which should be used when other public or private funds are insufficient or unavailable, may include)) may be used for, but are not limited to uses for:

((A)) (i) Curriculum development;

((B)) (ii) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

((C)) (iii) Workforce education to target populations; ((and

((D)) (iv) Adult basic and remedial education as necessary linked to occupation skills training; and

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(v) Coordinated outreach efforts by institutions of higher education and workforce development councils.

~~((ii) Allowable uses of))~~ (b) These grant funds ((do not include)) may not be used for student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

~~((b))~~ (c) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

~~((e))~~ (d) In awarding grants from the ((green industries)) evergreen jobs training account, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry ((skills - skill)) skill panels;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

(8) The definitions in this subsection apply throughout this section and sections 3 through 5 of this act unless the context clearly requires otherwise.

(a) "Apprentice" means an apprentice enrolled in an apprenticeship training program approved by the Washington state apprenticeship council.

(b) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

(c) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the project. This includes hours performed by workers employed by the contractor and all subcontractors working on the project but does not include hours worked by foremen, superintendents, and owners.

(d) "Target populations" means:

(i) Entry-level or incumbent workers who are in, or are preparing for, middle or high-wage, high-demand occupations in the green economy;

(ii) Dislocated workers in declining industries who may be retrained for middle or high-wage occupations in the green economy;

(iii) Eligible veterans or national guard members;

(iv) Disadvantaged populations; or

(v) Anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs, if the programs meet minimum criteria for identification as a high-demand program of study as defined by the state board for community and technical colleges, however any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter may be subject to prioritization; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(2) The definitions in RCW 43.330.310(8) apply to this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28C.18 RCW to read as follows:

(1) The board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts may be conducted in partnership with local workforce development councils.

(2) The definitions in RCW 43.330.310(8) apply to this section.

NEW SECTION. Sec. 5. A new section is added to chapter 49.04 RCW to read as follows:

(1) The council may prioritize workforce training programs that lead to apprenticeship programs in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(2) The definitions in RCW 43.330.310(8) apply to this section.

NEW SECTION. Sec. 6. Nothing in this act may be construed as a requirement for any agency to gain approval from another before allocating funding to the local level. Nothing in this act may be construed as precluding nonstate agencies from directly applying for and securing funds from the federal government. Nothing in this act may be construed as allowing agencies to require additional reporting or approval processes

NINETY-FIFTH DAY, APRIL 16, 2009

from local organizations or to impose unfunded mandates on local organizations.

NEW SECTION. Sec. 7. This act may be known and cited as the evergreen jobs act."

On page 1, line 1 of the title, after "jobs;" strike the remainder of the title and insert "amending RCW 43.330.310; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 49.04 RCW; and creating new sections."

The President declared the question before the Senate to be the motion by Senator Kastama to not adopt the committee striking amendment by the Committee on Economic Development, Trade & Innovation to Engrossed Second Substitute House Bill No. 2227.

The motion by Senator Kastama carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the 2009 American recovery and reinvestment act includes new investments in research and development for green industries, renewable energy production, and incentives for installation and use of renewable energy and energy efficiency retrofits. The legislature further finds that state level initiatives include additional incentives for installation of renewable energy and energy efficiency retrofits. These initiatives include new incentives for production of renewable energy that will encourage the state to use renewable energy as well as become a major supplier of renewable energy to the world.

The legislature believes that these investments and initiatives will significantly increase demand for production of renewable energy and installation of energy efficiency retrofits. The legislature recognizes that these demands will cultivate job opportunities for Washington state residents during economic downturns as such investments are particularly valuable during those times. The legislature also finds that the state's residents and economy may be unable to take full advantage of these opportunities if there is a shortage of workers with the skills needed for jobs in renewable energy and energy efficiency.

Further, the legislature finds that the current state and federal economic climate lends itself to the acceleration of the greening of the Washington economy, and presents an opportunity for Washington to take its place as a leader in the green economy of the future. The legislature recognizes that in order to most efficiently and effectively capture and use existing and new funding streams and ensure that Washington does in fact become a leader in the green economy, the use of stimulus funds must be monitored to ensure that local organizations participating in the programs receive the state support they need.

Therefore, the legislature intends that Washington state accelerate the greening of its economy by creating a highly skilled green jobs workforce by emphasizing green jobs skills within existing education and training funds through the evergreen jobs initiative. The legislature intends to establish the evergreen jobs initiative to ensure that the state's workforce is prepared for the new green economy; the state attracts investment and job creation in the green economy; the state is a net exporter of green industry products and services, with special attention to renewable energy technology and components; and Washington is a national and world leader in the green economy.

To achieve these ends, the evergreen jobs initiative will create a comprehensive and responsive framework to assist Washington in receiving at least a per capita share of federal

2009 REGULAR SESSION

stimulus funds and to ensure that state and local agencies and organizations receive the institutional support they need to capture and effectively use those funds.

NEW SECTION. Sec. 2. EVERGREEN JOBS INITIATIVE. The Washington state evergreen jobs initiative is established as a comprehensive green economy jobs growth initiative with the goals of:

(1) Creating fifteen thousand new green economy jobs by 2020, with a target of thirty percent of those jobs going to veterans, members of the national guard, and low-income and disadvantaged populations;

(2) Capturing and deploying federal funds in a focused, effective, and coordinated manner;

(3) Preparing the state's workforce to take full advantage of green economy job opportunities and to meet the recruitment and training needs of industry and small businesses;

(4) Attracting private sector investment that will create new and expand existing jobs, with an emphasis on services and products that have a high economic or environmental impact and can be exported domestically and internationally;

(5) Making Washington state a net exporter of green industry products and services, with special attention to renewable energy technology and components;

(6) Empowering local agencies and organizations to recruit green economy businesses and jobs into the state by providing state support and assistance;

(7) Capitalizing on existing partnership agreements in the Washington works plan and the Washington workforce compact; and

(8) Operating in concert with the fourteen guiding principles identified by the department in its Washington state's green economy strategic framework.

NEW SECTION. Sec. 3. EVERGREEN JOBS LEADERSHIP TEAM. The department and the workforce board must create the evergreen jobs leadership team, consisting of, at a minimum, the workforce board, the economic development commission, the state board for community and technical colleges, the employment security department, the Washington state apprenticeship training council, the office of the superintendent of public instruction, labor, business, at least one representative of a local workforce development council, and other agencies or organizations as may be necessary. This leadership team may be an extension of an existing working group. The leadership team shall be chaired by a currently employed full-time equivalent person within the office of financial management designated by the governor as the single point of accountability for all energy and climate change initiatives within state agencies.

NEW SECTION. Sec. 4. EVERGREEN JOBS LEADERSHIP TEAM DUTIES. (1) The department and the workforce board, in consultation with the leadership team, must:

(a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

- (i) Administrative and technical assistance;
 - (ii) Assistance with and expediting of permit processes; and
 - (iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;
 - (d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;
 - (e) Emphasize through both support and outreach efforts, projects that:
 - (i) Have a strong and lasting economic or environmental impact;
 - (ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;
 - (iii) Create training programs leading to a credential, certificate, or degree in a green economy field;
 - (iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;
 - (v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;
 - (vi) Comply with prevailing wage provisions of chapter 39.12 RCW;
 - (vii) Ensure at least fifteen percent of labor hours are performed by apprentices;
 - (f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;
 - (g) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:
 - (i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;
 - (ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;
 - (iii) The timeliness of state deployment of funds and support to local organizations; and
 - (iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;
 - (h) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;
 - (i) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;
 - (j) Develop targeting criteria for existing investments that are consistent with the economic development commission's economic development strategy and the goals of this section and sections 8, 9, and 12 of this act; and
 - (k) Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.
- (2) The department and the workforce board, in consultation with the leadership team, must provide semiannual performance reports to the governor and appropriate committees of the legislature on:
- (a) Actual statewide performance based on the performance measures identified in subsection (1)(g) of this section;
 - (b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

- (c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;
 - (d) Recommendations for new or expanded financial incentives and comprehensive strategies to:
 - (i) Recruit, retain, and expand green economy industries and small businesses; and
 - (ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;
 - (e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and sections 8, 9, and 12 of this act; and
 - (f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.
- (3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.
- Sec. 5.** RCW 43.330.010 and 2007 c 322 s 2 are each amended to read as follows:
- DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
- (1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.
 - (2) "Department" means the department of community, trade, and economic development.
 - (3) "Director" means the director of the department of community, trade, and economic development.
 - (4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.
 - (5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.
 - (6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of community, trade, and economic development and local microenterprise development organizations.
 - (7) "Apprentice" means an apprentice enrolled in an apprenticeship training program approved by the Washington state apprenticeship council.
 - (8) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.
 - (9) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the project. This includes hours performed by workers employed by the contractor and all subcontractors working on the project but does not include hours worked by foremen, superintendents, and owners.
 - (10) "Leadership team" means the leadership team created by the department in section 3 of this act.
 - (11) "State board" means the state board for community and technical colleges created in RCW 28B.50.050.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(12) "Target populations" means:

(a) Entry-level or incumbent workers who are in, or are preparing for, middle or high-wage, high-demand occupations in the green economy;

(b) Dislocated workers in declining industries who may be retrained for middle or high-wage occupations in the green economy;

(c) Eligible veterans or national guard members;

(d) Disadvantaged populations; or

(e) Anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(13) "Workforce board" means the workforce training and education coordinating board created in RCW 28C.18.020.

NEW SECTION. Sec. 6. EVERGREEN JOBS LOGO.

The leadership team must develop a logo or sign to indicate a particular project is funded in whole or in part by Washington's evergreen jobs act or other economic recovery efforts. The department and the state board must also adopt rules requiring organizations and each project site receiving funds through the department under section 7 of this act or through the state board under section 10 of this act to prominently display such logo or sign on site and in all written materials and communications.

NEW SECTION. Sec. 7. SKILL AND QUALIFICATIONS IDENTIFICATION.

(1) The leadership team, in consultation with the department, the state board, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction, shall identify the necessary skills and qualifications required to perform the energy audits and energy efficiency services authorized under chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649) and satisfy the goals of chapter . . . , Laws of 2009 (Substitute Senate Bill No. 5921).

(2) The leadership team, in consultation with the department, the state board, and the workforce board, shall direct the delivery of education and training resource moneys provided in the omnibus appropriations act for the purposes of chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649) to meet the demand in energy audit and energy efficiency services, as provided in this subsection. Moneys must be used to fund training programs that satisfy the strategic plan developed under chapter . . . , Laws of 2009 (Substitute Senate Bill No. 5921).

(a) Training resource moneys may be provided to energy audit and energy efficiency services educational programs for the following purposes:

(i) To develop and deploy curricula and training programs in accordance with this section;

(ii) To expand existing high school, community and technical college, journey-level skills improvement and apprenticeship training programs, and community-based training programs providing energy audit and energy efficiency services training;

(iii) To implement new training programs developed under the terms of this section;

(iv) To supplement internship, preapprenticeship, and apprenticeship programs using curricula developed under this section;

(v) To recruit people into these training programs; and

(vi) For other training activities identified by the department to supplement and expand the skills of the existing workforce.

(b) The department must, in consultation with the workforce board and the leadership team, prioritize educational programs that:

(i) Provide convincing evidence that they are able to provide the requisite skills education and training expeditiously; or

(ii) Provide skills education and training services to underserved and disadvantaged communities in the state, in accordance with this section. This may include, but is not limited to, at-risk youth seeking employment pathways out of poverty and into economic self-sufficiency. The department and workforce board shall consult with the employment security

department to create a strategy to ensure that the workers who receive training under these programs are provided with the type of employment opportunities contemplated by this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 28C.18 RCW to read as follows:

GREEN INDUSTRY SKILL PANELS. (1) The legislature directs the board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for middle or high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall, in consultation with the department and the leadership team:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Recommend strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Recommend strategies to leverage and align other public and private funding sources.

(2) The board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts may be conducted in partnership with local workforce development councils.

(3) The definitions in RCW 43.330.010 apply to this section.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.50 RCW to read as follows:

CURRICULUM DEVELOPMENT AND FUNDING. (1) The state board shall work with the leadership team, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the department of community, trade, and economic development under section 7 of this act.

(2) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer-demand programs of study developed under this section. To that end, the state board must coordinate with the department, the leadership team, the workforce board, or another appropriate state agency in the application for and receipt of any funding that may be made available through the federal youthbuild program, workforce investment act, job corps, or other relevant federal programs.

(3) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the

NINETY-FIFTH DAY, APRIL 16, 2009

effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

(4) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under this section must be recognized as programs of study under RCW 28B.50.273.

(5) Subject to available funding, the board may grant enrollment priority to persons who qualify for a waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with this section.

(6) The college board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs, if the programs meet minimum criteria for identification as a high-demand program of study as defined by the state board for community and technical colleges, however any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter may be subject to prioritization; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(7) The definitions in RCW 43.330.010 apply to this section and section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

EVERGREEN JOBS TRAINING ACCOUNT. The evergreen jobs training account is created in the state treasury. Funds deposited to the account may include gifts, grants, or endowments from public or private sources, in trust or otherwise. Moneys from the account must be used to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this section. The state board, in consultation with the department and the leadership team, may authorize expenditures from the account but must distribute grants from the account on a competitive basis. Grant funds from the evergreen jobs training account should be used when other public or private funds are insufficient or unavailable.

(1) These grant funds may be used for, but are not limited to uses for:

- (a) Curriculum development;
- (b) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;
- (c) Workforce education to target populations;
- (d) Adult basic and remedial education as necessary linked to occupation skills training; and
- (e) Coordinated outreach efforts by institutions of higher education and workforce development councils.

(2) These grant funds may not be used for student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(3) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

- (a) Implementing effective education and training programs that meet industry demand; and

2009 REGULAR SESSION

(b) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(4) In awarding grants from the evergreen jobs training account, the state board shall give priority to applicants that demonstrate the ability to:

(a) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise use strategies developed by green industry skill panels;

(b) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(c) Work collaboratively with other relevant stakeholders in the regional economy;

(d) Link adult basic and remedial education, where necessary, with occupation skills training;

(e) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(f) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

NEW SECTION. Sec. 11. A new section is added to chapter 50.12 RCW to read as follows:

LABOR MARKET RESEARCH. The employment security department, in consultation with the department, the workforce board, and the leadership team must take the following actions:

(1) Conduct and update labor market research on a biennial basis to analyze the current public and private labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of public and private green economy employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries;

(2) Propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy; and

(3) Define which family-sustaining wage and benefits ranges within green economy industries will be considered middle or high-wage occupations and occupations that are part of career pathways to the same.

NEW SECTION. Sec. 12. A new section is added to chapter 49.04 RCW to read as follows:

APPRENTICESHIP PROGRAMS. (1) The council must evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver its findings to the department of community, trade, and economic development, the leadership team, and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(2) The council may prioritize workforce training programs that lead to apprenticeship programs in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, the forestry industry, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(3) The definitions in RCW 43.330.010 apply to this section.

NEW SECTION. Sec. 13. PRECLUSION. Nothing in this act may be construed as a requirement for any agency to gain approval from another before allocating funding to the local level. Nothing in this act may be construed as precluding nonstate agencies from directly applying for and securing funds from the federal government. Nothing in this act may be construed as allowing agencies to require additional reporting or approval processes from local organizations or to impose unfunded mandates on local organizations.

NEW SECTION. Sec. 14. REPEALER. RCW 43.330.310 (Comprehensive green economy jobs growth initiative--Establishment--Green industries jobs training account--Creation) and 2008 c 14 s 9 are each repealed.

NEW SECTION. Sec. 15. SHORT TITLE. This act may be known and cited as the evergreen jobs act.

NEW SECTION. Sec. 16. Sections 2 through 4, 6, and 7 of this act are each added to chapter 43.330 RCW.

NEW SECTION. Sec. 17. Captions used in this act are not any part of the law."

MOTION

Senator Kastama moved that the following amendment by Senator Rockefeller to the striking amendment be adopted.

On page 8, after line 20, strike all text through line 29, and insert:

(2) The leadership team, in consultation with the department, the state board, and the workforce board, shall direct the delivery of education and training resource moneys, provided in the omnibus appropriations act, to establish workforce training and apprenticeships programs to meet the demand for workers trained in energy audit and energy efficiency services and to serve the programs established in chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649). Moneys must be used to fund training programs that satisfy the strategic plan developed under chapter . . . , Laws of 2009 (Substitute Senate Bill No. 5921).

Senator Kastama spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 8, after line 20 to the striking amendment to Engrossed Second Substitute House Bill No. 2227.

The motion by Senator Kastama carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller as amended to Engrossed Second Substitute House Bill No. 2227.

The motion by Senator Kastama carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "jobs;" strike the remainder of the title and insert "amending RCW 43.330.010; adding new sections to chapter 43.330 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 49.04 RCW; creating new sections; and repealing RCW 43.330.310."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Second Substitute House Bill No. 2227 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2227 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2227 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Rockefeller

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2287, by House Committee on Ways & Means (originally sponsored by Representatives Kessler and Van De Wege)

Requiring state agencies to use one hundred percent recycled content paper. Revised for 1st Substitute: Concerning paper conservation.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

By July 1, 2010, each state agency shall develop and implement:

(1) A paper conservation program. Each state agency shall endeavor to conserve paper by at least thirty percent of their current paper use.

(2) A paper recycling program to encourage recycling of all paper products with the goal of recycling one hundred percent of all copy and printing paper in all buildings with twenty-five employees or more.

(3) For the purposes of this section, "state agencies" include, but are not limited to, colleges, universities, offices of elected

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

and appointed officers, the supreme court, court of appeals, and administrative departments of state government.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19A RCW to read as follows:

(1) By December 31, 2009, all state agencies shall purchase one hundred percent recycled content white cut sheet bond paper used in office printers and copiers. State agencies are encouraged to give priority to purchasing from companies that produce paper in facilities that generate energy from a renewable energy source.

(2) State agencies that utilize office printers and copiers that, after reasonable attempts, cannot be calibrated to utilize such paper referenced in subsection (1) of this section, must for those models of equipment:

(a) Purchase paper at the highest recycled content that can be utilized efficiently by the copier or printer;

(b) At the time of lease renewal or at the end of the life-cycle, either lease or purchase a model that will efficiently utilize one hundred percent recycled content white cut sheet bond paper;

(3) Printed projects that require the use of high volume production inserters or high-speed digital devices, such as those used by the state printer, department of information services, and the department of general administration, are not required to meet the one hundred percent recycled content white cut sheet bond paper standard, but must utilize the highest recycled content that can be utilized efficiently by such equipment and not impede the business of agencies.

(4) The state printer, department of general administration, and department of information services shall work together to identify for use by agencies one hundred percent recycled paper products that process efficiently through high-speed production equipment and do not impede the business of agencies.

Sec. 3. RCW 43.19A.020 and 2001 c 77 s 1 are each amended to read as follows:

(1) The federal product standards, adopted under 42 U.S.C. Sec. 6962(e) as it exists on July 1, 2001, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in this subsection, unless the director finds that a different standard would significantly increase recycled product availability or competition.

- ~~(a)~~ ~~(Paper and paper products;~~
- ~~(b))~~ Organic recovered materials;
- ~~(c))~~ (b) Latex paint products;
- ~~(d))~~ (c) Products for lower value uses containing recycled plastics;
- ~~(e))~~ (d) Retread and remanufactured tires;
- ~~(f))~~ (e) Lubricating oils;
- ~~(g))~~ (f) Automotive batteries;
- ~~(h))~~ (g) Building products and materials;
- ~~(i))~~ (h) Panelboard; and
- ~~(j))~~ (i) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed and product standards for products made from strawboard.

(3) The standards required by this section shall be applied to recycled product purchasing by the department, other state agencies, and state postsecondary educational institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow

purchases of recycled products that do not meet the minimum content requirements of the standards.

Sec. 4. RCW 43.19A.050 and 1996 c 198 s 2 are each amended to read as follows:

The department shall prepare a strategy to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The strategy shall include purchases from public works contracts. The strategy shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the strategy shall incorporate actions to achieve the following purchase level goals of ~~((recycled content paper and))~~ compost products:

~~((1))~~ Paper products as a percentage of the total dollar amount purchased on an annual basis:

- ~~(a)~~ At least sixty percent by 1996;
- ~~(b)~~ At least seventy percent by 1997;
- ~~(c)~~ At least eighty percent by 1998.

~~(2))~~ Compost products as a percentage of the total dollar amount on an annual basis:

- ~~((a))~~ (1) At least forty percent by 1996;
- ~~((b))~~ (2) At least sixty percent by 1997;
- ~~((c))~~ (3) At least eighty percent by 1998.

Sec. 5. RCW 43.78.170 and 1996 c 198 s 3 are each amended to read as follows:

The public printer shall ~~((take all actions consistent with the plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1997, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1999))~~ use one hundred percent recycled copy and printing paper for all jobs printed on white copy and printing paper."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 2287.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "paper;" strike the remainder of the title and insert "amending RCW 43.19A.020, 43.19A.050, and 43.78.170; adding a new section to chapter 70.95 RCW; and adding a new section to chapter 43.19A RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2287 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove Roach spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Delvin: "Would Senator Hargrove yield to a question? Does it cover toilet paper?"

Senator Hargrove: "No, this is actually print paper that goes through copy machines."

Senator Roach spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Carrell: "Would Senator Hargrove yield to a question? Is there a provision in this bill that when the price of paper such you have to pay somebody to haul it away that we don't have to use recycled paper. It doesn't make any sense to you know, to cut off our nose to spite our face so I like the idea but the question is what about in periods of time like now where you know has no value?"

Senator Hargrove: "This is not requiring us to recycle our paper. This is requiring us to buy one hundred percent post consumer waste paper. Ok, this is produced at the Grays Harbor paper mill in Grays Harbor with like I said, green power from co-gen and so this is going to be a big benefit to them. I don't even think there's another mill in the state that or any place close so you know, I think this is going to be a big benefit to our area but certainly to the state all together and this is about buying the recycled paper and we'll be glad to get you a ream of it and see how it works. So, but any company that produces the one hundred percent recycle obviously be eligible."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2287 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2287 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Delvin

Excused: Senator Rockefeller

SUBSTITUTE HOUSE BILL NO. 2287 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel)

Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites

they create or operate.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) ~~(The)~~ A person required to register under this section shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) ~~(Any)~~ If the person ~~(who)~~ lacks a fixed residence, the person shall provide ~~(the following)~~ information ~~(when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x))~~ as to where he or she plans to stay, instead of the person's complete residential address.

(c) If the person has not completed the terms of his or her sentence and received a certificate of discharge under RCW 9.94A.637 or 9.96.050, or an equivalent discharge from the court of another state, law enforcement may request and the person shall be required to provide his or her electronic mail address or any other internet communication name or identity information including, but not limited to, instant message, chat, or social networking names or identities, if any; and the uniform resource locator of any personal web site created or operated by the person.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official

designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole

NINETY-FIFTH DAY, APRIL 16, 2009

commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997,

shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.**

Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the

offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(8) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(13) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 2. RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the

county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) ~~((The))~~ A person required to register under this section shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

~~(b) ((Any)) If the person ((who)) lacks a fixed residence, the person shall provide ((the following)) information ((when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x))) as to where he or she plans to stay, instead of the person's complete residential address.~~

(c) If the person has not completed the terms of his or her sentence and received a certificate of discharge under RCW 9.94A.637 or 9.96.050, or an equivalent discharge from the court of another state, law enforcement may request and the person shall be required to provide his or her electronic mail address or any other internet communication name or identity information including, but not limited to, instant message, chat, or social networking names or identities, if any; and the uniform resource locator of any personal web site created or operated by the person.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons

or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990,

NINETY-FIFTH DAY, APRIL 16, 2009

and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE.

Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (11) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender

from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(7) All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

(8) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(9) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

- (i) Any offense defined as a sex offense by RCW 9.94A.030;
- (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);
- (iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to

commit an offense that is classified as a kidnapping offense under this subsection (10)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (10)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(13) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. Section 2 of this act takes effect ninety days after adjournment sine die of the 2010 legislative session.

NEW SECTION. Sec. 5. Section 1 of this act expires ninety days after adjournment sine die of the 2010 legislative session."

On page 1, line 3 of the title, after "operate;" strike the remainder of the title and insert "amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; creating a new section; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2035.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2008 c 230 s 4 (uncodified) is amended to read as follows:

(1) The sex offender policy board, as created by chapter . . . (Substitute Senate Bill No. 6596), Laws of 2008, shall review and make recommendations for changes to the statutory requirements relating to sex offender and kidnapping offender registration and notification. The review and recommendations shall include, but are not limited to:

(a) The appropriate class of felony and sentencing designations for a conviction of the failure to register;

(b) The appropriate groups and classes of adult offenders who should be required to register;

(c) The appropriate groups and classes of juvenile offenders who should be required to register;

(d) When a sex offender or kidnapping offender should be relieved of registration or notification requirements and the process for termination of those obligations; (~~and~~)

(e) Simplification of the statutory language to allow the department of corrections, law enforcement, and offenders to more easily identify registration and notification requirements; and

(f) The appropriate groups and classes of adult, and juvenile, if any, offenders who should be required to submit their electronic mail address or any other internet communication name or identity including, but not limited to, instant message, chat, or social networking names or identities, and the uniform resource locator of any personal web site created or operated by the person, for purposes of monitoring potentially inappropriate online behavior, and the appropriate sanctions for failure to provide such information in a timely and accurate manner, as well as any other issues associated with establishing and implementing such a requirement.

(2) In formulating its recommendations, the board shall review the experience of other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety.

(3) The board shall report to the governor and the relevant committees of the legislature no later than November 1, 2009."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Substitute House Bill No. 2035.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "operate;" strike the remainder of the title and insert "and amending 2008 c 230 s 4 (uncodified)."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 2035 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2035 as amended by the Senate.

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2035 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Benton

Excused: Senator Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Fairley and Kline were excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2299, by Representatives Klippert, Driscoll, Haler, Kenney and Grant-Herriot

Concerning formation, operation, and nonstate funding of public facilities districts.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2007 c 486 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(e) At least two legislative authorities, one or more of which previously created a public facilities district or districts under (b) or (c) of this subsection, may create an additional public facilities district notwithstanding the fact that one or more of those towns or cities, with or without a county or counties, previously have created one or more public facilities districts within the geographic boundaries of the additional public facilities district. Those existing districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within all or part of the same geographic area. Additional public facilities districts formed under this subsection may be comprised of a maximum of three contiguous towns or cities separately or in combination with a maximum of two contiguous counties.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section may provide, in the agreement providing for its creation and operation, that the district must be governed by a board of directors appointed under (b) or (c) of this subsection, or by a board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities district or districts, or both, previously created by those legislative authorities.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city, town, or county participating in the public facilities district. If a public facilities district is created by an even number of legislative authorities, the members representing or appointed by those legislative authorities shall appoint an additional board member. For a board formed under this subsection to approve a proposition to be sent to the voters, the proposition must be approved by a majority of the members representing or appointed by each legislative authority participating in the public facilities district.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are each reenacted and amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair,

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, recreation facility other than a ski area, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

Sec. 3. RCW 82.14.048 and 2008 c 86 s 103 are each amended to read as follows:

(1) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this subsection at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this subsection that is imposed by any other public facilities district within its

boundaries. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this subsection and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this subsection at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this subsection is responsible for the payment of any costs incurred for the purpose of administering the provisions of this subsection, RCW 35.57.010(1) (e) and (d) and 35.57.020(1)(b), including any administrative costs associated with the imposition of a tax under this subsection incurred by either the department of revenue or local government, or both.

(3) Moneys received from any tax imposed under the authority of this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 35.57.010 and 82.14.048; and reenacting and amending RCW 35.57.020."

The President declared the question before the Senate to be the motion by Senator Hobbs to not adopt the committee striking amendment by the Committee on Government Operations & Elections to Engrossed House Bill No. 2299.

The motion by Senator Hobbs carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.57.010 and 2007 c 486 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least two legislative authorities, one or more of which previously created a public facilities district or districts under (b) or (c) of this subsection, may create an additional public facilities district notwithstanding the fact that one or more of those towns or cities, with or without a county or counties, previously have created one or more public facilities districts within the geographic boundaries of the additional public facilities district. Those existing districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within all or part of the

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

same geographic area. Additional public facilities districts formed under this subsection may be comprised of a maximum of three contiguous towns or cities separately or in combination with a maximum of two contiguous counties.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly

affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section may provide, in the agreement providing for its creation and operation, that the district must be governed by a board of directors appointed under (b) or (c) of this subsection, or by a board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities district or districts, or both, previously created by those legislative authorities.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city, town, or county participating in the public facilities district. If a public facilities district is created by an even number of legislative authorities, the members representing or appointed by those legislative authorities shall appoint an additional board member. For a board formed under this subsection to approve a proposition, the proposition must be approved by a majority of the members representing or appointed by each legislative authority participating in the public facilities district.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are each reenacted and amended to read as follows:

(1)(a) Except for a public facilities district created under RCW 35.57.010(1)(e), a public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e) is authorized to acquire, construct, own,

NINETY-FIFTH DAY, APRIL 16, 2009

remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

Sec. 3. RCW 82.14.048 and 2008 c 86 s 103 are each amended to read as follows:

(1) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this subsection at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this subsection that is imposed by any other public facilities district within its boundaries. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this subsection and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this subsection at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this subsection is responsible for the payment of any costs incurred for the purpose of administering the provisions of this subsection, RCW 35.57.010(1)(e), and 35.57.020(1)(b), including any administrative costs associated with the imposition of a tax under this subsection incurred by either the department of revenue or local government, or both.

(3) Moneys received from any tax imposed under the authority of this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities.

Sec. 4. RCW 36.100.180 and 1995 c 396 s 15 are each amended to read as follows:

2009 REGULAR SESSION

(1) The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

(2) For personal service contracts of one hundred fifty thousand dollars or greater not otherwise governed by chapter 39.80 RCW, contracts for architectural and engineering services, a competitive solicitation process is required. The district shall establish the process by resolution, which must at a minimum include the following:

(a) Notice. A notice inviting statements of either qualifications or proposals, or both, from interested parties must be published in a newspaper of general circulation throughout the county in which the district is located at least ten days before the date for submitting the statements of qualifications or proposals.

(b) Description of services required. The request for statements of either qualifications or proposals, or both published or provided to interested parties must describe the services required and list the types of information and data required of each proposal. It may also describe the evaluation criteria and state the relative importance of the criteria if then available.

(c) Review and evaluation. The district shall establish a process to review and evaluate statements of either qualifications or proposals, or both. That process may include a selection board identified by the district or some other panel of evaluators. If appropriate, the reviewers may hear oral presentations by proposers.

(d) Selection. The evaluators shall select and rank the most qualified proposers. In selecting and ranking such proposers, the selection board shall consider the evaluation criteria established by the district and may consider such other information as may be secured during the evaluation process related to a proposer's qualifications and experience.

(e) Negotiations. The district shall enter into contract negotiations with the top-ranked proposer or proposers identified in the selection process. Negotiations may be conducted concurrently or sequentially as may be allowed by law.

(f) Approval. When negotiations are complete, the proposed contract will be presented to the district's governing body at its next regularly scheduled meeting for approval or ratification.

(3) Exceptions. The requirements of this section need not be met in the following circumstances:

(a) Emergency. When the contracting authority makes a finding that an emergency requires the immediate execution of the work involved. As used in this subsection, "emergency" has the same meaning as provided in RCW 39.29.006;

(b) Contract amendment. Amendments to existing service contracts are exempt from these requirements; and

(c) Sole source. In the event that the services being sought can only be obtained from a single source, then the district shall make a formal written finding stating the factual basis for the exception and the solicitation requirements of this section do not apply. As used in this subsection, "sole source" has the same meaning as provided in RCW 39.29.006.

(4) Prospective application. Nothing in this section affects the validity or effect of any district contract executed prior to the effective date of this act."

Senators Hobbs and Delvin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Engrossed House Bill No. 2299.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 35.57.010, 82.14.048, and 36.100.180; and reenacting and amending RCW 35.57.020."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 2299 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2299 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2299 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Kline and Rockefeller

ENGROSSED HOUSE BILL NO. 2299 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

SECOND READING

HOUSE BILL NO. 1050, by Representatives Kelley, Hope, Rolfes, Johnson, Angel, Dammeier, Conway, Ross, Hunt, Herrera, Smith, Armstrong, Moeller, Parker, Rodne, Haler, Short, Shea, Chase, Morrell, Green, Sullivan, Newhouse, Upthegrove, Campbell, Kristiansen, Van De Wege, Wallace, Simpson, Bailey, Maxwell, McCune and Condotta

Adjusting veterans' scoring criteria.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1050.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1050 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Kline and Rockefeller

HOUSE BILL NO. 1050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hobbs, Senator Pridemore was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2106, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Roberts, Kenney and Morrell)

Improving child welfare outcomes through the phased implementation of strategic and proven reforms.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature declares that the safety and well-being of children and families is essential to the social and economic health of Washington. It is the duty of the state to provide children at risk of out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being. The legislature directs the programmatic and administrative changes required in this act to be accomplished in conformance with this foregoing principle.

The legislature finds that research in the area of child safety and well-being supports the conclusion that a restructuring of the administration and delivery of child welfare services through the use of performance-based contracts can enhance safety and well-being, when done so in a careful, well-planned and collaborative manner.

The legislature intends that the execution of performance-based contracts which transfer the delivery of child welfare services to entities other than the department be done without restricting who may seek to participate in the procurement process of the contracts. The legislature directs that the department retain those positions necessary to provide child protective and investigative services and to administer performance-based contracts.

NINETY-FIFTH DAY, APRIL 16, 2009

The legislature further intends that the programmatic and administrative changes contained in this act have the result of reducing racial disproportionality in the child welfare system and racial disparities in child outcomes.

The legislature, in creating the committee in section 8 of this act, is establishing the mechanism to design, in collaboration with the executive and judicial branches and all affected entities, the transition to performance-based contracts in the delivery of out-of-home care and case management services.

Sec. 2. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

~~(As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:~~

~~— (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~— (2) Protecting and caring for dependent or neglected children;~~

~~— (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;~~

~~— (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;~~

~~— (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

~~As used in this chapter, child means a person less than eighteen years of age.~~

~~The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.)~~

For purposes of this chapter:

(1) "Case management" means the management of services delivered to children in the legal custody of the department in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means a person less than eighteen years of age.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Outcomes" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(8) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(9) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(10) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(11) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(12) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has entered into a performance-based contract with the department to provide child welfare services.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) On and after December 1, 2010, the department shall begin to convert its current contracts with child-placing agencies into performance-based contracts to provide child welfare services in this state.

(2) On and after July 1, 2014:

(a) Child welfare services for sixty percent of the children for whom the department has legal custody shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (4) of this section, and notwithstanding any law to the contrary, in those offices in which child welfare services are provided by supervising agencies, the department may not directly provide child welfare services.

(3) On and after July 1, 2014, in the offices in which the department has entered into a performance-based contract with a supervising agency to provide child welfare services, the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter; and

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act.

(4) On and after July 1, 2014, in the offices in which the department has entered into a performance-based contract with a supervising agency to provide child welfare services, the department may provide child welfare services only in an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(5) For purposes of this chapter, on and after July 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; reunification of the child with the child's parents; child permanency; and child well-being.

(6) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

Children whose cases are managed by a supervising agency remain dependents of the state.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

Except for Indian tribes, performance-based contracts with private nonprofit entities who otherwise meet the definition of supervising agency shall be preferred.

NEW SECTION. Sec. 6. A new section is added to chapter 43.10 RCW to read as follows:

The office of the attorney general shall provide, or cause to be provided, legal services in only dependency or termination of parental rights matters to supervising agencies with whom the department of social and health services has entered into performance-based contracts to provide child welfare services as soon as the contracts become effective.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:

As child welfare services caseworker and staff vacancies occur due to voluntary employee departures, and if the department determines those positions should be filled by state workers because there are insufficient supervising agency resources available in that region to provide the necessary child welfare services, the department shall review its current staff assignments and transfer staff with sufficient child welfare services experience in other units in the region to the vacant child welfare services position or positions. If this occurs, the department shall determine if there are other services in the region where the work could be performed by supervising agencies.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of the effective date of this section, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be

headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from federally recognized Indian tribes, two of which operate child welfare programs, selected by the Indian policy advisory committee convened by the department's Indian policy and support services office;

(xi) Two present or former superior court judges with significant experience in dependency matters, selected by the superior court judge's association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent; and

(xv) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (v), (xiv), and (xv) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The chair or cochairs of the committee shall be selected from among its membership by a majority vote of those present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to section 3 of this act.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(vii) How to measure whether each contractor has met the goals listed in section 3(5) of this act; and

(viii) Incentives to meet outcome goals;

(b) A method by which the department will substantially reduce its current number of contracts for child welfare services;

(c) A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

(d) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

(e) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

(f) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

(g) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

(h) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

(i) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

(j) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

(k) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

(l) A method by which to access and enhance existing data systems to include contract performance information;

(m) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(n) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(o) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

(p) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(q) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4) The committee shall also prepare as part of the plan a recommendation as to how to implement this act so that full implementation of the requirement that child welfare services for sixty percent of the children for whom the department has legal custody is achieved no later than July 1, 2014.

(5) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(6) The committee shall report quarterly on its progress, beginning on June 30, 2009, to the governor and the legislative children's oversight committee established in RCW 44.04.220. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (4) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(7) The committee, by majority vote, may establish advisory committees as it deems necessary.

(8) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(9) It is expected that the administrative costs for the committee will be supported through private funds.

(10) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(11) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(12) This section expires July 1, 2014.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

(1) Eighteen months after the department has entered into performance-based contracts with supervising agencies to provide child welfare services, the Washington state institute for public policy is to conduct a review of outcomes achieved by the supervising agencies and compare those outcomes with the existing services offered by the state. Among the outcomes to be compared are the number of relative placements, number of placements with siblings, rereferral for cases where the children who were placed were reunified and then returned to out-of-home care during the eighteen-month period, the extent to which the programmatic and administrative changes contained in this act have resulted in reducing the disproportionate representation of children of color in the child welfare system and reduced racial disparities in child outcomes, and timelines for achievement of permanency in individual cases. This preliminary report is due to the governor and the legislature by June 30, 2012.

(2) No later than July 1, 2013, the Washington state institute for public policy shall provide the legislature and the governor with the final results of the outcomes comparison. If the report indicates improved outcomes through the use of performance-based contracts with supervising agencies, the governor is encouraged to expand statewide the use of performance-based contracts in the manner contemplated in this act.

(3) The department shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Sec. 10. RCW 74.15.010 and 1995 c 302 s 2 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate (~~child-care~~) foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public and (~~voluntary~~) supervising agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 11. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and

may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration ~~((and naturalization))~~ services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) ~~("Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

~~(5))~~ "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the ~~((job training partnership))~~ workforce investment act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 12. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed ~~((hereunder))~~ under this chapter, or because of any other relevant factor ~~((relevant thereto))~~;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department's ~~((case management))~~ information technology system. ~~((No))~~ Unfounded allegations of child abuse or neglect as defined in RCW 26.44.020 ((may)) shall be disclosed to ((a child-placing agency, private adoption agency, or any other provider licensed)) supervising agencies under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 13. RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department ~~((of social and health services))~~ before a license shall be issued, except that ~~((a provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Sec. 14. RCW 74.15.100 and 2006 c 265 s 403 are each amended to read as follows:

Each agency or supervising agency shall make application for a license or renewal of license to the department ~~((of social and health services))~~ on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however,

NINETY-FIFTH DAY, APRIL 16, 2009

shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that this will apply only if the family remains intact.

Sec. 15. RCW 26.44.020 and 2007 c 220 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of

the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner (~~PROVIDED, HOWEVER, That~~). A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(23) "Unfounded" means the determination following an investigation by the department that available information

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 16. RCW 26.44.200 and 2002 c 134 s 4 are each amended to read as follows:

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401(~~((a))~~) (1) and (2) (a) through (e) relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, pressurized ammonia gas, or pressurized ammonia gas solution with intent to manufacture methamphetamine, that discovers a child present at the site, shall contact the department immediately.

NEW SECTION. Sec. 17. A new section is added to chapter 26.44 RCW to read as follows:

Within existing resources, the department shall develop a curriculum designed to train child protective services staff in forensic techniques used for investigating allegations of child abuse or neglect.

Sec. 18. RCW 13.34.025 and 2007 c 410 s 2 are each amended to read as follows:

(1) The department (~~(of social and health services)~~) and supervising agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and supervising agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and supervising agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers including supervising agencies, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department or supervising agency in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for

receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department or supervising agency shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 19. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

~~((5))~~ (6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((6))~~ (7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a

NINETY-FIFTH DAY, APRIL 16, 2009

"dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((9))~~ (10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((10))~~ (11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((11))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((12))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

~~((13))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((14))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((15))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the

services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(17) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom the department has entered into a performance-based contract to provide child welfare services as defined in RCW 74.13.020.

Sec. 20. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case. The department ~~((of social and health services))~~ or supervising agency shall submit a recommendation to the court as to the further need for shelter care in all cases in which ~~((it is the petitioner))~~ the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order ~~((the supervising agency or))~~ the department ~~((of social and health services))~~ to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the department or supervising agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or supervising agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference,

NINETY-FIFTH DAY, APRIL 16, 2009

the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 21. RCW 13.34.067 and 2004 c 147 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department or supervising agency shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department or supervising agency and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department or supervising agency is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department or supervising agency, upon the parent's request, shall convene a case conference.

Sec. 22. RCW 13.34.094 and 2004 c 147 s 3 are each amended to read as follows:

The department, or supervising agency after the shelter care hearing, shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 23. RCW 13.34.096 and 2007 c 409 s 1 are each amended to read as follows:

The department (~~(of social and health services or other)~~) or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department before shelter care or (~~other~~) supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 24. RCW 13.34.125 and 1999 c 173 s 2 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department or supervising agency shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department or supervising agency has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 25. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative (~~(or)~~)₂ the department, or a (~~(licensed child placing)~~) supervising agency for supervision of the child's placement. The department or supervising agency (~~(supervising the child's placement)~~) has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency

proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the department or supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 26. RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are each reenacted and amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what

NINETY-FIFTH DAY, APRIL 16, 2009

actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The supervising agency (~~(charged with supervising a child in placement)~~) or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been

terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 27. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with ~~((am))~~ the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 28. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for

NINETY-FIFTH DAY, APRIL 16, 2009

adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall

be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 29. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department or supervising agency shall not continue to supervise the placement.

(2) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(3) Any order entered in the dependency court establishing or modifying a permanent legal custody order under chapter 26.10 RCW shall also be filed in the chapter 26.10 RCW action by the prevailing party. Once filed, any order establishing or modifying permanent legal custody shall survive dismissal of the dependency proceeding.

Sec. 30. RCW 13.34.174 and 2000 c 122 s 23 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's or supervising agency's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising (~~(child-placing)~~) agency (~~(if any)~~), and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising (~~(child-placing)~~) agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 31. RCW 13.34.176 and 2000 c 122 s 24 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's or supervising agency's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 32. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party, including the supervising agency, to the dependency

NINETY-FIFTH DAY, APRIL 16, 2009

proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE"

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the ~~((department of social and health services))~~ supervising agency and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 33. RCW 13.34.210 and 2003 c 227 s 8 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or ~~((to))~~ a ~~((licensed child-placing))~~ supervising agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or supervising agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships.

Sec. 34. RCW 13.34.215 and 2008 c 267 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination; and

(d) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department or the supervising agency, the child's attorney, and the child. The court shall also order the department or supervising agency to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department or supervising agency shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department or supervising agency shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, the supervising agency, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, the supervising agency, or its employees concerning the original termination.

Sec. 35. RCW 13.34.230 and 1981 c 195 s 1 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department (~~(of social and health services)~~) or supervising agency shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.

Sec. 36. RCW 13.34.233 and 2000 c 122 s 30 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department or supervising agency was not previously a party to the guardianship proceeding, the department or supervising agency shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party ((~~or~~)), the department, or the supervising

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

agency if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department or a (~~(licensed child-placing)~~) supervising agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 37. RCW 13.34.245 and 1997 c 386 s 18 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight

hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department or (~~(other child-placing)~~) supervising agency which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department or (~~(other child-placing)~~) supervising agency which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 38. RCW 13.34.320 and 1999 c 188 s 2 are each amended to read as follows:

The department or supervising agency shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department or supervising agency shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department or supervising agency does not allow time for the department or supervising agency to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department or supervising agency shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 39. RCW 13.34.330 and 1999 c 188 s 3 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department or supervising agency, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 40. RCW 13.34.340 and 2000 c 122 s 35 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department or supervising agency because they

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department or supervising agency has authorized to provide mental health treatment under RCW 13.34.320, the department or supervising agency shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's or supervising agency's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department or supervising agency in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department or supervising agency records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department or supervising agency records to another treating physician.

Sec. 41. RCW 13.34.350 and 2001 c 52 s 2 are each amended to read as follows:

In order to facilitate communication of information needed to serve the best interest of any child who is the subject of a dependency case filed under this chapter, the department (~~(of social and health services)~~) shall, consistent with state and federal law governing the release of confidential information, establish guidelines, and shall use those guidelines for the facilitation of communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers, and others.

Sec. 42. RCW 13.34.370 and 2004 c 146 s 2 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the (~~(state)~~) supervising agency, the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 43. RCW 13.34.380 and 2004 c 146 s 3 are each amended to read as follows:

The department (~~(of social and health services)~~) shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for department and supervising agency caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 44. RCW 13.34.385 and 2008 c 259 s 1 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department (~~(or)~~), another public (~~(or private)~~) agency, or a supervising agency; and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department (~~(or)~~), other public (~~(or private)~~) agency, or supervising agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 45. RCW 13.34.390 and 2005 c 504 s 303 are each amended to read as follows:

The department (~~(of social and health services)~~) and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, (~~(as those terms are defined in~~

NINETY-FIFTH DAY, APRIL 16, 2009

~~section 603 of this act;))~~ and shall expand capacity in underserved regions of the state.

Sec. 46. RCW 13.34.400 and 2007 c 411 s 2 are each amended to read as follows:

In any proceeding under this chapter, if the department or supervising agency submits a report to the court in which the department is recommending a new placement or a change in placement, the department or supervising agency shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department or supervising agency shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to visitation with a child, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to the psychological status of a person, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to injuries to a child, the department or supervising agency shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to a home study, licensing action, or background check information, the department or supervising agency shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 47. RCW 41.06.142 and 2008 c 267 s 9 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by

contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The requirements of this section do not apply to RCW 74.13.031(5) or section 3 of this act.

Sec. 48. RCW 74.13.010 and 1965 c 30 s 2 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of ~~((public))~~ child welfare services provided by both the department and supervising agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

NEW SECTION. Sec. 49. A new section is added to chapter 74.13 RCW to read as follows:

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the comprehensive plan for homeless families with children.

Sec. 50. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

~~((The department shall have the duty to provide child welfare services and shall:))~~

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by

RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. ~~((The policy for monitoring placements))~~ Under this section ~~((shall require that))~~ children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month.

~~((a))~~ The department or supervising agencies shall conduct the monthly visits with children and caregivers ~~((required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.~~

~~((b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days))~~ to whom it is providing child welfare services.

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children ~~((and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children~~

NINETY-FIFTH DAY, APRIL 16, 2009

insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department)).

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department (~~(of social and health services)~~) under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department ((is)) and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 51. RCW 74.13.031 and 2002 c 219 s 13 are each amended to read as follows:

The department or (~~(its contractors))~~ supervising agencies may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department or supervising agencies from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 52. RCW 74.13.032 and 1998 c 296 s 4 are each amended to read as follows:

(1) The department shall establish, (~~(by))~~ through performance-based contracts with private or public vendors, regional crisis residential centers with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.

(2) Within available funds appropriated for this purpose, the department shall establish, (~~(by))~~ through performance-based contracts with private or public vendors, regional crisis residential centers with secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the facilities established under subsections (1) and (2) of this section, establish additional crisis residential centers pursuant to performance-based contracts with licensed private group care facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(5) The secure facilities located within crisis residential centers shall be operated to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no less than one adult staff member to every ten children. The staffing ratio shall continue to ensure the safety of the children.

(6) If a secure crisis residential center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

Sec. 53. RCW 74.13.036 and 2003 c 207 s 2 are each amended to read as follows:

(1) The department (~~(of social and health services))~~ shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department or supervising agency staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The department shall provide an annual report to the legislature not later than December 1 of each year only when it has declined to accept custody of a child from a law enforcement agency or it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

Sec. 54. RCW 74.13.037 and 1997 c 146 s 9 are each amended to read as follows:

Within available funds appropriated for this purpose, the department shall establish, ~~((by))~~ through performance-based contracts with private vendors, transitional living programs for youth who are being assisted by the department in being emancipated as part of their permanency plan under chapter 13.34 RCW. These programs shall be licensed under rules adopted by the department.

Sec. 55. RCW 74.13.042 and 1995 c 311 s 14 are each amended to read as follows:

If the department or supervising agency is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department or supervising agency may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department or supervising agency, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 56. RCW 74.13.045 and 1998 c 245 s 146 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department or supervising agency, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, ~~((or))~~ the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department and supervising agency caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 57. RCW 74.13.055 and 1998 c 245 s 147 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. The department shall also work cooperatively with ~~((the major private child care providers))~~ supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all

NINETY-FIFTH DAY, APRIL 16, 2009

matters pertaining to child welfare is developed and implemented.

Sec. 58. RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended to read as follows:

(1) The secretary or his or her designees or delegates shall be the custodian without compensation of such moneys and other funds of any person which may come into the possession of the secretary during the period such person is placed with the department ~~((of social and health services))~~ or an entity with which it has entered into a performance-based contract pursuant to chapter 74.13 RCW. As such custodian, the secretary shall have authority to disburse moneys from the person's funds for the following purposes only and subject to the following limitations:

~~((1))~~ (a) For such personal needs of such person as the secretary may deem proper and necessary.

~~((2))~~ (b) Against the amount of public assistance otherwise payable to such person. This includes applying, as reimbursement, any benefits, payments, funds, or accrual paid to or on behalf of said person from any source against the amount of public assistance expended on behalf of said person during the period for which the benefits, payments, funds or accruals were paid.

~~((3))~~ (2) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him or her on an individual basis. Whenever, the funds belonging to any one person exceed the sum of five hundred dollars, the secretary may deposit said funds in a savings and loan association account on behalf of that particular person.

~~((4))~~ (3) When the conditions of placement no longer exist and public assistance is no longer being provided for such person, upon a showing of legal competency and proper authority, the secretary shall deliver to such person, or the parent, person, or agency legally responsible for such person, all funds belonging to the person remaining in his or her possession as custodian, together with a full and final accounting of all receipts and expenditures made therefrom.

~~((5))~~ (4) The appointment of a guardian for the estate of such person shall terminate the secretary's authority as custodian of said funds upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to such guardian any funds of such person remaining in the secretary's possession together with full and final accounting of all receipts and expenditures made therefrom.

Sec. 59. RCW 74.13.065 and 2002 c 52 s 8 are each amended to read as follows:

(1) The department~~((:))~~ or supervising agency ~~((responsible for supervising a child in out-of-home care;))~~ shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or ~~((other))~~ supervising agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 60. RCW 74.13.075 and 1994 c 169 s 1 are each amended to read as follows:

(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and

(i) Are in the care and custody of the state or a federally recognized Indian tribe located within the state; or

(ii) Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a tribal court located within the state; or

(b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department ~~((of social and health services))~~ shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment;

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

(3) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) the department seeks to recover any federal funds available for the treatment of youth.

Sec. 61. RCW 74.13.077 and 1993 c 402 s 4 are each amended to read as follows:

The secretary ~~((of the department of social and health services))~~ is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth.

Sec. 62. RCW 74.13.096 and 2007 c 465 s 2 are each amended to read as follows:

(1) The secretary ~~((of the department of social and health services))~~ shall convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in Washington's child welfare system. The department shall collaborate with the Washington institute for public policy and private sector entities to develop a methodology for the advisory committee to follow in conducting a baseline analysis of data from the child welfare system to determine whether racial disproportionality and racial disparity exist in this system. The Washington institute for public policy

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

shall serve as technical staff for the advisory committee. In determining whether racial disproportionality or racial disparity exists, the committee shall utilize existing research and evaluations conducted within Washington state, nationally, and in other states and localities that have similarly analyzed the prevalence of racial disproportionality and disparity in child welfare.

(2) At a minimum, the advisory committee shall examine and analyze: (a) The level of involvement of children of color at each stage in the state's child welfare system, including the points of entry and exit, and each point at which a treatment decision is made; (b) the number of children of color in low-income or single-parent families involved in the state's child welfare system; (c) the family structures of families involved in the state's child welfare system; and (d) the outcomes for children in the existing child welfare system. This analysis shall be disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall consist of experts in social work, law, child welfare, psychology, or related fields, at least two tribal representatives, a representative of the governor's juvenile justice advisory committee, a representative of a community-based organization involved with child welfare issues, a representative of the department (~~(of social and health services)~~), a current or former foster care youth, a current or former foster care parent, and a parent previously involved with Washington's child welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department (~~(of social and health services)~~). The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as cochairs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department (~~(of social and health services)~~) on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department (~~(of social and health services)~~), shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2)

of this section and shall describe the remediation plan required under subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary shall report annually to the appropriate committees of the legislature on the implementation of the remediation plan, including any measurable progress made in reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

Sec. 63. RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to read as follows:

When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him or her on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his or her judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing or supervising agency.

Sec. 64. RCW 74.13.106 and 1985 c 7 s 134 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) shall be credited to the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such appropriations as may be available. The secretary may for such purposes, contract with any public agency or (~~(licensed child placing)~~) supervising agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Sec. 65. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support(~~(— provided that)~~). If the secretary ((shall) finds that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

Sec. 66. RCW 74.13.124 and 1985 c 7 s 140 are each amended to read as follows:

An agreement for adoption support made (~~(pursuant to RCW 26.32.115)~~) before January 1, 1985, or pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitute a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his or her consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself or herself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his or her rights, including all rights of appeal under the fair hearing provisions, available to him or her under RCW 74.13.127 (as recodified by this act).

Sec. 67. RCW 74.13.136 and 1985 c 7 s 144 are each amended to read as follows:

Any (~~(child-caring)~~) supervising agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) may do so, and may include in its or his or her recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act). Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

Sec. 68. RCW 74.13.165 and 1997 c 272 s 4 are each amended to read as follows:

The secretary or the secretary's designee (~~(may)~~) shall purchase services from nonprofit agencies for the purpose of conducting home studies for legally free children who have been awaiting adoption finalization for more than (~~(ninety)~~) sixty days. The home studies selected to be done under this section shall be for the children who have been legally free and awaiting adoption finalization the longest period of time.

This section expires June 30, 2011.

Sec. 69. RCW 74.13.170 and 1991 c 326 s 2 are each amended to read as follows:

The department (~~(of social and health services)~~) may, through performance-based contracts with supervising agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 70. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Foster parents shall complete preservice training (~~shall be completed prior to~~) before the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 71. RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a (~~child-placing~~) supervising agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or supervising agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

- (a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;
- (b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;
- (c) Has witnessed a death or substantial physical violence in the past or recent past; or
- (d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or (~~child-placing~~) supervising agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual

behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

- (i) Suicide attempts or suicidal behavior or ideation;
- (ii) Self-mutilation or similar self-destructive behavior;
- (iii) Fire-setting or a developmentally inappropriate fascination with fire;
- (iv) Animal torture;
- (v) Property destruction; or
- (vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

- (i) Observed assaultive behavior;
- (ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or
- (iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 72. RCW 74.13.283 and 2008 c 267 s 7 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department or supervising agency to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department or supervising agency letterhead, verifying the following:

- (i) The youth is a minor who resides in Washington;
- (ii) Pursuant to a court order, the youth is dependent and the department or (~~other~~) supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;
- (iii) The youth's full name and date of birth;
- (iv) The youth's social security number, if available;
- (v) A brief physical description of the youth;
- (vi) The appropriate address to be listed on the youth's identicard; and
- (vii) Contact information for the appropriate person (~~at~~) with the department or supervising agency.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department or supervising agency may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

- (a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or
- (b) Hand-delivered to a local office of the department of licensing by a department or supervising agency case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department or supervising agency shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 73. RCW 74.13.285 and 2007 c 409 s 7 are each amended to read as follows:

(1) Within available resources, the department or supervising agency shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department or supervising agency shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements ~~((after July 1, 1997;))~~ shall have first priority in the preparation of passports. ~~((Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.))~~

(2) In addition to the requirements of subsection (1) of this section, the department or supervising agency shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider including supervising agencies for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 74. RCW 74.13.288 and 2004 c 40 s 2 are each amended to read as follows:

~~((+))~~ The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under one year of age who have been placed in out-of-home care and shall identify the specific pathogens for which testing is recommended.

~~((2))~~ The department shall report to the appropriate committees of the legislature on the recommendations developed in accordance with subsection (1) of this section by ~~January 1, 2005.~~

Sec. 75. RCW 74.13.289 and 2004 c 40 s 3 are each amended to read as follows:

(1) Upon any placement, the department ~~((of social and health services))~~ or supervising agency shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department or supervising agency.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 76. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department or ~~((a child-placing))~~ supervising

agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or ~~((child-placing))~~ supervising agency shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or ~~((child-placing))~~ supervising agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 77. RCW 74.13.310 and 1990 c 284 s 13 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent ~~((SCOPE))~~ training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department and supervising agency shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 78. RCW 74.13.315 and 1997 c 272 s 6 are each amended to read as follows:

The department or supervising agency may provide child care for all foster parents who are required to attend department-sponsored or supervising agency-sponsored meetings or training sessions. If the department or supervising agency does not provide such child care, the department or supervising agency, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 79. RCW 74.13.320 and 1990 c 284 s 15 are each amended to read as follows:

~~((The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3 percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.~~

~~The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.~~

~~The project shall consist of one statewide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

~~regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.~~

~~The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program statewide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.)~~

The department shall assist ~~((the private contractors))~~ supervising agencies by providing printing services for informational brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

Sec. 80. RCW 74.13.325 and 1997 c 272 s 3 are each amended to read as follows:

Within available resources, the department and supervising agencies shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department shall ~~((contract with a private agency to))~~ enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities ~~((for the department and private agencies)).~~

Sec. 81. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

A foster parent who believes that a department or supervising agency employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, ~~((or))~~ the department, or the supervising agency, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department or supervising agency and foster parents.

Sec. 82. RCW 74.13.334 and 2004 c 181 s 2 are each amended to read as follows:

The department and supervising agency shall develop procedures for responding to recommendations of the office of

the family and children's ombudsman as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 83. RCW 74.13.500 and 2005 c 274 s 351 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department or a supervising agency has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department or a supervising agency at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 84. RCW 74.13.515 and 2005 c 274 s 352 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department or a supervising agency at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released

NINETY-FIFTH DAY, APRIL 16, 2009

regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 85. RCW 74.13.525 and 2005 c 274 s 353 are each amended to read as follows:

The department or supervising agency, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 86. RCW 74.13.530 and 2001 c 318 s 4 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department or a supervising agency under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 87. RCW 74.13.560 and 2003 c 112 s 3 are each amended to read as follows:

The administrative regions of the department and the supervising agencies shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 88. RCW 74.13.590 and 2003 c 112 s 6 are each amended to read as follows:

The department and supervising agencies shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 89. RCW 74.13.600 and 2003 c 284 s 1 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department and supervising agencies shall plan, design, and implement strategies to prioritize the placement of

children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used by supervising agencies when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department or supervising agencies shall request that the juvenile court require parents to disclose to the ~~((department))~~ agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department and supervising agencies shall encourage the parents to disclose to the department and agencies all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department or supervising agency provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 90. RCW 74.13.640 and 2008 c 211 s 1 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or a supervising agency or who has been in the care of or received services described in chapter 74.13 RCW from the department or a supervising agency within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

granted by the governor. Reports shall be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section shall be posted and maintained.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

Sec. 91. RCW 74.13.650 and 2007 c 220 s 7 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. ~~The ((foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement)) department shall enter into performance-based contracts with supervising agencies to provide this program.~~

Sec. 92. RCW 74.13.670 and 2007 c 220 s 5 are each amended to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise (~~wherein~~) in which:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

NEW SECTION. Sec. 93. RCW 74.13.085, 74.13.0902, 74.13.095, and 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

NEW SECTION. Sec. 94. RCW 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170 are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. Sec. 95. Section 62 of this act expires June 30, 2014.

NEW SECTION. Sec. 96. The following acts or parts of acts are each repealed:

1. RCW 13.34.803 (Drug-affected and alcohol-affected infants--Comprehensive plan--Report) and 1998 c 314 s 40;
2. RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s 31;
3. RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected infants to be included) and 1998 c 314 s 32;
4. RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and 1998 c 314 s 48;
5. RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and 2005 c 345 s 2;
6. RCW 74.13.200 (Demonstration project for protection, care, and treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248 s 1;
7. RCW 74.13.210 (Project day care center--Definition) and 1979 ex.s. c 248 s 2;
8. RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;
9. RCW 74.13.230 (Project shall utilize community services) and 1979 ex.s. c 248 s 4;
10. RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;
11. RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2; and
12. RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281 s 2.

NEW SECTION. Sec. 97. (1) Except for sections 1 through 8 of this act, this act takes effect July 1, 2011.

(2) Sections 1 through 7 of this act take effect July 1, 2010.

(3) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 98. This act shall be in effect only if funds are specifically appropriated for this purpose."

On page 1, line 2 of the title, after "reforms;" strike the remainder of the title and insert "amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, and

NINETY-FIFTH DAY, APRIL 16, 2009

74.13.670; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 26.44 RCW; creating a new section; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective dates; providing expiration dates; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Hargrove to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2106.

The motion by Senator Hargrove carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 74.13 RCW to read as follows:

The legislature declares that the safety and well-being of children and families is essential to the social and economic health of Washington. It is the duty of the state to provide children at risk of out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being. The legislature directs the programmatic and administrative changes required in this act to be accomplished in conformance with this foregoing principle.

The legislature finds that research in the area of child safety and well-being supports the conclusion that a restructuring of the administration and delivery of child welfare services through the use of performance-based contracts can enhance safety and well-being, when done so in a careful, well-planned and collaborative manner.

The legislature intends to encourage broad participation by interested entities in the bidding process. The legislature directs that the department retain those positions necessary to provide child protective and investigative services and to administer performance-based contracts.

The legislature further intends that the programmatic and administrative changes contained in this act have the result of reducing racial disproportionality in the child welfare system and racial disparities in child outcomes.

The legislature, in creating the committee in section 8 of this act, is establishing the mechanism to design, in collaboration with the executive and judicial branches and all affected entities, the transition to performance-based contracts in the delivery of out-of-home care and case management services.

Sec. 2. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

~~(As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:~~

~~(1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~(2) Protecting and caring for dependent or neglected children;~~

~~(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;~~

~~(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;~~

~~(5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

~~As used in this chapter, child means a person less than eighteen years of age.~~

~~The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.)~~

~~For purposes of this chapter:~~

~~(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.~~

~~(2) "Child" means a person less than eighteen years of age.~~

~~(3) "Child protective services" has the same meaning as in RCW 26.44.020.~~

~~(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:~~

~~(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~(b) Protecting and caring for dependent, abused, or neglected children;~~

~~(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;~~

~~(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;~~

~~(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

~~"Child welfare services" does not include child protection services.~~

~~(5) "Committee" means the child welfare transformation design committee.~~

~~(6) "Department" means the department of social and health services.~~

~~(7) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.~~

~~(8) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.~~

~~(9) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose~~

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(10) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(11) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(12) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has entered into a performance-based contract with the department to provide child welfare services.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) No later than January 1, 2011, the department shall convert its current contracts with providers into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase services from providers.

(2) No later than July 1, 2012:

(a) In the demonstration sites selected under section 8(4)(a) of this act, child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (4) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act.

(3) No later than July 1, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act, the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(4) No later than July 1, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act, the department may provide child welfare services only in an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(5) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(6) A federally recognized tribe located in this state may enter into a performance-based contract with the department to

provide child welfare services to Indian children whether or not they reside on a reservation.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

Pursuant to RCW 41.06.142(3), performance-based contracting under section 3 of this act is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

A continuation or expansion of delivery of child welfare services under the provisions of section 10 of this act shall be considered expressly mandated by the legislature and not subject to the provisions of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

Children whose cases are managed by a supervising agency remain under the care and placement authority of the state.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

Performance-based contracts with private nonprofit entities who otherwise meet the definition of supervising agency shall receive primary preference. This section does not apply to Indian tribes.

NEW SECTION. Sec. 7. A new section is added to chapter 43.10 RCW to read as follows:

The office of the attorney general shall provide, or cause to be provided, legal services in only dependency or termination of parental rights matters to supervising agencies with whom the department of social and health services has entered into performance-based contracts to provide child welfare services as soon as the contracts become effective.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of the effective date of this section, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judge's association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

NINETY-FIFTH DAY, APRIL 16, 2009

(xiv) A foster parent; and
 (xv) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and (xv) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochairs of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to section 3 of this act.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in section 3(5) of this act; and

(viii) Incentives to meet performance outcomes;

(b) A method by which the department will substantially reduce its current number of contracts for child welfare services;

(c) A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

(d) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

(e) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

(f) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

(g) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

(h) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

(i) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

(j) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

(k) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

(l) A method by which to access and enhance existing data systems to include contract performance information;

(m) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(n) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(o) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

(p) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(q) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement this act. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement this act so that full implementation of this act is achieved no later than June 30, 2012.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until January 1, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its

NINETY-FIFTH DAY, APRIL 16, 2009

duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.

(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

(12) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(13) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(14) This section expires July 1, 2015.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under section 8(4)(b) of this act, the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2015.

(2) No later than June 30, 2011, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in section 3(1) of this act. No later than June 30, 2012, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the department's conversion of its contracts to performance-based contracts.

(3) The department shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

NEW SECTION. Sec. 10. A new section is added to chapter 74.13 RCW to read as follows:

Not later than June 1, 2015, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand this act to the remainder of the state or terminate this act. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts.

NEW SECTION. Sec. 11. The department of social and health services, the office of financial management, and the caseload forecast council shall develop a proposal for submission to the legislature and the governor for the reinvestment of savings, including savings in reduced foster care caseloads, into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements. The proposal must be submitted to the legislature and the governor by November 30, 2010, and shall include sufficient detail regarding accounting, budgeting, and allocation or other procedures for legislative consideration and approval.

Sec. 12. RCW 74.15.010 and 1995 c 302 s 2 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

2009 REGULAR SESSION

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate (~~child-care~~) foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public and (~~voluntary~~) supervising agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 13. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

NINETY-FIFTH DAY, APRIL 16, 2009

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States

citizenship and immigration ((and naturalization)) services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) (~~"Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

~~(5)) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.~~

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the ~~((job training partnership))~~ workforce investment act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 14. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed ~~((hereunder))~~ under this chapter, or because of any other relevant factor ~~((relevant thereto))~~;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department's ~~((case management))~~ information technology system. ~~((No))~~ Unfounded allegations of child abuse or neglect as defined in RCW 26.44.020 ~~((may))~~ shall be disclosed to ((a child-placing agency, private adoption agency, or any other provider licensed)) supervising agencies under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicense;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 15. RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and

NINETY-FIFTH DAY, APRIL 16, 2009

child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department (~~(of social and health services)~~) before a license shall be issued, except that (~~(a provisionat)~~) an initial license may be issued as provided in RCW 74.15.120.

Sec. 16. RCW 74.15.100 and 2006 c 265 s 403 are each amended to read as follows:

Each agency or supervising agency shall make application for a license or renewal of license to the department (~~(of social and health services)~~) on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that this will apply only if the family remains intact.

Sec. 17. RCW 26.44.020 and 2007 c 220 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or

developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner (~~(- PROVIDED, HOWEVER, That)~~). A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(23) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 18. RCW 26.44.200 and 2002 c 134 s 4 are each amended to read as follows:

A law enforcement agency in the course of investigating:

(1) An allegation under RCW 69.50.401(~~((a))~~) (1) and (2) (a) through (e) relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, pressurized ammonia gas, or pressurized ammonia gas solution with intent to manufacture methamphetamine, that discovers a child present at the site, shall contact the department immediately.

NEW SECTION. Sec. 19. A new section is added to chapter 26.44 RCW to read as follows:

Within existing resources, the department shall develop a curriculum designed to train child protective services staff in forensic techniques used for investigating allegations of child abuse or neglect.

Sec. 20. RCW 13.34.025 and 2007 c 410 s 2 are each amended to read as follows:

(1) The department (~~(of social and health services)~~) and supervising agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and supervising agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and supervising agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers including supervising agencies, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department or supervising agency in its social study or ordered by the court for

the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department or supervising agency shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 21. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

~~((5))~~ (6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((6))~~ (7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an

NINETY-FIFTH DAY, APRIL 16, 2009

individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((9))~~ (10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((10))~~ (11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((11))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((12))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

~~((13))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((14))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe or an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((15))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(17) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom the department has entered into a performance-based contract to provide child welfare services as defined in RCW 74.13.020.

Sec. 22. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case. The department ((of social and health services)) or supervising agency shall submit a recommendation to the court as to the further need for shelter care in all cases in which ((it is the petitioner)) the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order ~~((the supervising agency or))~~ the department ~~((of social and health services))~~ to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the department or supervising agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or supervising agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

NINETY-FIFTH DAY, APRIL 16, 2009

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 23. RCW 13.34.067 and 2004 c 147 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department or supervising agency shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department or supervising agency and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department or supervising agency is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department or supervising agency, upon the parent's request, shall convene a case conference.

Sec. 24. RCW 13.34.094 and 2004 c 147 s 3 are each amended to read as follows:

The department, or supervising agency after the shelter care hearing, shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 25. RCW 13.34.096 and 2007 c 409 s 1 are each amended to read as follows:

The department (~~of social and health services or other~~) or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department before shelter care or (~~other~~) supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed

to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 26. RCW 13.34.125 and 1999 c 173 s 2 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department or supervising agency shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department or supervising agency has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 27. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative (~~or~~)₂ the department, or a (~~licensed child placing~~) supervising agency for supervision of the child's placement. The department or supervising agency (~~supervising the child's placement~~) has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent,

NINETY-FIFTH DAY, APRIL 16, 2009

guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the department or supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 28. RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are each reenacted and amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of

2009 REGULAR SESSION

a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains

NINETY-FIFTH DAY, APRIL 16, 2009

enrolled in the school the child was attending at the time the child entered foster care.

(vi) The supervising agency (~~(charged with supervising a child in placement)~~) or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 29. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(vii) Whether preference has been given to placement with the child's relatives;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with ~~(am)~~ the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 30. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a

permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

NINETY-FIFTH DAY, APRIL 16, 2009

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a

guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 31. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department or supervising agency shall not continue to supervise the placement.

(2) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(3) Any order entered in the dependency court establishing or modifying a permanent legal custody order under chapter 26.10 RCW shall also be filed in the chapter 26.10 RCW action by the prevailing party. Once filed, any order establishing or modifying permanent legal custody shall survive dismissal of the dependency proceeding.

Sec. 32. RCW 13.34.174 and 2000 c 122 s 23 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's or supervising agency's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising (~~(child-placing)~~) agency (~~(if any)~~), and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising (~~(child-placing)~~) agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 33. RCW 13.34.176 and 2000 c 122 s 24 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's or supervising agency's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 34. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party, including the supervising agency, to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

- (a) That the child has been found to be a dependent child;
- (b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE"

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the ~~((department of social and health services))~~ supervising agency

NINETY-FIFTH DAY, APRIL 16, 2009

and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 35. RCW 13.34.210 and 2003 c 227 s 8 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or ~~((to))~~ a ~~((licensed child-placing))~~ supervising agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or supervising agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships.

Sec. 36. RCW 13.34.215 and 2008 c 267 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination; and

(d) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department or the supervising agency, the child's attorney, and the child. The court shall also order the department or supervising agency to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the

petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department or supervising agency shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department or supervising agency shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, the supervising agency, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, the supervising agency, or its employees concerning the original termination.

Sec. 37. RCW 13.34.230 and 1981 c 195 s 1 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department ~~((of social and health services))~~ or supervising agency shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.

Sec. 38. RCW 13.34.233 and 2000 c 122 s 30 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department or supervising agency was not previously a party to the guardianship proceeding, the department or supervising agency shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party ~~((or))~~, the department, or the supervising agency if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department or a ~~((licensed child-placing))~~ supervising agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 39. RCW 13.34.245 and 1997 c 386 s 18 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the

terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department or ~~((other child-placing))~~ supervising agency which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department or ~~((other child-placing))~~ supervising agency which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 40. RCW 13.34.320 and 1999 c 188 s 2 are each amended to read as follows:

The department or supervising agency shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department or supervising agency shall request a hearing and provide notice to all interested parties to

NINETY-FIFTH DAY, APRIL 16, 2009

seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department or supervising agency does not allow time for the department or supervising agency to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department or supervising agency shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 41. RCW 13.34.330 and 1999 c 188 s 3 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department or supervising agency, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 42. RCW 13.34.340 and 2000 c 122 s 35 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department or supervising agency because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department or supervising agency has authorized to provide mental health treatment under RCW 13.34.320, the department or supervising agency shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's or supervising agency's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department or supervising agency in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department or supervising agency records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department or supervising agency records to another treating physician.

Sec. 43. RCW 13.34.350 and 2001 c 52 s 2 are each amended to read as follows:

In order to facilitate communication of information needed to serve the best interest of any child who is the subject of a dependency case filed under this chapter, the department (~~(of social and health services)~~) shall, consistent with state and federal law governing the release of confidential information, establish guidelines, and shall use those guidelines for the facilitation of communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers, and others.

Sec. 44. RCW 13.34.370 and 2004 c 146 s 2 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the (~~(state)~~) supervising agency, the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 45. RCW 13.34.380 and 2004 c 146 s 3 are each amended to read as follows:

The department (~~(of social and health services)~~) shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based

2009 REGULAR SESSION

agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for department and supervising agency caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 46. RCW 13.34.385 and 2008 c 259 s 1 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department (~~(or)~~)₂ another public (~~(or private)~~) agency, or a supervising agency; and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department (~~(or)~~), other public (~~(or private)~~) agency, or supervising agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

court currently has to order visitation with a relative under the dependency statutes.

Sec. 47. RCW 13.34.390 and 2005 c 504 s 303 are each amended to read as follows:

The department (~~(of social and health services)~~) and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, (~~(as those terms are defined in section 603 of this act)~~) and shall expand capacity in underserved regions of the state.

Sec. 48. RCW 13.34.400 and 2007 c 411 s 2 are each amended to read as follows:

In any proceeding under this chapter, if the department or supervising agency submits a report to the court in which the department is recommending a new placement or a change in placement, the department or supervising agency shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department or supervising agency shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to visitation with a child, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to the psychological status of a person, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to injuries to a child, the department or supervising agency shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to a home study, licensing action, or background check information, the department or supervising agency shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 49. RCW 74.13.010 and 1965 c 30 s 2 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of (~~(public)~~) child welfare services provided by both the department and supervising agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social

services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

NEW SECTION. Sec. 50. A new section is added to chapter 74.13 RCW to read as follows:

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the comprehensive plan for homeless families with children.

Sec. 51. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

~~((The department shall have the duty to provide child welfare services and shall:))~~

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. (~~(The policy for monitoring placements))~~ Under this section (~~(shall require that)~~) children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month.

~~((~~(*)~~))~~ The department or supervising agencies shall conduct the monthly visits with children and caregivers (~~(required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection~~

NINETY-FIFTH DAY, APRIL 16, 2009

and shall provide the department with a written report of the visits within fifteen days of completing the visits.

~~(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days)) to whom it is providing child welfare services.~~

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children(~~; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department~~).

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-

placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department (~~of social and health services~~) under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~is~~) and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 52. RCW 74.13.0311 and 2002 c 219 s 13 are each amended to read as follows:

The department or (~~its contractors~~) supervising agencies may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department or supervising agencies from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 53. RCW 74.13.032 and 1998 c 296 s 4 are each amended to read as follows:

(1) The department shall establish, (~~by~~) through performance-based contracts with private or public vendors, regional crisis residential centers with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.

(2) Within available funds appropriated for this purpose, the department shall establish, (~~by~~) through performance-based contracts with private or public vendors, regional crisis residential centers with secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the facilities established under subsections (1) and (2) of this section, establish additional crisis residential centers pursuant to performance-based contracts with licensed private group care facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(5) The secure facilities located within crisis residential centers shall be operated to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no less than one adult staff member to every ten children. The staffing ratio shall continue to ensure the safety of the children.

(6) If a secure crisis residential center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

Sec. 54. RCW 74.13.036 and 2003 c 207 s 2 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department or supervising agency staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The department shall provide an annual report to the legislature not later than December 1 of each year only when it has declined to accept custody of a child from a law enforcement agency or it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

Sec. 55. RCW 74.13.037 and 1997 c 146 s 9 are each amended to read as follows:

Within available funds appropriated for this purpose, the department shall establish, ~~((by))~~ through performance-based contracts with private vendors, transitional living programs for youth who are being assisted by the department in being emancipated as part of their permanency plan under chapter 13.34 RCW. These programs shall be licensed under rules adopted by the department.

Sec. 56. RCW 74.13.042 and 1995 c 311 s 14 are each amended to read as follows:

If the department or supervising agency is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department or supervising agency may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department or supervising agency, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 57. RCW 74.13.045 and 1998 c 245 s 146 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department or supervising agency, foster parents, and other affected individuals who have complaints regarding a department policy or procedure, ~~((or))~~ the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department and supervising agency caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 58. RCW 74.13.055 and 1998 c 245 s 147 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer

NINETY-FIFTH DAY, APRIL 16, 2009

than twenty-four months. The department shall also work cooperatively with ~~((the major private child care providers))~~ supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.

Sec. 59. RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended to read as follows:

~~(1)~~ The secretary or his or her designees or delegates shall be the custodian without compensation of such moneys and other funds of any person which may come into the possession of the secretary during the period such person is placed with the department ~~((of social and health services))~~ or an entity with which it has entered into a performance-based contract pursuant to chapter 74.13 RCW. As such custodian, the secretary shall have authority to disburse moneys from the person's funds for the following purposes only and subject to the following limitations:

~~((1))~~ ~~The secretary may disburse any of the funds belonging to such person)~~ (a) For such personal needs of such person as the secretary may deem proper and necessary.

~~((2))~~ ~~The secretary may apply such funds)~~ (b) Against the amount of public assistance otherwise payable to such person. This includes applying, as reimbursement, any benefits, payments, funds, or accrual paid to or on behalf of said person from any source against the amount of public assistance expended on behalf of said person during the period for which the benefits, payments, funds or accruals were paid.

~~((3))~~ (2) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him or her on an individual basis. Whenever, the funds belonging to any one person exceed the sum of five hundred dollars, the secretary may deposit said funds in a savings and loan association account on behalf of that particular person.

~~((4))~~ (3) When the conditions of placement no longer exist and public assistance is no longer being provided for such person, upon a showing of legal competency and proper authority, the secretary shall deliver to such person, or the parent, person, or agency legally responsible for such person, all funds belonging to the person remaining in his or her possession as custodian, together with a full and final accounting of all receipts and expenditures made therefrom.

~~((5))~~ (4) The appointment of a guardian for the estate of such person shall terminate the secretary's authority as custodian of said funds upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to such guardian any funds of such person remaining in the secretary's possession together with full and final accounting of all receipts and expenditures made therefrom.

Sec. 60. RCW 74.13.065 and 2002 c 52 s 8 are each amended to read as follows:

~~(1)~~ The department ~~((or supervising agency ((responsible for supervising a child in out-of-home care,))~~ or supervising agency ~~((responsible for supervising a child in out-of-home care,))~~ shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or ~~((other))~~ supervising agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

~~(2)~~ The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 61. RCW 74.13.075 and 1994 c 169 s 1 are each amended to read as follows:

(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and

(i) Are in the care and custody of the state or a federally recognized Indian tribe located within the state; or

(ii) Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a tribal court located within the state; or

(b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department ~~((of social and health services))~~ shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment;

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

(3) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) the department seeks to recover any federal funds available for the treatment of youth.

Sec. 62. RCW 74.13.077 and 1993 c 402 s 4 are each amended to read as follows:

The secretary ~~((of the department of social and health services))~~ is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth.

Sec. 63. RCW 74.13.096 and 2007 c 465 s 2 are each amended to read as follows:

(1) The secretary ~~((of the department of social and health services))~~ shall convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in Washington's child welfare system. The department shall collaborate with the Washington institute for public policy and private sector entities to develop a methodology for the advisory committee to follow in conducting a baseline analysis of data from the child welfare system to determine whether racial disproportionality and racial disparity exist in this system. The Washington institute for public policy shall serve as technical staff for the advisory committee. In determining whether racial disproportionality or racial disparity exists, the committee shall utilize existing research and evaluations conducted within Washington state, nationally, and in other states and localities that have similarly analyzed the prevalence of racial disproportionality and disparity in child welfare.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

(2) At a minimum, the advisory committee shall examine and analyze: (a) The level of involvement of children of color at each stage in the state's child welfare system, including the points of entry and exit, and each point at which a treatment decision is made; (b) the number of children of color in low-income or single-parent families involved in the state's child welfare system; (c) the family structures of families involved in the state's child welfare system; and (d) the outcomes for children in the existing child welfare system. This analysis shall be disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall consist of experts in social work, law, child welfare, psychology, or related fields, at least two tribal representatives, a representative of the governor's juvenile justice advisory committee, a representative of a community-based organization involved with child welfare issues, a representative of the department (~~(of social and health services)~~), a current or former foster care youth, a current or former foster care parent, and a parent previously involved with Washington's child welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department (~~(of social and health services)~~). The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as cochairs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department (~~(of social and health services)~~) on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department (~~(of social and health services)~~), shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2) of this section and shall describe the remediation plan required under subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary shall report annually to the appropriate committees of the legislature on the implementation of the remediation plan, including any measurable progress made in reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

Sec. 64. RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to read as follows:

When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him or her on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his or her judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing or supervising agency.

Sec. 65. RCW 74.13.106 and 1985 c 7 s 134 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) shall be credited to the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such appropriations as may be available. The secretary may for such purposes, contract with any public agency or (~~(licensed child placing)~~) supervising agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Sec. 66. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and

NINETY-FIFTH DAY, APRIL 16, 2009

likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support(~~(, provided that)~~). If the secretary (~~(shall)~~) finds that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

Sec. 67. RCW 74.13.124 and 1985 c 7 s 140 are each amended to read as follows:

An agreement for adoption support made (~~(pursuant to RCW 26.32.115)~~) before January 1, 1985, or pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitute a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his or her consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself or herself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his or her rights, including all rights of appeal under the fair hearing provisions, available to him or her under RCW 74.13.127 (as recodified by this act).

Sec. 68. RCW 74.13.136 and 1985 c 7 s 144 are each amended to read as follows:

Any (~~(child-caring)~~) supervising agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such

2009 REGULAR SESSION

child as provided for in RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) may do so, and may include in its or his or her recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act). Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

Sec. 69. RCW 74.13.165 and 1997 c 272 s 4 are each amended to read as follows:

The secretary or the secretary's designee (~~(may)~~) shall purchase services from nonprofit agencies for the purpose of conducting home studies for legally free children who have been awaiting adoption finalization for more than (~~(ninety)~~) sixty days. The home studies selected to be done under this section shall be for the children who have been legally free and awaiting adoption finalization the longest period of time.

This section expires June 30, 2011.

Sec. 70. RCW 74.13.170 and 1991 c 326 s 2 are each amended to read as follows:

The department (~~(of social and health services)~~) may, through performance-based contracts with supervising agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 71. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Foster parents shall complete preservice training (~~(shall be completed prior to)~~) before the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 72. RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a (~~(child-placing)~~) supervising agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or supervising agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

- (a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;
- (b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;
- (c) Has witnessed a death or substantial physical violence in the past or recent past; or
- (d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((child-placing))~~ supervising agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

- (i) Suicide attempts or suicidal behavior or ideation;
- (ii) Self-mutilation or similar self-destructive behavior;
- (iii) Fire-setting or a developmentally inappropriate fascination with fire;
- (iv) Animal torture;
- (v) Property destruction; or
- (vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

- (i) Observed assaultive behavior;
- (ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or
- (iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 73. RCW 74.13.283 and 2008 c 267 s 7 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department or supervising agency to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

- (a) A written signed statement prepared on department or supervising agency letterhead, verifying the following:
 - (i) The youth is a minor who resides in Washington;
 - (ii) Pursuant to a court order, the youth is dependent and the department or ~~((other))~~ supervising agency is the legal custodian

of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

- (iii) The youth's full name and date of birth;
- (iv) The youth's social security number, if available;
- (v) A brief physical description of the youth;
- (vi) The appropriate address to be listed on the youth's identicard; and
- (vii) Contact information for the appropriate person ~~((at))~~ with the department or supervising agency.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department or supervising agency may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

- (a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or
- (b) Hand-delivered to a local office of the department of licensing by a department or supervising agency case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department or supervising agency shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 74. RCW 74.13.285 and 2007 c 409 s 7 are each amended to read as follows:

(1) Within available resources, the department or supervising agency shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department or supervising agency shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements ~~((after July 1, 1997;))~~ shall have first priority in the preparation of passports. ~~((Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.))~~

(2) In addition to the requirements of subsection (1) of this section, the department or supervising agency shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider including supervising agencies for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 75. RCW 74.13.288 and 2004 c 40 s 2 are each amended to read as follows:

~~((+))~~ The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under one year of age who have been placed in out-of-home care and shall identify the specific pathogens for which testing is recommended.

~~((2))~~ The department shall report to the appropriate committees of the legislature on the recommendations

NINETY-FIFTH DAY, APRIL 16, 2009

~~developed in accordance with subsection (1) of this section by January 1, 2005.)~~

Sec. 76. RCW 74.13.289 and 2004 c 40 s 3 are each amended to read as follows:

(1) Upon any placement, the department ~~((of social and health services))~~ or supervising agency shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department or supervising agency.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 77. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department or ~~((a child-placing))~~ supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or ~~((child-placing))~~ supervising agency shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or ~~((child-placing))~~ supervising agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 78. RCW 74.13.310 and 1990 c 284 s 13 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent ~~((SCOPE))~~ training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department and supervising agency shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 79. RCW 74.13.315 and 1997 c 272 s 6 are each amended to read as follows:

The department or supervising agency may provide child care for all foster parents who are required to attend department-sponsored or supervising agency-sponsored meetings or training sessions. If the department or supervising agency does not provide such child care, the department or supervising agency, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 80. RCW 74.13.320 and 1990 c 284 s 15 are each amended to read as follows:

~~((The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3 percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.~~

~~—The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.~~

~~—The project shall consist of one statewide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.~~

~~—The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program statewide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.)~~

The department shall assist ~~((the private contractors))~~ supervising agencies by providing printing services for informational brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

Sec. 81. RCW 74.13.325 and 1997 c 272 s 3 are each amended to read as follows:

Within available resources, the department and supervising agencies shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department shall ~~((contract with a private agency to))~~ enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities ~~((for the department and private agencies))~~.

Sec. 82. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

A foster parent who believes that a department or supervising agency employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, ~~((or))~~ the department, or the supervising agency, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW,

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department or supervising agency and foster parents.

Sec. 83. RCW 74.13.334 and 2004 c 181 s 2 are each amended to read as follows:

The department and supervising agency shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 84. RCW 74.13.500 and 2005 c 274 s 351 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department or a supervising agency has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department or a supervising agency at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 85. RCW 74.13.515 and 2005 c 274 s 352 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department or a supervising agency at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security

number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 86. RCW 74.13.525 and 2005 c 274 s 353 are each amended to read as follows:

The department or supervising agency, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 87. RCW 74.13.530 and 2001 c 318 s 4 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department or a supervising agency under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 88. RCW 74.13.560 and 2003 c 112 s 3 are each amended to read as follows:

The administrative regions of the department and the supervising agencies shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 89. RCW 74.13.590 and 2003 c 112 s 6 are each amended to read as follows:

The department and supervising agencies shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 90. RCW 74.13.600 and 2003 c 284 s 1 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department and supervising agencies shall plan, design, and implement strategies to prioritize the placement of

NINETY-FIFTH DAY, APRIL 16, 2009

children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used by supervising agencies when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department or supervising agencies shall request that the juvenile court require parents to disclose to the ~~((department))~~ agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department and supervising agencies shall encourage the parents to disclose to the department and agencies all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department or supervising agency provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 91. RCW 74.13.640 and 2008 c 211 s 1 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or a supervising agency or who has been in the care of or received services described in chapter 74.13 RCW from the department or a supervising agency within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports shall be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section shall be posted and maintained.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

Sec. 92. RCW 74.13.650 and 2007 c 220 s 7 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The ~~((foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement))~~ department shall enter into performance-based contracts with supervising agencies to provide this program.

Sec. 93. RCW 74.13.670 and 2007 c 220 s 5 are each amended to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise ~~((wherein))~~ in which:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

NEW SECTION. Sec. 94. RCW 74.13.085, 74.13.0902, 74.13.095, and 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

NEW SECTION. Sec. 95. RCW 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170 are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. Sec. 96. Section 63 of this act expires June 30, 2014.

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 97. The following acts or parts of acts are each repealed:

1. RCW 13.34.803 (Drug-affected and alcohol-affected infants--Comprehensive plan--Report) and 1998 c 314 s 40;
2. RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s 31;
3. RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected infants to be included) and 1998 c 314 s 32;
4. RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and 1998 c 314 s 48;
5. RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and 2005 c 345 s 2;
6. RCW 74.13.200 (Demonstration project for protection, care, and treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248 s 1;
7. RCW 74.13.210 (Project day care center--Definition) and 1979 ex.s. c 248 s 2;
8. RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;
9. RCW 74.13.230 (Project shall utilize community services) and 1979 ex.s. c 248 s 4;
10. RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;
11. RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2; and
12. RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281 s 2.

NEW SECTION. Sec. 98. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Second Substitute House Bill No. 2106.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "reforms;" strike the remainder of the title and insert "amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 26.44 RCW; creating a new section; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing

RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2106 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

Senators Sheldon and Roach spoke against passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Would Senator Hargrove yield to a question? Senator Hargrove, much discussion about this transfer and privatizing of child welfare. You know that for me children, like many of you, children, they are very close to my heart and not only that when it comes to families, when you work the families have first preference if they are, have been assessed and meet the criteria to have first preference to have that child to keep the child in the family. Does that still exist?"

Senator Hargrove: "Thank you Senator Franklin. There was a lot of unclarity in the last few minutes of speech obviously. The, all of the existing laws we have put in place still exist. Relative placements are still the first preference. We have the same process in court, the same standards for child abuse, we have the same opportunity for the office of child and family ombudsman to receive a call and intervene in a case, we have the same opportunity for the legislature to be involved that they have now. The issue has been a lack of accountability in the existing system on major performance standards, like reunifications, like safety, like permanency, like the multiple times kids move through foster care. We have an agency responsible for everything. We can make progress on all of those to the benefit of children and families and we haven't changed any of those other provisions we've put in law over the years."

MOTION

On motion of Senator Marr, Senators Brown and Haugen were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2106 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2106 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Regala, Shin, Stevens, Swecker, Tom and Zarelli

NINETY-FIFTH DAY, APRIL 16, 2009

2009 REGULAR SESSION

Voting nay: Senators Delvin, Fraser, Kilmer, Marr, McDermott, Pridemore, Ranker, Roach, Schoesler and Sheldon

Excused: Senators Brown and Rockefeller

SECOND SUBSTITUTE HOUSE BILL NO. 2106 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. Today we passed a pretty historic bill for education and our Senator from the Third District thanked the members of the basic education task force and their staff. I would be remiss if I did not recognize the educational team that we have here in the senate who serve both sides of the aisle. They are: Susan Mielke, our nonpartisan staff and Heather Lewis-Lechner who also serves with us. It would be Barbara McClain from the House who is nonpartisan, Mary Kenfield from the House and also Kathleen Lawrence from the other side of the aisle. These people have worked with us over the last I want to say ten, twenty years to bring forward education policy that we are, all struggle to make because we want to serve the children in our schools. I want to tell you how important this staff is because they bring forward many amendments for us, many bills for us. This bill that we passed today has a historic rewriting. I do not think our staff has ever rewritten a bill so many times and I want to recognize them and thank them because we are only as good as our staff is, so thank you all."

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 15, 2009

SB 5407 Prime Sponsor, Senator Tom: Making 2009 supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore, Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Carrell and Murray.

Passed to Committee on Rules for second reading.

April 15, 2009

SB 5600 Prime Sponsor, Senator Prentice: Making 2009-2011 operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5600 be substituted therefor, and the substitute bill do

pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore, Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 16, 2009

SB 6157 Prime Sponsor, Senator Prentice: Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Honeyford.

Passed to Committee on Rules for second reading.

April 16, 2009

SB 6158 Prime Sponsor, Senator Keiser: Delaying the implementation of the family leave insurance program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5599,

MOTION

At 8:18 p.m., on motion of Senator Eide, the Senate

NINETY-FIFTH DAY, APRIL 16, 2009
adjourned until 9:30 a.m. Friday, April 17, 2009.

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 17, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen, Hobbs, Jacobsen, Ranker and Rockefeller.

The Sergeant at Arms Color Guard consisting of Pages Andrew Jenkins and Sebastian Sanchez, presented the Colors. Pastor Sandra Kreis of St. Christopher's Community Church offered the prayer.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Central Washington University Army ROTC, Lt. Colonel Greg Solem, Professor of Military Science at CWU; Col. Paul Wood, 13th Brigade Commander, U. S. Army Cadet Command; Central Washington University President James Gaudino; Cadets, Aron Blanchard, Cadet Battalion Commander; Kara Haderli; Darek Piper; Nathan Schoffer and Noah Anderson who were seated in the gallery.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 16, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GAIL KOGLE, appointed March 25, 2009, for the term ending December 5, 2009, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
- SUBSTITUTE HOUSE BILL NO. 1038,
- SECOND SUBSTITUTE HOUSE BILL NO. 1052,
- SUBSTITUTE HOUSE BILL NO. 1071,
- HOUSE BILL NO. 1120,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6184 by Senators McCaslin and Fairley

AN ACT Relating to agency review of initiative measures; and amending RCW 29A.72.020.

Referred to Committee on Government Operations & Elections.

SB 6185 by Senator Hatfield

AN ACT Relating to preserving the maritime heritage of the state of Washington; amending RCW 82.49.010, 88.02.010, and 88.02.053; adding a new section to chapter 27.34 RCW; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2327 by House Committee on Ways & Means (originally sponsored by Representatives Linville and Ericks)

AN ACT Relating to eliminating or reducing the frequency of reports prepared by state agencies; amending RCW 19.146.280, 43.320.1401, 43.88.110, 13.60.110, 74.13.036, 74.08A.130, 70.56.040, 43.70.690, 77.85.140, 43.320.100, 39.102.140, 43.336.060, 43.365.040, 43.330.082, 43.155.070, 43.185C.040, 43.63A.068, 39.86.190, 43.325.050, 43.79.460, 18.130.310, and 43.20.100; repealing RCW 43.88.067, 46.48.180, 43.44.100, 74.14C.080, 80.36.475, 74.08A.430, 70.114A.085, 43.70.518, and 79A.15.100; adding a new section to chapter 43.01 RCW; and providing expiration dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth

NINETY-SIXTH DAY, APRIL 17, 2009
 order of business.

2009 REGULAR SESSION

the bill passed the Senate by the following vote: Yeas, 25; Nays, 19; Absent, 1; Excused, 4.

POINT OF PERSONAL PRIVILEGE

Senator Holmquist: "Thank you Mr. President. As Senator of the 13th Legislative District I just didn't want to miss the opportunity to acknowledge and I think you've already acknowledging them in our wings today. Central Washington University Army Reserve Officers Training Corp has earned the title as the most outstanding battalion of the nation's 277 Senior Army ROTC programs and today April 17th our Governor Gregoire is signing a Gubernatorial proclamation proclaiming today as Central Washington University ROTC recognition day and there will be a ceremony held today at 11:30 in the Governor's Conference Room and I am just so proud of you. Thank you so much for serving our country. Thank you Mr. President."

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens and Zarelli

Absent: Senator Hobbs

Excused: Senators Haugen, Jacobsen, Ranker and Rockefeller

SECOND SUBSTITUTE HOUSE BILL NO. 1172 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1172, by House Committee on General Government Appropriations (originally sponsored by Representatives Simpson, Nelson and Rolfes)

Implementing a transfer of development rights program.

The measure was read the second time.

MOTION

Senator Fairley moved that the following amendment by Senators Hobbs and Swecker be adopted.

On page 5, line 31, after "forestry;" strike "and"

On page 5, line 33, after "priorities" insert "; and"

(d) Land that is in current use as a manufactured/mobile home park as defined in chapter 59.20 RCW"

Senators Fairley and Jarrett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Swecker on page 5, line 31 to Second Substitute House Bill No. 1172.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Jarrett, the rules were suspended, Second Substitute House Bill No. 1172 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and Swecker spoke in favor of passage of the bill.

Senators Roach and Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senators Haugen, Jacobsen, Ranker and Rockefeller were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1172 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1172 as amended by the Senate and

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1347, by House Committee on Ways & Means (originally sponsored by Representatives Santos, Roach, Morrell, Moeller, Chase and Roberts)

Regarding financial education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.450 and 2004 c 247 s 2 are each amended to read as follows:

(1) A financial ~~((literacy))~~ education public-private partnership is established, composed of ~~((up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members-))~~ the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed by the speaker of the house of representatives, and one member from each caucus of the senate appointed by the president of the senate;

(b) Four representatives from the private for-profit and nonprofit financial services sector, including at least one representative from the jumpstart coalition, to be appointed by the governor;

(c) Four teachers to be appointed by the superintendent of public instruction, with one each representing the elementary, middle, secondary, and postsecondary education sectors;

(d) A representative from the department of financial institutions to be appointed by the director;

(e) Two representatives from the office of the superintendent of public instruction, with one involved in curriculum development and one involved in teacher professional development, to be appointed by the superintendent.

(2) The chair of the partnership shall be selected by the members of the partnership from among the legislative members.

~~((2))~~ (3) To the extent funds are appropriated or are available for this purpose, the partnership may hire a staff person who shall reside in the office of the superintendent of public instruction for administrative purposes. Additional technical and logistical support may be provided by the office of the superintendent of public instruction, the department of financial institutions, the organizations composing the partnership, and other participants in the financial ((literacy)) education public-private partnership. ~~((The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.~~

~~((3))~~ (4) The members of the ((committee)) partnership shall be appointed by ((July 1, 2004)) August 1, 2009.

~~((4))~~ (5) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

~~((5))~~ (6) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

(7) This section shall be implemented to the extent funds are available.

Sec. 2. RCW 28A.300.460 and 2007 c 459 s 2 are each amended to read as follows:

(1) The task of the financial ((literacy)) education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial ((literacy examined)) education shall include ~~((at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating districts and students, in accordance with the definitions and outcomes developed under RCW 28A.300.455))~~ the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.

(2) In carrying out its task, and to the extent funds are available, the partnership shall:

(a) Communicate to school districts the financial education standards adopted under section 3 of this act, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;

(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs and schoolwide programs that include the important financial skills and content knowledge;

(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;

(d) Identify assessments and outcome measures that schools and communities may use to determine whether students have met the financial education standards adopted under section 3 of this act;

(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;

(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development that could lead to a certificate endorsement or other certification of competency in financial education;

(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; and

(h) Provide an annual report beginning December 1, 2009, as provided in section 4 of this act, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction and the financial education public-private partnership shall provide technical assistance and grants to support demonstration projects for district-wide adoption and implementation of the financial education learning standards under this section.

(2) School districts may apply on a competitive basis to participate as a demonstration project. The office and the partnership shall select up to four school districts as demonstration projects, with two districts located in eastern Washington and two districts located in western Washington, if possible.

(3) Selected districts must:

(a) Adopt the jumpstart coalition national standards in K-12 personal finance education as the essential academic learning requirements for financial education and provide students with an opportunity to master the standards;

(b) Make a commitment to integrate financial education into instruction at all grade levels and in all schools in the district;

(c) Establish local partnerships within the community to promote financial education in the schools; and

(d) Conduct pre- and post-testing of students' financial literacy.

(4) The office of the superintendent of public instruction, with the advice of the financial education public-private partnership, shall provide assistance to the demonstration projects regarding curriculum, professional development, and innovative instructional programs to implement the financial education standards.

(5) The selected districts must report findings and results of the demonstration project to the office of the superintendent of public instruction and appropriate committees of the legislature by April 30, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

The annual report from the financial education public-private partnership, provided funds are available, shall include:

(1) Results from the jumpstart survey of personal financial literacy;

(2) Progress toward statewide adoption of financial education standards by school districts;

(3) Professional development activities related to equipping teachers with the knowledge and skills to teach financial education;

(4) Activities related to financial education curriculum development; and

(5) Any recommendations for policies or other activities to support financial education instruction in public schools.

Sec. 5. RCW 28A.300.465 and 2004 c 247 s 6 are each amended to read as follows:

The Washington financial ((literacy)) education public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

financial ((~~literacy~~)) education public-private partnership, and to provide financial ((~~literacy~~)) education opportunities for students and financial ((~~literacy~~)) education professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account, and only at the direction of the partnership. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

6.1.1.1. RCW 28A.300.455 (Financial literacy public-private partnership responsibilities--Definition of financial literacy--Strategies--Reports) and 2007 c 459 s 1, 2005 c 277 s 2, & 2004 c 247 s 3;

6.1.1.2. RCW 28A.300.470 (Financial literacy public-private partnership--Expiration) and 2007 c 459 s 4 & 2004 c 247 s 7; and

6.1.1.3. RCW 28A.230.205 (Financial literary skills--Duties of the superintendent of public instruction and of school districts) and 2007 c 459 s 3."

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Hatfield, Senator Hobbs was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1347.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.450, 28A.300.460, and 28A.300.465; adding new sections to chapter 28A.300 RCW; and repealing RCW 28A.300.455, 28A.300.470, and 28A.230.205."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1347 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Parlette and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Morton was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1347 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1347 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Brandland, Hatfield, Hewitt, Holmquist, Honeyford, Schoesler and Zarelli

Excused: Senators Hobbs, Jacobsen, Morton and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1347 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2285, by Representatives Flannigan and Simpson

Addressing the formation of local improvement districts and utility local improvement districts comprised of property in more than one city or town.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 2285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2285.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2285 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Hewitt, Holmquist, Honeyford, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Brandland, Hobbs, Morton and Rockefeller

ENGROSSED HOUSE BILL NO. 2285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

At 10:09 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:56 a.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1919, by House Committee on Human Services (originally sponsored by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood)

Operating and administering a drug court program.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.96A.350 and 2008 c 329 s 918 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; ~~((and))~~ (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2007-2009 biennium, operation of the integrated crisis response and intensive case management pilots contracted with the department of social and health services division of alcohol and substance abuse. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer two million

nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)(b) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction.

(c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, ~~((and))~~ treatment

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2013.

Sec. 2. RCW 2.28.170 and 2006 c 339 s 106 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from the effective date of this act until June 30, 2013, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1919.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "and amending RCW 70.96A.350 and 2.28.1701"

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1919 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1919 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1919 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Pflug

Excused: Senators Hobbs and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1919 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1025, by House Committee on Education Appropriations (originally sponsored by Representatives Armstrong, Uptegrove and Wallace)

Requiring disclosure of certain information relating to higher education course materials.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown, Kauffman and Keiser were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, McCaslin, Pflug and Swecker were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1025.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1025 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Keiser, McCaslin, Pflug and Rockefeller

SECOND SUBSTITUTE HOUSE BILL NO. 1025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1484, by House Committee on Capital Budget (originally sponsored by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake)

Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Revised for 2nd Substitute: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.040 and 2000 c 11 s 3 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the

provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions;

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules.

In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to problems existing within such county. The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space ~~((program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on))~~ and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined ((avulsing)) channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. ~~((Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation~~

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120, plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020-)) For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department (~~is directed to purchase a fee interest or, at the owner's option,)) must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined (~~avaluing~~) channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.~~

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 2. RCW 84.33.140 and 2007 c 54 s 24 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
------------	-------------------	-----------------

1	1	\$234
1	2	229
	3	217
	4	157
	1	198
2	2	190
	3	183
	4	132
	1	154
3	2	149
	3	148
	4	113
	1	117
4	2	114
	3	113
	4	86
	1	85
5	2	78
	3	77
	4	52
	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in

NINETY-SIXTH DAY, APRIL 17, 2009

removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or

owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a ~~(fee interest or a)~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a

determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

NINETY-SIXTH DAY, APRIL 17, 2009

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k).

Sec. 4. RCW 76.09.020 and 2003 c 311 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(16) "Application" means the application required pursuant to RCW 76.09.050.

(17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(20) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(23) "Board" means the forest practices board created in RCW 76.09.030.

(24) "Unconfined ~~((avulsing))~~ channel migration zone" means the area within which the active channel of an unconfined ~~((avulsing))~~ stream is prone to move and where the movement would result in a potential near-term loss of riparian forest

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined (~~(avulsing))~~ stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Regala moved that the following amendment by Senator Regala to the committee striking amendment be adopted.

On page 10, line 36 of the amendment, after "than" strike "one million" and insert "~~((one million))~~ six hundred thousand"

On page 14, after line 35 of the amendment, insert the following:

"Sec. 4. RCW 84.33.145 and 2001 c 249 s 4 are each amended to read as follows:

(1) If no later than thirty days after removal of designation the owner applies for classification under RCW 84.34.020 (1), (2), or (3), then the designated forest land shall not be considered removed from designation for purposes of the compensating tax under RCW 84.33.140 until the application for current use classification under chapter 84.34 RCW is denied or the property is removed from classification under RCW 84.34.108. Upon removal of classification under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed valuation of the land when removed from classification under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against the land, multiplied by

(b) A number equal to:

(i) The number of years the land was designated under this chapter, if the total number of years the land was designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the definition of forest land under RCW 84.33.035. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

(3) In a county with a population of more than ~~((one million))~~ six hundred thousand inhabitants, no amount of compensating tax is due under this section if the removal from classification under RCW 84.34.108 results from a transfer of property described in RCW 84.34.108(6)."

Remember the remaining sections consecutively and correct any internal references accordingly.

Senator Regala spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Morton: "Would the Senator from the 27th yield to a question? The effect what's on my desk on the printing on the bill itself, I think that the word is incorrect. It says extends the

'exception', and I think that should be 'exemption.' I'm not sure, Mr. President, how we might correct that. I would not want the misinterpretation to follow the content of the bill. I do not find any other needed corrections but there is that one on the effect and how significant that is I'm not sure."

REPLY BY THE PRESIDENT

President Owen: "That's only in the definition. That's not in the bill then?"

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Mr. President. The language of the bill does not, I guess what I want to say is the intent or the effect of the language of the bill is not in the bill itself. The language is correct inside the bill."

REMARKS BY SENATOR MORTON

Senator Morton: "Perhaps a colloquy would clear it up?"

REMARKS BY THE PRESIDENT

President Owen: "Senator Morton, the President is not in the position to explain that but possibly the staff will."

REMARKS BY SENATOR MORTON

Senator Morton: "The clustered expertise, experts here, have convinced me that we are ok with the body of the bill itself, so with that I would recommend our adoption."

REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: "Another amendment has just been placed on the bar so we'll have to wait for that to be distributed."

Senator Morton spoke in favor the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala on page 10, line 36 to the committee striking amendment to Second Substitute House Bill No. 1484.

The motion by Senator Regala carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, further consideration of Second Substitute House Bill No. 1484 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289, by House Committee on Capital Budget (originally sponsored by Representative McCoy)

Expanding the energy freedom program.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Environment, Water & Energy be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to modify the energy freedom program and account in order to receive federal funds and other sources of funding. Also, the legislature intends to expand the mission of the energy freedom program to accelerate energy efficiency improvements, renewable energy improvements, and deployment of innovative energy technologies. Additionally, the legislature intends to support, through the energy freedom program, research, demonstration, and commercialization of energy efficiency improvements, renewable energy improvements, and innovation energy technologies.

Sec. 2. RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means the state and any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes ~~((and))~~, state institutions of higher education with appropriate research capabilities, any organization described in section 501(c)(3) of the internal revenue code, and private entities that are eligible to receive federal funds.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

(8) "Department" means the department of community, trade, and economic development.

(9) "Director" means the director of the department of community, trade, and economic development.

(10) "Energy efficiency improvement" means an installation or modification that is designed to reduce energy consumption. The term includes, but is not limited to: Insulation; storm windows and doors; automatic energy control systems; energy efficiency audits; heating, ventilating, or air conditioning and distribution system modifications or replacements in buildings or central plants; caulking and weather stripping; energy recovery systems; geothermal heat pumps; and day lighting systems.

(11) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

~~((++))~~ (12) "Innovative energy technology" means, but is not limited to, the following: Smart grid or smart metering; biogas from landfills, wastewater treatment plants, anaerobic

digesters, or other processes; wave or tidal power; fuel cells; high efficiency cogeneration; and energy storage systems.

(13) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((+2))~~ (14) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion, or clean energy projects as identified by the clean energy initiative as created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels. The definition of project does not apply to projects as described in RCW 43.325.020(5).

(15) "Renewable energy improvements" means a fixture, product, system, device, or interacting group of devices that produces energy from renewable resources. The term includes, but is not limited to: Photovoltaic systems; solar thermal systems; small wind systems; biomass systems; and geothermal systems.

~~((+3))~~ (16) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

~~((+4))~~ (17) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 3. RCW 43.325.020 and 2007 c 348 s 302 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, ~~((and))~~ the Washington state conservation commission, and the clean energy initiative as created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(3) Except as provided in subsections (4) and (5) of this section, the director, in cooperation with the department of agriculture, may approve an application only if the director finds:

(a) The project will convert farm products, wastes, cellulose, or biogas directly into electricity or biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 43.325.010 and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 43.325.010;

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5) When reviewing an application for energy efficiency improvements, renewable energy improvements, or innovative energy technology, the director may award a grant or a loan to an applicant if the director finds:

(a) The project or program will result in increased access for the public, state and local governments, and businesses to energy efficiency improvements, renewable energy improvements, or innovative energy technologies;

(b) The project or program demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The project or program does not require continued state support; or

(d) The federal government has provided funds with a limited time frame for use for energy independence and security, energy efficiency, renewable energy, innovative energy technologies, or conservation.

(6)(a) The director may approve a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

((6)) (7) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage

establishment of a viable bioenergy or biofuel industry, or a viable energy efficiency, renewable energy, or innovative energy technology industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

((7)) (8) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

Sec. 4. RCW 43.325.030 and 2007 c 348 s 205 are each amended to read as follows:

The ~~((director of the department))~~ office of the governor shall appoint a coordinator that is responsible for:

(1) Convening the clean energy initiative as created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009;

(2) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage ((a)) biofuel((s)) and energy efficiency, renewable energy, and innovative energy technology markets in Washington;

((2)) (3) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of energy efficiency, renewable energy, and innovative energy technology products and services as well as biofuels produced predominantly from recycled products or Washington feedstocks;

((3)) (4) Working with the departments of transportation and general administration, and other applicable state and local governmental entities and the private sector, to ensure the development of biofuel fueling stations for use by state and local governmental motor vehicle fleets, and to provide greater availability of public biofuel fueling stations for use by state and local governmental motor vehicle fleets;

((4)) (5) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

((5)) (6) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and transportation barriers of physically bringing forest biomass to the market;

((6)) (7) Coordinating with the department of agriculture and Washington State University for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

Sec. 5. RCW 43.325.040 and 2007 c 348 s 305 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature.

(a) Repayments of principal and interest from loans made to projects defined in RCW 43.325.010(14) must be used only for financial assistance to further funding of projects defined under that section.

(b) Repayments of principal and interest from loans made to energy efficiency improvement, renewable energy improvement,

NINETY-SIXTH DAY, APRIL 17, 2009

and innovative energy technology projects as defined in RCW 43.325.010 must be used only for financial assistance to further funding of projects defined under that section.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3) The nonstate energy account is created in the state treasury. All receipts from appropriations made to the nonstate energy account shall be deposited into the account and may be spent only after appropriation. Money provided by the federal government for energy independence and security, innovative energy technologies, energy efficiency, renewable energy, and conservation must be deposited into the nonstate energy account.

(a) To the energy efficiency assistance account created in section 110, chapter . . . (Engrossed Second Substitute Senate Bill No. 5649), Laws of 2009 there is appropriated from the nonstate energy account for the biennium ending June 30, 2011, a sum of thirty million dollars of the federal funds received by the state pursuant to the federal American recovery and reinvestment act of 2009 (P.L. 111-5), the federal energy independence and security act of 2007 (P.L. 110-140), the federal energy policy and conservation act (Title 42 U.S.C. Sec. 6321), and the energy efficient appliance rebate program authorized by the federal energy policy act of 2005 (P.L. 109-58), for the purpose of funding the energy efficiency assistance program as created in section 102, chapter . . . (Engrossed Second Substitute Senate Bill No. 5649), Laws of 2009.

(b) There is appropriated from the nonstate energy account to Washington State University the sum of fifteen million dollars for the fiscal year ending June 30, 2010, and fifteen million dollars for the fiscal year ending June 30, 2011.

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

((4)) (5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

((5)) (6) For the purposes of funding the clean energy leadership initiative, as created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009 there is appropriated from the nonstate energy account to Washington State University the sum of five hundred thousand dollars for the fiscal year ending June 30, 2010.

(7) Subsections (2) through ((4)) (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

Sec. 6. RCW 43.325.070 and 2007 c 348 s 303 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 43.325.020(3) exceeds the amount available in the energy freedom account created in RCW 43.325.040, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy ~~((or))~~ biofuel production capacity, energy efficiency, renewable energy, or innovative energy technology industry in Washington;

(d) The benefits to Washington's agricultural producers;

(e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; ~~((and))~~

(g) The number and quality of jobs and economic benefits created by the project; and

(h) Other criteria determined by the clean energy initiative.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 43.325.020 (4) and (6).

NEW SECTION. Sec. 7. Sections 2, 3, 5, and 6 of this act expire June 30, 2016.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.325.010, 43.325.020, 43.325.030, 43.325.040, and 43.325.070; creating a new section; making appropriations; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Pridemore to not adopt the committee striking amendment by the Committee on Environment, Water & Energy to Engrossed Substitute House Bill No. 2289.

The motion by Senator Pridemore carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to modify the energy freedom program and account in order to receive federal funds and other sources of funding. Also, the legislature intends to expand the mission of the energy freedom program to accelerate energy efficiency improvements, renewable energy improvements, and deployment of innovative energy technologies. Additionally, the legislature intends to support, through the energy freedom program, research, demonstration, and commercialization of energy efficiency improvements, renewable energy improvements, and innovation energy technologies.

Sec. 2. RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means the state and any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes ~~((and))~~ state institutions of higher education with appropriate research capabilities, any organization described in section 501(c)(3) of the internal revenue code, and private entities that are eligible to receive federal funds.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline,

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulose matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

(8) "Department" means the department of community, trade, and economic development.

(9) "Director" means the director of the department of community, trade, and economic development.

(10) "Energy efficiency improvement" means an installation or modification that is designed to reduce energy consumption. The term includes, but is not limited to: Insulation; storm windows and doors; automatic energy control systems; energy efficiency audits; heating, ventilating, or air conditioning and distribution system modifications or replacements in buildings or central plants; caulking and weather stripping; energy recovery systems; geothermal heat pumps; and day lighting systems.

(11) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

~~((+))~~ (12) "Innovative energy technology" means, but is not limited to, the following: Smart grid or smart metering; biogas from landfills, wastewater treatment plants, anaerobic digesters, or other processes; wave or tidal power; fuel cells; high efficiency cogeneration; and energy storage systems.

(13) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((+))~~ (14) "Project" ((means)) includes: (a) The construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion; (b) clean energy projects identified by the clean energy leadership council, created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009; and (c) energy efficiency improvements, renewable energy improvements, or innovative energy technologies. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels. The definition of project does not apply to projects as described in RCW 43.325.020(5).

(15) "Renewable energy improvements" means a fixture, product, system, device, or interacting group of devices that produces energy from renewable resources. The term includes, but is not limited to: Photovoltaic systems; solar thermal systems; small wind systems; biomass systems; and geothermal systems.

~~((+))~~ (16) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and

expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

~~((+))~~ (17) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 3. RCW 43.325.020 and 2007 c 348 s 302 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, ~~((and))~~ the Washington state conservation commission, and the clean energy leadership council created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(3) Except as provided in subsections (4) and (5) of this section, the director, in cooperation with the department of agriculture, may approve an application only if the director finds:

(a) The project will convert farm products, wastes, cellulose, or biogas directly into electricity or biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 43.325.010 and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 43.325.010;

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the

NINETY-SIXTH DAY, APRIL 17, 2009

green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5) When reviewing an application for energy efficiency improvements, renewable energy improvements, or innovative energy technology, the director may award a grant or a loan to an applicant if the director finds:

(a) The project or program will result in increased access for the public, state and local governments, and businesses to energy efficiency improvements, renewable energy improvements, or innovative energy technologies;

(b) The project or program demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The project or program does not require continued state support; or

(d) The federal government has provided funds with a limited time frame for use for energy independence and security, energy efficiency, renewable energy, innovative energy technologies, or conservation.

(6)(a) The director may approve a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

~~((6))~~ (7) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry, or a viable energy efficiency, renewable energy, or innovative energy technology industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((7))~~ (8) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

Sec. 4. RCW 43.325.030 and 2007 c 348 s 205 are each amended to read as follows:

The director of the department shall appoint a coordinator that is responsible for:

(1) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage ((a)) biofuel((s)) and energy efficiency, renewable energy, and innovative energy technology markets in Washington;

(2) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of biofuels produced predominantly from recycled products or Washington feedstocks;

(3) Working with the departments of transportation and general administration, and other applicable state and local governmental entities and the private sector, to ensure the development of biofuel fueling stations for use by state and local governmental motor vehicle fleets, and to provide greater availability of public biofuel fueling stations for use by state and local governmental motor vehicle fleets;

(4) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(5) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and

transportation barriers of physically bringing forest biomass to the market;

(6) Coordinating with the department of agriculture and Washington State University for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

Sec. 5. RCW 43.325.040 and 2007 c 348 s 305 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under ((this chapter)) the energy freedom account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for financial assistance for further funding for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3)(a) The energy recovery act account is created in the state treasury. State and federal funds may be deposited into the account and any loan payments of principal and interest derived from loans made from the energy recovery act account must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Expenditures from the account may be used only for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, including but not limited to:

(i) Renewable energy projects or programs that require interim financing to complete project development and implementation;

(ii) Companies with innovative, near-commercial or commercial, clean energy technology; and

(iii) Energy efficiency technologies that have a viable repayment stream from reduced utility costs.

(c) The director shall establish policies and procedures for processing, reviewing, and approving applications for funding under this section. When developing these policies and procedures, the department must consider the clean energy leadership strategy developed under section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(d) The director shall enter into agreements with approved applicants to fix the term and rates of funding provided from this account.

(e) The policies and procedures of this subsection (3) do not apply to assistance awarded for projects under RCW 43.325.020(3).

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

~~((4))~~ (5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

associated with conducting the research, projects, or other end products that the funding is designed to produce.

~~((5))~~ (6) Subsections (2) ~~((through))~~, (4) and (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

Sec. 6. RCW 43.325.070 and 2007 c 348 s 303 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 43.325.020(3) exceeds the amount available in the energy freedom account created in RCW 43.325.040, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy or biofuel production capacity, energy efficiency, renewable energy, or innovative energy technology industry in Washington;

(d) The benefits to Washington's agricultural producers;

(e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; ~~((and))~~

(g) The number and quality of jobs and economic benefits created by the project; and

(h) Other criteria as determined by the clean energy leadership council created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 43.325.020 (4) and (5).

Sec. 7. RCW 43.84.092 and 2008 c 106 s 3 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river

basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection

NINETY-SIXTH DAY, APRIL 17, 2009

(4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative

account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. Section 8 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 10. (1) Sections 2, 3, 5, and 6 of this act expire June 30, 2016.

(2) Section 7 of this act expires July 1, 2009.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Pridemore spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Engrossed Substitute House Bill No. 2289.

The motion by Senator Pridemore carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.325.010, 43.325.020, 43.325.030, 43.325.040, 43.325.070, and 43.84.092; reenacting and amending RCW 43.84.092; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute House Bill No. 2289 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2289 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2289 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brandland

Excused: Senators Keiser, Pflug and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289 as amended by the Senate, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1048, by Representatives Simpson, Hudgins, Nelson, Santos, Chase and Kenney

Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand.

The measure was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would Senator McDermott yield to a question? Would this also include a get out of jail card free?"

Senator McDermott: "No. You can't pass go either, Senator."

The President declared the question before the Senate to be the final passage of House Bill No. 1048 which had been deferred earlier in the day.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1048 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brandland

Excused: Senators Keiser, Pflug and Rockefeller

HOUSE BILL NO. 1048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute House Bill No. 1484.

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield to the committee striking amendment be adopted.

On page 18, after line 3 of the amendment, insert the following:

"NEW SECTION. Sec. 5. (1) The legislature finds that the revenue generated from state forest lands is a vital component of the operating budget in many rural counties. The dependence on a natural resource-based economy is especially underscored in counties with lower population levels and large holdings of public land. The high cost of compliance with the federal

NINETY-SIXTH DAY, APRIL 17, 2009

endangered species act on state forest lands within these smaller counties is disproportionately burdensome when compared to their total county budgets.

(2) The intent of this act is to provide sustainable revenue to smaller counties that are heavily dependent on state forest land revenues while promoting long-term protection, conservation, and recovery of marbled murrelets and northern spotted owls. This act provides the necessary tools for the state to maintain long-term working forests by replacing state forest lands with endangered species-based harvest encumbrances with productive, working forest lands.

Sec. 6. RCW 79.22.060 and 2003 c 334 s 221 are each amended to read as follows:

(1) With the approval of the board, the department may directly transfer or dispose of state forest lands without public auction, if ~~((such))~~ the lands:

- ~~(a) Consist of ten contiguous acres or less~~((~~or~~))~~;~~
- ~~(b) Have a value of twenty-five thousand dollars or less; or~~
- ~~(c) Are located in a county with a population of twenty-five thousand or less and are encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, greater than thirty years in length. ~~((Such))~~~~

~~(2) Disposal under this section may only occur in the following circumstances:~~

- ~~(a) Transfers in lieu of condemnation; ~~((and))~~~~
- ~~(b) Transfers to resolve trespass and property ownership disputes; or~~
- ~~(c) In counties with a population of twenty-five thousand or less, transfers to public agencies.~~

~~((2)) (3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if ~~((such))~~ the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands transferred to public agencies under subsection (2)(c) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act.~~

~~((3)) (4) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed. In counties with a population of twenty-five thousand or less, the portion of the proceeds associated with valuable materials on the transferred land must be distributed as provided in RCW 79.64.110.~~

Sec. 7. RCW 79.64.110 and 2007 c 503 s 1 are each amended to read as follows:

Any moneys derived from the lease of state forest lands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, must be distributed as follows:

(1) State forest lands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(a) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account in the state general fund.

(b) Any balance remaining must be paid to the county in which the land is located to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(c) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to

the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(d) With regard to moneys remaining under this subsection (1), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(2) State forest lands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(a) Fifty percent shall be placed in the forest development account.

(b) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(3) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 8. RCW 43.30.385 and 2004 c 103 s 1 are each amended to read as follows:

(1) The park land trust revolving fund is to be utilized by the department for the purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 79.22.060 and to receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property and for operating and maintaining public use and recreation facilities shall be on the authorization of the department. The proceeds from real property transferred or disposed under RCW 79.22.060 must be solely used to purchase replacement forest land, that must be actively managed as a working forest, within the same county as the property transferred or disposed. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(2) The department is authorized to solicit and receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. The department may seek voluntary contributions from individuals and organizations for this purpose. Voluntary contributions will be deposited into the park land trust revolving fund and used solely for the purpose of public use and recreation facilities operations and maintenance. Voluntary contributions are not considered a fee for use of these facilities.

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 9. (1) By October 31, 2010, the department of natural resources shall prepare a report to the appropriate committees of the legislature detailing the procedure and timeline, and estimating the costs, of full implementation of the intent of this act.

(2) The report required by this section must include a recommended process to transfer state forest lands encumbered by long-term endangered species-based harvest deferrals, associated with wildlife species listed under the federal endangered species act, through the trust land transfer program into a natural resource conservation area status. This element of the report must assume the following:

(a) Encumbered property would be transferred at a specified biennial rate designed to provide sustainable revenue to the impacted counties;

(b) The value of the land and timber would be bifurcated, with the timber value being distributed to the county as timber revenue, and the land value being utilized to purchase replacement working forest land within the affected county and placed in the appropriate trust designation; and

(c) The land and timber value of the parcels identified for transfer will be appraised at full market value, without consideration of the devaluing effect of harvest encumbrances associated with wildlife species listed under the federal endangered species act.

(3) This section expires June 30, 2011."

Senators Hatfield and Morton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield on page 18, after line 3 to the committee striking amendment to Second Substitute House Bill No. 1484.

The motion by Senator Hatfield carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator McCaslin, Senator Brandland was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Second Substitute House Bill No. 1484.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "space;" strike the remainder of the title and insert "and amending RCW 76.09.040, 84.33.140, 84.34.108, and 76.09.020."

On page 18, line 6 of the title amendment, after "84.34.108," strike "and 76.09.020" and insert "76.09.020, 79.22.060, 79.64.110, and 43.30.385; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1484 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1484 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1484 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Pflug and Rockefeller

SECOND SUBSTITUTE HOUSE BILL NO. 1484 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced Mr. Bernd Busemann, Justice Minister of the state Lower Saxony and a delegation from Germany who were seated in the gallery.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1286, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Miloscia, Appleton, Armstrong, Hunt, Newhouse, White, Smith, Rolfes, Roberts, Nelson, Hinkle and Ormsby)

Prohibiting false and defamatory statements about candidates for public office.

The measure was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

MOTION

On motion of Senator Hatfield, Senator Marr was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1286 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

Voting nay: Senator Swecker

Excused: Senators Brandland, Marr, Pflug and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1283, by House Committee on Environmental Health (originally sponsored by Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby)

Modifying provisions regarding the operators of public water supply systems.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs be adopted.

On page 6, after line 17, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 70.119A RCW to read as follows:

A group A water system serving less than one hundred connections that purchases water from a water system approved by the department shall measure chlorine residuals at the same time and location of collection for a routine and repeat coliform sample."

Correct the title.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hobbs, the amendment by Senator Hobbs, on page 6, line after 17 to Substitute House Bill No. 1283 was withdrawn.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 1283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1283 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Marr, Pflug and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jacobsen: "Thank you, when I was looking at Substitute House Bill No. 1286 about candidates for public office and honesty. Many years ago I was in the House and I went over and testified before a committee in the Senate. Senator Wojahn was presiding and Senator McCaslin was one of the members of the committee. I was waiting for my bill to come up. In the mean time, they had a bill about tell you the truth about, in your campaigns and they started to exchange war stories about how bad it'd been, what their candidate, their opponent had said about them. Senator McCaslin said his opponent had called him stupid, fat, ignorant and lazy and Senator McCaslin said to the committee members. 'Right away I knew I had a problem, I had a leak at the top of my campaign staff.'"

PERSONAL PRIVILEGE

Senator McCaslin: "Just to let you know my integrity. He's never been seen again and this is my twenty-ninth year."

SECOND READING

HOUSE BILL NO. 1238, by Representatives Appleton, Goodman and Rodne

Allowing the Washington center for court research and the office of public defense to access juvenile case records.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.010 and 1998 c 269 s 4 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of ~~(the)~~ the family and children's ombudsman, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(((++))) (12). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.850 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW 9.94A.850 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman.

(11) The administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. For purposes of this chapter, "research copy" means an electronic replica of all records entered into the judicial information system related to juveniles including records destroyed or removed from the judicial information system under RCW 13.50.050 (17) and (18) and 13.50.100(3) and used for the purposes of legitimate research for educational, scientific, or public purposes.

(12) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is

restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records."

Senator Regala spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1238.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "defense;" strike the remainder of the title and insert "and amending RCW 13.50.010."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1238 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1238 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1238 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Excused: Senators Brandland, Marr, Pflug and Rockefeller

HOUSE BILL NO. 1238 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1527, by Representatives Kessler, Rolfes, Williams and Santos

Concerning medicaid payment rates for boarding homes.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 2, beginning on line 36, after "services," strike all material down to and including line 3 on page 3 and insert "the department shall comply with all public notice and hearing

NINETY-SIXTH DAY, APRIL 17, 2009

requirements of the administrative procedures act, chapter 34.05 RCW."

Senator Prentice spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 1527.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1527 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1527 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1527 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator McAuliffe

Excused: Senators Brandland, Marr, Pflug and Rockefeller

HOUSE BILL NO. 1527 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "I'm going to try and do this. I'm already blowing it. Today is a very, very special day. It is daughter's very first birthday. Being a father is the most powerful and most amazing thing I've ever experienced and because I have my priorities straight I'll be leaving you shortly to go celebrate my daughter's first birthday. Thank you. Happy Birthday Elsa."

MOTION

At 2:33 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:00 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1332, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell)

Granting authority of a watershed management partnership to exercise powers of its forming governments.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and Kastama be adopted.

On page 2, on line 7, delete "and"

On page 2, on line 10 after "partnership" delete "." and insert the following;

"; and (e) The watershed management partnership agrees with the cities of Auburn, Bonney Lake, Buckley and Sumner:

(i) to appoint one ex officio representative to the board of directors of the partnership, to be selected by the such cities;

(ii) to allow such cities to purchase the total amount of excess capacity that the partnership currently buys from the City of Tacoma Water Division at the applicable rate for water provided but not to include systems development charges; and

(iii) that the partnership will replace, at its sole cost and expense, the water lost to any of said cities as a result of the partnership's operation of its Lake Tapps water operation."

Senator Kauffman spoke in favor of adoption of the amendment.

Senator Jarrett spoke against adoption of the amendment.

MOTION

On motion of Senator Stevens, Senator Becker was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Kastama on page 2, line 7 to Substitute House Bill No. 1332.

The motion by Senator Kauffman failed and the amendment was not adopted by voice vote.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and Kastama be adopted.

On page 2, line 7, after "RCW;" strike "and"

On page 2, line 10, after "partnership" insert "; and

(e) Has entered into an interlocal agreement with all cities that are not members of the watershed management partnership and that have water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river. The interlocal agreement shall, at a minimum, address:

(i) The impacts of the planned current and future operations of the watershed management partnership on the existing and future water supplies of those cities; and

(ii) The impacts of the planned current and future operations of the watershed management partnership on the infrastructure or municipal operations of those cities.

The watershed management partnership and the cities under this subsection (3) (e) shall employ good faith efforts to conclude negotiations of the interlocal agreement within two years from the effective date of this act. If the watershed management partnership and those cities do not execute an interlocal agreement within this time, the matter shall be resolved by binding arbitration as determined by a board of arbitrators consisting of a representative selected by the watershed management partnership, a representative selected by the cities, and a third representative to be appointed by the other two representatives. If no agreement is reached with regard to selecting the third representative, the third representative shall be appointed by a judge of the superior court of the county in which the majority of the cities are located. The determination by the board of arbitrators shall be binding on all parties. Each party shall pay the costs of their individual representatives on the board of arbitrators and they shall pay one-half of the cost of the third representative"

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

On page 2, line 16, after "condemnation" insert ", in addition to the notice requirements of RCW 8.25.290"

Senators Kauffman and Carrell spoke in favor of adoption of the amendment.

Senator Jarrett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Kastama on page 2, line 7 to Substitute House Bill No. 1332.

The motion by Senator Kauffman failed and the amendment was not adopted by voice vote.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and Jarrett be adopted.

On page 2, line 13, after "RCW 8.25.290;" strike "and"

On page 2, line 16, after "condemnation" insert "; and

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising authority under this section"

Senators Kauffman and Jarrett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Jarrett on page 2, line 13 to Substitute House Bill No. 1332.

The motion by Senator Kauffman carried and the amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell, Fairley, Hargrove and Holmquist be adopted.

On page 2, line 16, after "condemnation" strike "." and insert "; and

(c) Obtain authorization from the city, town, or county with jurisdiction over the subject property after the legislative authority of the city, town, or county has passed an ordinance requiring that property be taken for public use."

Senators Carrell, Roach and Hargrove spoke in favor of adoption of the amendment.

Senators Jarrett and Tom spoke against adoption of the amendment.

Senator Carrell demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator McCaslin, Senator Parlette was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell, Fairley, Hargrove and Holmquist on page 2, line 16 to Substitute House Bill No. 1332.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Carrell, Fairley, Hargrove and Holmquist and the amendment was adopted by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell,

Eide, Fairley, Franklin, Fraser, Hargrove, Holmquist, Honeyford, Kastama, Kauffman, Keiser, McAuliffe, McCaslin, Morton, Parlette, Prentice, Roach, Shin, Stevens and Swecker

Voting nay: Senators Brown, Delvin, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Schoesler, Sheldon, Tom and Zarelli

Excused: Senators Becker, Pflug and Rockefeller

The President voting yea.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1332 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1332 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1332 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fairley and Holmquist

Absent: Senator Ranker

Excused: Senators Becker, Pflug and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1332 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senators Fraser and Ranker were excused.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

MOTION

On motion of Senator Kauffman, Senator Keiser was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954, by House Committee on Human Services (originally sponsored by Representative Dickerson)

Sealing juvenile records under certain conditions.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1954.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1954 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Brandland, Fraser, Keiser, Pflug, Ranker and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown, Kline and Pridemore were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Santos and Kenney)

Addressing community preservation and development authorities.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.167.020 and 2007 c 501 s 4 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities; ~~(and~~

~~(b) Exercise such additional powers as may be authorized by law)~~

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority ~~(shall have)~~ has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17.128; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

Sec. 2. RCW 43.167.030 and 2007 c 501 s 5 are each amended to read as follows:

A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components ~~((that address one or more of the purposes under section 1(3) of this act));~~

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Fairley to Engrossed Substitute House Bill No. 2125.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 43.167.020 and 43.167.030."

MOTION

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2125 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2125 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2125 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 8; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Holmquist, Honeyford, King, McCaslin, Morton, Roach and Stevens

Excused: Senators Brandland, Brown, Fraser, Kline, Pflug, Ranker and Rockefeller

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2208, by House Committee on Commerce & Labor (originally sponsored by Representatives Hope, Kristiansen, Newhouse and McCune)

Prohibiting new motorsports vehicle dealers from having to pay for returning or canceling orders of new motorsports vehicles under certain conditions. Revised for 1st Substitute: Prohibiting new motorsports vehicle dealers from having to pay a fee for canceling orders of new motorsports vehicles.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and Holmquist be adopted:

On page 8, after line 1, insert the following:

"NEW SECTION. Sec. 3. This act expires on August 1, 2009."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and Holmquist on page 8, after line 1 to Substitute House Bill No. 2208.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "46.93.170", insert "providing an expiration date;"

MOTION

On motion of Senator Holmquist, the rules were suspended, Substitute House Bill No. 2208 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist and Marr spoke in favor of passage of the bill.

Senator Sheldon spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2208 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2208 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Prentice, Pridemore, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Franklin, Hargrove, Haugen, Oemig and Regala

Excused: Senators Brandland, Brown, Kline, Pflug, Ranker and Rockefeller

SUBSTITUTE HOUSE BILL NO. 2208 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1385, by Representatives Haler, Van De Wege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith and Johnson

Modifying provisions relating to sexual misconduct by school employees.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Delvin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.093 and 2005 c 262 s 2 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with (~~a registered~~) an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

(2) Sexual misconduct with a minor in the first degree is a class C felony.

(3) For the purposes of this section(⌚):

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Sec. 2. RCW 9A.44.096 and 2005 c 262 s 3 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with ~~(a registered)~~ an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section(⌚):

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Delvin to Engrossed House Bill No. 1385.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "and amending RCW 9A.44.093 and 9A.44.096."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 1385 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be

the final passage of Engrossed House Bill No. 1385 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1385 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Brown, Pflug, Ranker and Rockefeller

ENGROSSED HOUSE BILL NO. 1385 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2146, by Representatives Ericks, Johnson, Eddy and Liias

Modifying contract requirements for water or sewer facilities.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.91.020 and 2006 c 88 s 2 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the governing body of any city, town, county, water-sewer district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed ~~((fifteen))~~ twenty years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law.

(2)(a) The contract may provide for an extension of the ~~((fifteen))~~ twenty-year reimbursement period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

or more.

(b) Upon the extension of the reimbursement period pursuant to (a) of this subsection, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations under subsection (1) of this section shall be notified by the contracting municipality of the extension filed under this subsection.

(3) Each contract shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the contracting municipality with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the contracting municipality may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the municipality.

(4) To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities."

Senator Fairley spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 2146.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 35.91.020."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2146 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2146 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2146 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Pflug, Ranker and Rockefeller

HOUSE BILL NO. 2146 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1103, by House Committee on Judiciary (originally sponsored by Representatives Moeller, Green, Morrell and Kenney)

Concerning the estates of vulnerable adults.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.84.010 and 1965 c 145 s 11.84.010 are each amended to read as follows:

As used in this chapter:

(1) "Abuser" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult.

(2) "Decedent" means:

(a) Any person whose life is taken by a slayer; or

(b) Any deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.

(3) "Financial exploitation" has the same meaning as provided in RCW 74.34.020, as enacted or hereafter amended.

(4) "Property" includes any real and personal property and any right or interest therein.

(5) "Slayer" ((~~shall~~)) means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person.

((2) ~~"Decedent" shall mean any person whose life is so taken.~~

~~(3) "Property" shall include any real and personal property and any right or interest therein;)) (6) "Vulnerable adult" has the same meaning as provided in RCW 74.34.020.~~

Sec. 2. RCW 11.84.020 and 1965 c 145 s 11.84.020 are each amended to read as follows:

No slayer or abuser shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following.

Sec. 3. RCW 11.84.025 and 1998 c 292 s 502 are each amended to read as follows:

Proceeds payable to a slayer or abuser as the beneficiary of any benefits flowing from one of the retirement systems listed in RCW 41.50.030, by virtue of the decedent's membership in the department of retirement systems or by virtue of the death of decedent, shall be paid instead as designated in RCW 41.04.273.

Sec. 4. RCW 11.84.030 and 2008 c 6 s 624 are each amended to read as follows:

The slayer or abuser shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his or her estate to the slayer or abuser under the statutes of descent and distribution or have been acquired by

statutory right as surviving spouse or surviving domestic partner or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended.

Sec. 5. RCW 11.84.040 and 1965 c 145 s 11.84.040 are each amended to read as follows:

Property which would have passed to or for the benefit of the slayer or abuser by devise or legacy from the decedent shall be distributed as if he or she had predeceased the decedent.

Sec. 6. RCW 11.84.050 and 1965 c 145 s 11.84.050 are each amended to read as follows:

(1) One-half of any property held by the slayer or abuser and the decedent as joint tenants, joint owners or joint obligees shall pass upon the death of the decedent to his or her estate, and the other half shall pass to his or her estate upon the death of the slayer or abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(2) As to property held jointly by three or more persons, including the slayer or abuser and the decedent, any enrichment which would have accrued to the slayer or abuser as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer or abuser becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his or her estate upon the death of the slayer or abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other.

Sec. 7. RCW 11.84.070 and 1965 c 145 s 11.84.070 are each amended to read as follows:

Any interest in property whether vested or not, held by the slayer or abuser, subject to be divested, diminished in any way or extinguished, if the decedent survives him or her or lives to a certain age, shall be held by the slayer or abuser during his or her lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter.

Sec. 8. RCW 11.84.080 and 1965 c 145 s 11.84.080 are each amended to read as follows:

As to any contingent remainder or executory or other future interest held by the slayer or abuser, subject to become vested in him or her or increased in any way for him or her upon the condition of the death of the decedent:

(1) If the interest would not have become vested or increased if he or she had predeceased the decedent, he or she shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent.

Sec. 9. RCW 11.84.090 and 1965 c 145 s 11.84.090 are each amended to read as follows:

(1) Property appointed by the will of the decedent to or for the benefit of the slayer or abuser shall be distributed as if the slayer or abuser had predeceased the decedent.

(2) Property held either presently or in remainder by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer or abuser.

Sec. 10. RCW 11.84.100 and 1965 c 145 s 11.84.100 are each amended to read as follows:

(1) Insurance proceeds payable to the slayer or abuser as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life

policy, shall be paid instead to the estate of the decedent, unless the policy or certificate designate some person other than the slayer or abuser or his or her estate as secondary beneficiary to him or her and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer or abuser, the proceeds shall be paid to the estate of the decedent upon the death of the slayer or abuser, unless the policy names some person other than the slayer or abuser or his or her estate as secondary beneficiary, or unless the slayer or abuser by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his or her interest in the policy if he or she had been living.

Sec. 11. RCW 11.84.110 and 1965 c 145 s 11.84.110 are each amended to read as follows:

Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer or abuser as one of several joint obligees shall not be subjected to additional liability by the terms of this chapter if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer or financial exploitation by an abuser.

Sec. 12. RCW 11.84.120 and 1965 c 145 s 11.84.120 are each amended to read as follows:

The provisions of this chapter shall not affect the rights of any person who, before the interests of the slayer or abuser have been adjudicated, purchases or has agreed to purchase, from the slayer or abuser for value and without notice property which the slayer or abuser would have acquired except for the terms of this chapter, but all proceeds received by the slayer or abuser from such sale shall be held by him or her in trust for the persons entitled to the property under the provisions of this chapter, and the slayer or abuser shall also be liable both for any portion of such proceeds which he or she may have dissipated and for any difference between the actual value of the property and the amount of such proceeds.

Sec. 13. RCW 11.84.130 and 1965 c 145 s 11.84.130 are each amended to read as follows:

~~((The))~~ Any record of ~~((his))~~ conviction ~~((of))~~ for having participated in the ~~((willful))~~ willful and unlawful killing of the decedent or for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, shall be admissible in evidence against a claimant of property in any civil ~~((action))~~ proceeding arising under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 11.84 RCW to read as follows:

(1) A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section.

(2) In the absence of a criminal conviction, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section.

NEW SECTION. Sec. 15. A new section is added to chapter 11.84 RCW to read as follows:

(1) A final judgment of conviction for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, is conclusive for purposes of determining whether a person is an abuser under this section.

(2) In the absence of a criminal conviction, a superior court finding by clear, cogent, and convincing evidence that a person participated in conduct constituting financial exploitation against the decedent is conclusive for purposes of determining

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

whether a person is an abuser under this section.

NEW SECTION. Sec. 16. A new section is added to chapter 11.84 RCW to read as follows:

(1) In determining whether a person is an abuser for purposes of this chapter, the court must find by clear, cogent, and convincing evidence that:

(a) The decedent was a vulnerable adult at the time the alleged financial exploitation took place; and

(b) The conduct constituting financial exploitation was willful action or willful inaction causing injury to the property of the vulnerable adult.

(2) A finding of abuse by the department of social and health services is not admissible for any purpose in any claim or proceeding under this chapter.

(3) Except as provided in subsection (2) of this section, evidence of financial exploitation is admissible if it is not inadmissible pursuant to the rules of evidence.

NEW SECTION. Sec. 17. A new section is added to chapter 11.84 RCW to read as follows:

Notwithstanding the provisions of this chapter:

(1) An abuser is entitled to acquire or receive an interest in property or any other benefit described in this chapter if the court determines by clear, cogent, and convincing evidence that the decedent:

(a) Knew of the financial exploitation; and

(b) Subsequently ratified his or her intent to transfer the property interest or benefit to that person.

(2) The court may consider the record of proceedings and in its discretion allow an abuser to acquire or receive an interest in property or any other benefit described in this chapter in any manner the court deems equitable. In determining what is equitable, the court may consider, among other things:

(a) The various elements of the decedent's dispositive scheme;

(b) The decedent's likely intent given the totality of the circumstances; and

(c) The degree of harm resulting from the abuser's financial exploitation of the decedent.

Sec. 18. RCW 26.16.120 and 2008 c 6 s 612 are each amended to read as follows:

Nothing contained in any of the provisions of this chapter or in any law of this state, shall prevent both spouses or both domestic partners from jointly entering into any agreement concerning the status or disposition of the whole or any portion of the community property, then owned by them or afterwards to be acquired, to take effect upon the death of either. But such agreement may be made at any time by both spouses or both domestic partners by the execution of an instrument in writing under their hands and seals, and to be witnessed, acknowledged and certified in the same manner as deeds to real estate are required to be, under the laws of the state, and the same may at any time thereafter be altered or amended in the same manner. Such agreement shall not derogate from the right of creditors; nor be construed to curtail the powers of the superior court to set aside or cancel such agreement for fraud or under some other recognized head of equity jurisdiction, at the suit of either party; nor prevent the application of laws governing the community property and inheritance rights of slayers or abusers under chapter 11.84 RCW.

Sec. 19. RCW 41.04.273 and 1998 c 292 s 501 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) ("~~Slayer~~" means a slayer as defined) "**Abuser**" has the same meaning as provided in RCW 11.84.010.

(b) "~~Decedent~~" means any person (~~(whose life is taken by a slayer, and)~~) who is entitled to benefits from the Washington state department of retirement systems by written designation or by operation of law;

(i) Whose life is taken by a slayer; or

(ii) Who is deceased and who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser, except as provided in section 17 of this act.

(c) "**Slayer**" means a slayer as defined in RCW 11.84.010.

(2) Property that would have passed to or for the benefit of a beneficiary under one of the retirement systems listed in RCW 41.50.030 shall not pass to that beneficiary if the beneficiary was a slayer or abuser of the decedent and the property shall be distributed as if the slayer or abuser had predeceased the decedent.

(3) A slayer or abuser is deemed to have predeceased the decedent as to property which, by designation or by operation of law, would have passed from the decedent to the slayer or abuser because of the decedent's entitlement to benefits under one of the retirement systems listed in RCW 41.50.030.

(4)(a) The department of retirement systems has no affirmative duty to determine whether a beneficiary is, or is alleged to be, a slayer or abuser. However, upon receipt of written notice that a beneficiary is a defendant in a civil lawsuit or probate proceeding that alleges the beneficiary is a slayer or abuser, or is charged with a crime that, if committed, means the beneficiary is a slayer or abuser, the department of retirement systems shall determine whether the beneficiary is a defendant in such a civil ((~~suit~~)) proceeding or has been formally charged in court with the crime, or both. If so, the department shall withhold payment of any benefits until:

(i) The case or charges, or both if both are pending, are dismissed;

(ii) The beneficiary is found not guilty in the criminal case or prevails in the civil ((~~suit~~)) proceeding, or both if both are pending; or

(iii) The beneficiary is convicted or is found to be a slayer or abuser in the civil ((~~suit~~)) proceeding.

(b) If the case or charges, or both if both are pending, are dismissed or if a beneficiary is found not guilty or prevails in the civil ((~~suit~~)) proceeding, or both if both are pending, the department shall pay the beneficiary the benefits the beneficiary is entitled to receive. If the beneficiary is convicted or found to be a slayer or abuser in a civil ((~~suit~~)) proceeding, the department shall distribute the benefits according to subsection (2) of this section.

(5) (~~(The slayer's)~~) Any record of conviction for having participated in the willful and unlawful killing of the decedent or for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, shall be admissible in evidence against a claimant of property in any civil action arising under this section.

(6) In the absence of a criminal conviction, a superior court may determine:

(a) By a preponderance of the evidence whether a person participated in the willful and unlawful killing of the decedent;

(b) By clear, cogent, and convincing evidence whether a person participated in conduct constituting financial exploitation against the decedent, as provided in chapter 11.84 RCW.

(7) This section shall not subject the department of retirement systems to liability for payment made to a slayer or abuser or alleged slayer or abuser, prior to the department's receipt of written notice that the slayer or abuser has been convicted of, or the alleged slayer or abuser has been formally criminally or civilly charged in court with, the death or financial exploitation of the decedent. If the conviction or civil judgment of a slayer or abuser is reversed on appeal, the department of retirement systems shall not be liable for payment made prior to the receipt of written notice of the reversal to a beneficiary other than the person whose conviction or civil judgment is reversed.

Sec. 20. RCW 11.96A.030 and 2008 c 6 s 927 are each

NINETY-SIXTH DAY, APRIL 17, 2009

amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Matter" includes any issue, question, or dispute involving:

(a) The determination of any class of creditors, devisees, legatees, heirs, next of kin, or other persons interested in an estate, trust, nonprobate asset, or with respect to any other asset or property interest passing at death;

(b) The direction of a personal representative or trustee to do or to abstain from doing any act in a fiduciary capacity;

(c) The determination of any question arising in the administration of an estate or trust, or with respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, that may include, without limitation, questions relating to: (i) The construction of wills, trusts, community property agreements, and other writings; (ii) a change of personal representative or trustee; (iii) a change of the situs of a trust; (iv) an accounting from a personal representative or trustee; or (v) the determination of fees for a personal representative or trustee;

(d) The grant to a personal representative or trustee of any necessary or desirable power not otherwise granted in the governing instrument or given by law;

(e) An action or proceeding under chapter 11.84 RCW;

(f) The amendment, reformation, or conformation of a will or a trust instrument to comply with statutes and regulations of the United States internal revenue service in order to achieve qualification for deductions, elections, and other tax requirements, including the qualification of any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code, the qualification of any gift thereunder as a qualified conservation easement as permitted by federal law, or the qualification of any gift for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust; and

((ff)) (g) With respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, including joint tenancy property, property subject to a community property agreement, or assets subject to a pay on death or transfer on death designation:

(i) The ascertaining of any class of creditors or others for purposes of chapter 11.18 or 11.42 RCW;

(ii) The ordering of a qualified person, the notice agent, or resident agent, as those terms are defined in chapter 11.42 RCW, or any combination of them, to do or abstain from doing any particular act with respect to a nonprobate asset;

(iii) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records;

(iv) The determination of any question arising in the administration under chapter 11.18 or 11.42 RCW of a nonprobate asset;

(v) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under this title;

(vi) The resolution of any matter referencing this chapter, including a determination of any questions relating to the ownership or distribution of an individual retirement account on the death of the spouse of the account holder as contemplated by RCW 6.15.020(6);

(vii) The resolution of any other matter that could affect the nonprobate asset.

(2) "Notice agent" has the meanings given in RCW

11.42.010.

(3) "Nonprobate assets" has the meaning given in RCW 11.02.005.

(4) "Party" or "parties" means each of the following persons who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner:

(a) The trustor if living;

(b) The trustee;

(c) The personal representative;

(d) An heir;

(e) A beneficiary, including devisees, legatees, and trust beneficiaries;

(f) The surviving spouse or surviving domestic partner of a decedent with respect to his or her interest in the decedent's property;

(g) A guardian ad litem;

(h) A creditor;

(i) Any other person who has an interest in the subject of the particular proceeding;

(j) The attorney general if required under RCW 11.110.120;

(k) Any duly appointed and acting legal representative of a party such as a guardian, special representative, or attorney-in-fact;

(l) Where applicable, the virtual representative of any person described in this subsection the giving of notice to whom would meet notice requirements as provided in RCW 11.96A.120;

(m) Any notice agent, resident agent, or a qualified person, as those terms are defined in chapter 11.42 RCW; and

(n) The owner or the personal representative of the estate of the deceased owner of the nonprobate asset that is the subject of the particular proceeding, if the subject of the particular proceeding relates to the beneficiary's liability to a decedent's estate or creditors under RCW 11.18.200.

(5) "Persons interested in the estate or trust" means the trustor, if living, all persons beneficially interested in the estate or trust, persons holding powers over the trust or estate assets, the attorney general in the case of any charitable trust where the attorney general would be a necessary party to judicial proceedings concerning the trust, and any personal representative or trustee of the estate or trust.

(6) "Principal place of administration of the trust" means the trustee's usual place of business where the day-to-day records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business.

(7) The "situs" of a trust means the place where the principal place of administration of the trust is located, unless otherwise provided in the instrument creating the trust.

(8) "Trustee" means any acting and qualified trustee of the trust.

(9) "Representative" and other similar terms refer to a person who virtually represents another under RCW 11.96A.120.

(10) "Citation" or "cite" and other similar terms, when required of a person interested in the estate or trust or a party to a petition, means to give notice as required under RCW 11.96A.100. "Citation" or "cite" and other similar terms, when required of the court, means to order, as authorized under RCW 11.96A.020 and 11.96A.060, and as authorized by law.

NEW SECTION. Sec. 21. A new section is added to chapter 11.84 RCW to read as follows:

The provisions of this act are supplemental to, and do not derogate from, any other statutory or common law proceedings, theories, or remedies including, but not limited to, the common law allocation of the burden of proof or production among the parties."

Senator Kline spoke in favor of adoption of the committee striking amendment.

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1103.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 11.84.010, 11.84.020, 11.84.025, 11.84.030, 11.84.040, 11.84.050, 11.84.070, 11.84.080, 11.84.090, 11.84.100, 11.84.110, 11.84.120, 11.84.130, 26.16.120, 41.04.273, and 11.96A.030; and adding new sections to chapter 11.84 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1103 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1103 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1103 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Pflug, Ranker and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1103 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2279, by Representatives Hurst, Hope, Dunshee, Kelley and Roach

Addressing the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 2279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2279.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2279 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Prentice, Pridemore, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kastama, McAuliffe and Oemig

Excused: Senators Brandland, Pflug, Ranker and Rockefeller

ENGROSSED HOUSE BILL NO. 2279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1148, by Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Lias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera

Protecting animals from perpetrators of domestic violence.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that considerable research shows a strong correlation between animal abuse, child abuse, and domestic violence. The legislature intends that perpetrators of domestic violence not be allowed to further terrorize and manipulate their victims, or the children of their victims, by using the threat of violence toward pets.

Sec. 2. RCW 26.50.060 and 2000 c 119 s 15 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including

reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(j) Consider the provisions of RCW 9.41.800;

(k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

(l) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as

provided in subsection (1)(~~(f)~~) (g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 3. RCW 26.50.110 and 2007 c 173 s 2 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; (~~or~~)

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall

NINETY-SIXTH DAY, APRIL 17, 2009

2009 REGULAR SESSION

also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation."

Senator Kline spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Zarelli moved to lay upon the table all the amendments to the committee striking amendment.

The President declared the question before the Senate to be the motion by Senator Zarelli to lay upon the table all the amendments to the committee striking amendment.

The motion by Senator Zarelli carried by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1148.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 26.50.060 and 26.50.110; and creating a new section."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1148 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Marr spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1148 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1148 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Regala, Roach, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Honeyford, Morton, Schoesler, Stevens and Swecker

Absent: Senator Brown

Excused: Senators Brandland, Pflug, Ranker and Rockefeller

HOUSE BILL NO. 1148 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:00 p.m. by President Owen.

MOTION

At 5:01 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Saturday, April 18, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 18, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Hobbs, Oemig and Rockefeller.

The Sergeant at Arms Color Guard consisting of Interns Amanda Stauffer and Michael Althaus, presented the Colors. Senator Hargrove offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 5568,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8657

By Senator Schoesler

WHEREAS, The Colfax Bulldogs captured their first Washington State 2B Girls' Basketball Championship on Saturday, March 7, 2009, winning four playoff games in four days in Spokane; and

WHEREAS, The Bulldogs, who moved to the 2B classification this season after collecting 16 trophies in 20

appearances at the state girls' 1A basketball tournament, came into the tournament ranked third in the state; and

WHEREAS, The Colfax team won the title by defeating teams from Seattle Lutheran, Liberty Bell, White Pass, and Napavine by an average margin of nearly 23 points per game; and

WHEREAS, The Bulldogs led the championship game from the opening tipoff, handing Napavine its first defeat of the season by a score of 56-35 and finishing their season with a 27-2 record; and

WHEREAS, Colfax junior Kayla Johnson had 23 points, 11 rebounds, and 3 steals against Napavine, her third consecutive 20-point game, on her way to being named the 2B Tournament Most Valuable Player, on top of being chosen First Team All-State; and

WHEREAS, The Bulldogs' Morgan Willson was named Washington State 2B Second Team All-State; and

WHEREAS, Bulldog head basketball coach Corey Baerlocher has led Colfax to state seven times since he began coaching in the Whitman County seat with a record of five Washington State titles in the last six years;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor the Colfax Bulldogs girls' basketball team of 2008-09, consisting of Morgan Willson, Brooke Webber, Karyn King, Rachel Johnson, Traci Hart, Abby Erickson, Kayla Johnson, Shaina Simonson, Brittney Burke, Emily Shaw, Alex Berdal, Kayleigh Maltone, Rachel Robinson, Taylor Lange, Paige Mackleit, Brady Cornelius, Tom Fowler, Jenna Vuletich, and Corey Baerlocher, on their state 2B basketball championship, Kayla Johnson and Morgan Willson on their well-earned titles, and Corey Baerlocher on his successful career as a coach.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9161, Betty J. Cobbs, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Prentice and Rockefeller were excused.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

APPOINTMENT OF BETTY J. COBBS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9161, Betty J. Cobbs as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9161, Betty J. Cobbs as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Oemig

Excused: Senators Fairley, Hobbs and Rockefeller

Gubernatorial Appointment No. 9161, Betty J. Cobbs, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9030, Joseph Dolezal, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Prentice and Tom were excused.

APPOINTMENT OF JOSEPH DOLEZAL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9030, Joseph Dolezal as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9030, Joseph Dolezal as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Hargrove

Excused: Senators Fairley, Prentice, Rockefeller and Tom

Gubernatorial Appointment No. 9030, Joseph Dolezal, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9106, Joanne H. Schwartz, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Kastama and Regala were excused.

APPOINTMENT OF JOANNE H SCHWARTZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9106, Joanne H. Schwartz as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9106, Joanne H. Schwartz as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Fairley, Kastama, Prentice, Regala, Rockefeller and Tom

Gubernatorial Appointment No. 9106, Joanne H. Schwartz, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9118, Margaret E. Sundstrom, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator McDermott, Senator McAuliffe was excused.

APPOINTMENT OF MARGARET E. SUNDSTROM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9118, Margaret E. Sundstrom as a member of the Board of Trustees, Centralia Community College District No. 12.

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9118, Margaret E. Sundstrom as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Fairley, Prentice, Regala, Rockefeller and Tom

Gubernatorial Appointment No. 9118, Margaret E. Sundstrom, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2211 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Eddy, Maxwell and Liias)

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:03 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:12 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9143, Mason Petit, as a member of the Investment Board, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

APPOINTMENT OF MASON PETIT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9143, Mason Petit as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9143, Mason Petit as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Fairley, Regala and Rockefeller

Gubernatorial Appointment No. 9143, Mason Petit, having received the constitutional majority was declared confirmed as a member of the Investment Board.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5200 with the following amendment: 5200.E AMH JUDI BARC 026

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.08.030 and 1929 c 198 s 7 are each amended to read as follows:

It shall be the duty of any person owning or keeping any dog or dogs which shall be found killing any domestic animal to kill such dog or dogs within forty-eight hours after being notified of that fact, and any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor (~~and it shall be the duty of the sheriff or any deputy sheriff to kill any dog found running at large (after the first day of August of any year and before the first day of March in the following year) without a metal identification tag).~~)"

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

Senators Kline spoke in favor of the motion.

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

Senators Brandland spoke against the motion.

POINT OF INQUIRY

Senator Swecker: "Would Senator Brandland yield to a question? I'm just wondering, is it legal to shoot your own dog?"

Senator Brandland: "I believe it is."

Senator Schoesler moved that the Senate do concur with the House amendments.

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate do concur with the House amendment(s) to Engrossed Senate Bill No. 5200.

The motion by Senator Schoesler failed by a voice vote.

MOTION

On motion of Senator Kauffman, Senators Brown and Regala were excused.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 30, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5359 with the following amendment: 5359 AMH SGTA REIL 031

On page 1, beginning on line 17, strike all of subsection (2) and insert the following:

"(2) An election official may not issue any ballot with a unique identifying mark, except as specifically authorized by this subsection. Identifying marks placed on a ballot prior to the issuance of the ballot may not vary within an individual precinct. An election official may place a nonsequential, anonymously assigned unique identifying mark on a ballot after the ballot has been returned by a voter, and, if applicable, separated from its security envelope, solely for auditing and vote reconciliation purposes, or to determine if a particular ballot has been previously counted, as long as it is not associated with an individual voter, a voter's address, or a voter's registration number."

On page 2, after line 15, insert the following: "(4) An elections official may not enter into or extend any contract with a vendor that includes any use of identifying marks on ballots, if such contract may allow the vendor to acquire an ownership interest in or knowledge of any data pertaining to any voter, any voters address, registration number, or history, or any ballot." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Oemig moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5359 and ask the House to recede therefrom.

Senators Oemig spoke in favor of the motion.

Senator Roach moved that the Senate do concur with the House amendments to Senate Bill No. 5359.

Senators Roach, Benton and Pflug spoke in favor of the motion.

Senators Oemig and Parlette spoke against the motion.

POINT OF INQUIRY

Senator Pflug: "Would Senator Oemig yield to a question? Can you explain why it would be a good thing for a vendor to be allowed to gain ownership rights as in to mark individual ballots and then be able to sell the information later that they gained, because that's the only thing that is prohibited here is for the vendor to mine information and then be able to sell that to have an ownership in it. Why would we want to allow that?"

Senator Oemig: "Thank you for your question. I actually had a hand in crafting this language in this amendment and I don't think we were quite clever enough and here's what the attorneys later told us. Is that today when we out source, not we but when counties out source the kitting instruction of ballots they have a name and an address and now what we'd be basically saying is you can not do this. You can't provide this service because you've learned something about the voter, mainly where they live or perhaps how many times they've voted. Even though it's a public record the attorneys believe that this language would actually prevent that action from happening. Now there's a second, there's another reason why we would send this back besides that piece of language and that goes back to precluding a unique idea on the ballot and again the unique idea is being used by many counties to inventory the ballots to prevent double counting or in other ways to improve their integrity of their reconciliation process. So, we want to send this back and have the House rework the language a little bit and send it back to us. Again, I urge us to turn this, do not concur."

The President declared the question before the Senate to be the motion by Senator Roach that the Senate do concur with the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Roach failed by a voice vote.

The President declared the question before the Senate to be motion by Senator Oemig that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5359 and ask the House to recede therefrom.

The motion by Senator Oemig carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5359 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5277 with the following amendment: 5277 AMH JUDI TANG 053

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.62.060 and 2007 c 46 s 3 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-

NINETY-SEVENTH DAY, APRIL 18, 2009

party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

(3) For filing a supplemental proceeding a fee of twenty dollars.

(4) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) At the option of the district court:

(a) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

(b) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

(c) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

(d) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

(e) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

(8) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

~~((8))~~ (9) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

(10) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

~~((9))~~ (11) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

(12) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5277.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5277.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5277 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5277, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Parlette, Roach, Schoesler, Stevens and Zarelli

Absent: Senator Hargrove

Excused: Senators Fairley, Regala and Rockefeller

SENATE BILL NO. 5277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5008 with the following amendment: 5008 AMH AGNR H2719.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.155 and 2007 c 163 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sportsmanship. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

(ii) The director may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5008.

Senators Jacobsen and Morton spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 5008.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5008 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5008, as amended by the House.

MOTION

On motion of Senator Marr, Senator Hargrove was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5008, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senator Shin

Excused: Senators Fairley, Hargrove, Regala and Rockefeller

SENATE BILL NO. 5008, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5011 with the following amendment: 5011-S.E AMH CL H2886.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority having jurisdiction" means the local organization, office, or individual responsible for enforcing the requirements of the state fire code.

(2) "Director" means the director of fire protection appointed under RCW 43.43.938.

(3) "Distribute" means to do any of the following:

(a) Sell novelty lighters or deliver novelty lighters for sale by another person to consumers;

(b) Sell or accept orders for novelty lighters that are to be transported from a point outside this state to a consumer within this state;

(c) Buy novelty lighters directly from a manufacturer or wholesale dealer for resale in this state;

(d) Give novelty lighters as a sample, prize, gift, or other promotion.

(4) "Manufacturer" means:

(a) An entity that produces, or causes the production of, novelty lighters for sale in this state;

(b) An importer or first purchaser of novelty lighters that intends to resell within this state novelty lighters that were produced for sale outside this state; or

(c) A successor to an entity, importer, or first purchaser described in (a) or (b) of this subsection.

(5)(a) "Novelty lighter" means a lighter that can operate on any fuel, including butane or liquid fuel. Novelty lighters have features that are attractive to children, including but not limited to visual effects, flashing lights, musical sounds, and toylike designs. The term considers the shape of the lighter to be the most important characteristic when determining whether a lighter can be considered a novelty lighter.

(b) "Novelty lighter" does not include disposable cigarette lighters or lighters that are printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

(6) "Retail dealer" means an entity at one location, other than a manufacturer or wholesale dealer, that engages in distributing novelty lighters.

(7) "Sell" means to transfer, or agree to transfer, title or possession for a monetary or nonmonetary consideration.

(8) "Wholesale dealer" means an entity that distributes novelty lighters to a retail dealer or other person for resale.

NEW SECTION. **Sec. 2.** (1) A person may not distribute or offer to sell a novelty lighter within this state if the director determines the novelty lighter is prohibited for sale or distribution under this chapter.

(2) This section does not apply if the novelty lighters are in interstate commerce and not intended for distribution in this state.

(3) The authority having jurisdiction shall enforce the provisions of this chapter.

NEW SECTION. **Sec. 3.** (1) The authority having jurisdiction may impose a civil penalty for a violation of this chapter. The civil penalty may not exceed:

(a) For a wholesale dealer that distributes or offers to sell novelty lighters to retail dealers or consumers, a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation.

(b) For a retail dealer that distributes or offers to sell novelty lighters to consumers, a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation.

(2) The authority having jurisdiction may bring an action seeking:

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

(a) Injunctive relief to prevent or end a violation of this chapter;

(b) To recover civil penalties imposed under subsection (1) of this section; or

(c) To recover attorneys' fees and other enforcement costs and disbursements.

(3) Penalties under this section must be deposited in an account designated by the authority having jurisdiction.

(4) A district court has jurisdiction over all proceedings brought under this section.

NEW SECTION. Sec. 4. (1) On the effective date of this section, manufacturers must immediately cease the sale or distribution of novelty lighters in this state.

(2) On the effective date of this section, wholesalers and retail dealers have a maximum of ninety days to reduce their current inventory of novelty lighters. In no instance may wholesalers and retail dealers sell or distribute a novelty lighter in this state after ninety days from the effective date of this section.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011.

Senator Kauffman spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011 by voice vote.

MOTION

On motion of Senator Kauffman, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker and Tom

Voting nay: Senators McDermott and Zarelli

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5038 with the following amendment: 5038 AMH PEDE H3000.1

Beginning on page 219, line 25, strike all of section 5007 and insert the following:

"**Sec. 5007.** RCW 43.03.030 and 2009 c 5 s 4 are each amended to read as follows:

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he or she shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position under this section."
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5038.

Senators Kohl-Welles and Hatfield spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 5038.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5038 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5038, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler,

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

April 13, 2009

Sheldon, Swecker and Tom

Voting nay: Senators Benton, Morton, Stevens and Zarelli

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

SENATE BILL NO. 5038, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5040 with the following amendment: 5040-S AMH CL H2642.1

On page 2, beginning on line 14, after "(3)" strike all material through "13.04.030" on line 16 and insert "The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5040.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5040.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5040 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5040, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5040, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5040, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5042 with the following amendments: 5042-S AMH SGTA OBRT 036 & 5042-S AMH SGTA 061

On page 2, at the beginning of line 8, strike "or"

On page 2, line 8, after "receipt" insert ", a regulated entity's financial filings, or insurance rate or form filing"

On page 2, after line 33, insert the following:

"(6) Nothing in this section shall be construed to apply to small businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children."

Renumber the subsections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5042.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5042.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5042 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5042, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5056 with the following amendment: 5056-S AMH HCW H2777.3

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.73 RCW to read as follows:

(1) Except when treatment is provided in a hospital licensed under chapter 70.41 RCW, a physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who renders treatment to a patient for (a) a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm; (b) an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person; (c) a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act; or (d) injuries sustained in an automobile collision, shall disclose without the patient's authorization, upon a request from a federal, state, or local law enforcement authority as defined in RCW 70.02.010(3), the following information, if known:

- (i) The name of the patient;
- (ii) The patient's residence;
- (iii) The patient's sex;
- (iv) The patient's age;
- (v) The patient's condition or extent and location of injuries as determined by the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder;
- (vi) Whether the patient was conscious when contacted;
- (vii) Whether the patient appears to have consumed alcohol or appears to be under the influence of alcohol or drugs;
- (viii) The name or names of the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who provided treatment to the patient; and
- (ix) The name of the facility to which the patient is being transported for additional treatment.

(2) A physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual who discloses information pursuant to this section is immune from civil or criminal liability or professional licensure action for the disclosure, provided that the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual acted in good faith and without gross negligence or willful or wanton misconduct.

(3) The obligation to provide information pursuant to this section is secondary to patient care needs. Information must be provided as soon as reasonably possible taking into consideration a patient's emergency care needs.

(4) For purposes of this section, "a physician's trained emergency medical service intermediate life support technician and paramedic" has the same meaning as in RCW 18.71.200.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall report to a local law enforcement authority as soon as reasonably possible, taking into consideration a patient's emergency care needs, when the hospital provides treatment for a bullet wound, gunshot wound, or stab wound to a patient who is unconscious. A hospital shall establish a written policy to identify the person or persons responsible for making the report.

(2) The report required under subsection (1) of this section must include the following information, if known:

- (a) The name, residence, sex, and age of the patient;
- (b) Whether the patient has received a bullet wound, gunshot wound, or stab wound; and
- (c) The name of the health care provider providing treatment for the bullet wound, gunshot wound, or stab wound.

(3) Nothing in this section shall limit a person's duty to report under RCW 26.44.030 or 74.34.035.

(4) Any bullets, clothing, or other foreign objects that are removed from a patient for whom a hospital is required to make a report pursuant to subsection (1) of this section shall be preserved and kept in custody in such a way that the identity and integrity thereof are reasonably maintained until the bullets, clothing, or other foreign objects are taken into possession by a law enforcement authority or the hospital's normal period for retention of such items expires, whichever occurs first.

(5) Any hospital or person who in good faith, and without gross negligence or willful or wanton misconduct, makes a report required by this section, cooperates in an investigation or criminal or judicial proceeding related to such report, or maintains bullets, clothing, or other foreign objects, or provides such items to a law enforcement authority as described in subsection (4) of this section, is immune from civil or criminal liability or professional licensure action arising out of or related to the report and its contents or the absence of information in the report, cooperation in an investigation or criminal or judicial proceeding, and the maintenance or provision to a law enforcement authority of bullets, clothing, or other foreign objects under subsection (4) of this section.

(6) The physician-patient privilege described in RCW 5.60.060(4), the registered nurse-patient privilege described in RCW 5.62.020, and any other health care provider-patient privilege created or recognized by law are not a basis for excluding as evidence in any criminal proceeding any report, or information contained in a report made under this section.

(7) All reporting, preservation, or other requirements of this section are secondary to patient care needs and may be delayed or compromised without penalty to the hospital or person required to fulfill the requirements of this section."

Correct the title, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5056.

Senators Keiser and Brandland spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5056.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5056 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5056, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5056, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5060 with the following amendment: 5060 AMH CL H2781.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.12.010 and 1981 c 255 s 1 are each amended to read as follows:

Nothing in this title, other than RCW 66.28.140, applies to wine or beer manufactured in any home for private consumption ((therein)), and not for sale.

Sec. 2. RCW 66.28.140 and 1994 c 201 s 6 are each amended to read as follows:

(1) An adult member of a household may remove family beer or wine from the home ((for exhibition or use at organized beer or wine tastings or competitions;)) subject to the following conditions:

(a) The quantity removed by a producer ((for these purposes)) is limited to a quantity not exceeding ((one)) twenty gallons;

(b) Family beer or wine is not removed for sale ((or for the use of any person other than the producer. This subparagraph does not preclude any necessary tasting of the beer or wine when the exhibition or beer or wine tasting includes judging the merits of the wine by judges who have been selected by the organization sponsoring the affair)); and

(c) ((When the display contest or judging purpose has been served, any remaining portion of the sample is returned to the family premises from which removed)) Family beer or wine is removed from the home for private use, including use at organized affairs, exhibitions, or competitions such as homemaker's contests, tastings, or judging.

(2) As used in this section, "family beer or wine" means beer or wine manufactured in the home for private consumption ((therein)), and not for sale." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5060.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 5060.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5060 by voice vote.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5060, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SENATE BILL NO. 5060, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5153 with the following amendment: 5153 AMH JUDI TANG 043

On page 4, line 2, after "involved a" strike all material through "relief]" on line 3 and insert "cause of action"

On page 4, line 6, after "involved a" strike all material through "relief]" on line 7 and insert "cause of action" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5153.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5153.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5153 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5153, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5153, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0;

Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Prentice, Rockefeller and Shin

SENATE BILL NO. 5153, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5172 with the following amendment: 5172-S AMH WAYS H3091.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section.

(2) The higher education coordinating board and the University of Washington may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 2. The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in section 1 of this act; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5172.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Brown and Tom were excused.

MOTION

On motion of Senator Kauffman, Senators Keiser and Pridemore were excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5172.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5172 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5172, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Sheldon and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kauffman, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Fairley, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 30, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5173 with the following amendment: 5173 AMH HE H2785.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.35.205 and 1991 c 58 s 2 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and approval of the higher education coordinating board.

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's (~~(or)~~), master's, or doctorate level degrees upon persons (~~(other than graduates of the institution)~~) in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5173.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Hargrove, Prentice and Tom were excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5173.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5173 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5173, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Jarrett

Excused: Senators Brown, Fairley, Hargrove, Rockefeller, Shin and Tom

SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5177 with the following amendment: 5177-S AMH HE H2786.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that Asia and its interactions with the rest of the world are transforming the way the world works in the twenty-first century. The legislature further finds that trade, finance, technology, and

global influence and institutions are all areas in which China, India, and other Asian states are in the process of reshaping the nature of the international system, and that Washington state is uniquely situated to contribute to enhance interactions between the United States and Asia. The legislature intends to establish a global Asia institute at the University of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A global Asia institute is created within the Henry M. Jackson School of International Studies. The mission of the institute is to promote the understanding of Asia and its interactions with Washington state and the world. The institute shall host visiting scholars and policymakers, sponsor programs and learning initiatives, engage in collaborative research projects, and facilitate broader understanding and cooperation between the state of Washington and Asia through general public programs and targeted collaborations with specific communities in the state.

(2) Within existing resources, a global Asia institute advisory board is established. The director of the Henry M. Jackson School of International Studies shall appoint members of the advisory board and determine the advisory board's roles and responsibilities. The board shall include members representing academia, business, and government.

(3) The higher education coordinating board may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 3. The Henry M. Jackson School of International Studies shall report to the appropriate committees of the legislature by December 1, 2010, regarding the achievements of the global Asia institute. The report shall include discussion of the achievements and challenges in accomplishing the institute's mission and recommendations regarding a path and timeline for the institute's expansion."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5177 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

NINETY-SEVENTH DAY, APRIL 18, 2009

Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Fairley, Hargrove, Rockefeller, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5177, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:29 p.m., on motion of Senator McDermott, the Senate adjourned until 1:00 p.m. Sunday, April 19, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Sunday, April 19, 2009

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brandland, Brown, Hewitt, Jacobsen, Pflug and Roach.

The Sergeant at Arms Color Guard consisting of Interns John McKean and Erik Ashlie-Vinke, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2009

SB 5470 Prime Sponsor, Senator Stevens: Providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6161 Prime Sponsor, Senator Prentice: Relating to the actuarial funding of pension systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6163 Prime Sponsor, Senator Keiser: Concerning the nursing facility medicaid payment system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6163 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6165 Prime Sponsor, Senator Ranker: Allowing greater use of short boards for appeals before the shorelines hearings board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6166 Prime Sponsor, Senator Hargrove: Concerning the sale of timber from state trust lands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6167 Prime Sponsor, Senator Kline: Concerning crimes against property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hewitt.

Passed to Committee on Rules for second reading.

April 18, 2009

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

SB 6168 Prime Sponsor, Senator Tom: Reducing costs in state elementary and secondary education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6169 Prime Sponsor, Senator Prentice: Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6169 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt; Honeyford; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6170 Prime Sponsor, Senator Hobbs: Concerning environmental tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6170 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6171 Prime Sponsor, Senator Prentice: Concerning savings in programs under the supervision of the department of health. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6172 Prime Sponsor, Senator Rockefeller: Eliminating the oil spill advisory council. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6173 Prime Sponsor, Senator Prentice: Improving sales tax compliance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6179 Prime Sponsor, Senator Tom: Concerning chemical dependency specialist services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6180 Prime Sponsor, Senator Keiser: Relating to home care workers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Oemig; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Parlette.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6181 Prime Sponsor, Senator Tom: Concerning the intensive resource home pilot. Reported by Committee on Ways & Means

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

SB 6183 Prime Sponsor, Senator Regala: Changing the provisions relating to the early deportation of illegal alien offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; McDermott; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

April 18, 2009

SHB 1062 Prime Sponsor, Committee on Finance: Modifying the electrolytic processing business tax exemption. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Carrell; Hewitt; Hobbs; Honeyford; Keiser; Kline; McDermott; Murray; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

HB 1287 Prime Sponsor, Representative Morris: Concerning sales and use tax exemptions in respect to aircraft used in intrastate commuter operations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget.

Passed to Committee on Rules for second reading.

April 18, 2009

2SHB 1481 Prime Sponsor, Committee on Finance: Regarding electric vehicles. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

April 18, 2009

HB 1579 Prime Sponsor, Representative Appleton: Concerning a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

April 18, 2009

EHB 1616 Prime Sponsor, Representative Simpson: Addressing the state pension benefits of certain domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

EHB 1815 Prime Sponsor, Representative Sullivan: Concerning current use valuation under the property tax open space program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Rural Economic Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

ESHB 2075 Prime Sponsor, Committee on Finance: Concerning the excise taxation of certain products and services provided or furnished electronically. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs;

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt; Honeyford; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

EHB 2242 Prime Sponsor, Representative Kenney: Creating a department of commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hewitt; Hobbs; Keiser; Kohl-Welles; McDermott; Murray; Oemig; Parlette and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

ESHB 2245 Prime Sponsor, Committee on Ways & Means: Clarifying public employees' benefits board eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

ESHB 2327 Prime Sponsor, Committee on Ways & Means: Eliminating or reducing the frequency of reports prepared by state agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

HB 2328 Prime Sponsor, Representative Linville: Reducing the administrative cost of state government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Murray moved adoption of the following resolution:

SENATE RESOLUTION
8664

By Senator Murray

WHEREAS, Massachusetts-born Peter Donnelly arrived in Seattle in 1964 as a Ford Foundation intern at Seattle Repertory Theatre and rose quickly through the ranks to become its Managing Director in 1965; and

WHEREAS, Peter Donnelly helped draft the legislation that created the Seattle Arts Commission in 1971; and

WHEREAS, In 1983, Peter Donnelly was the driving force behind the construction of the Bagley Wright Theatre, the first major capital project for an arts group on the Seattle Center campus since the 1962 World's Fair; and

WHEREAS, Peter Donnelly became the president and CEO of Corporate Council for the Arts, now ArtsFund, in 1989 and led it through an astonishing two decades of growth until his retirement in 2005; and

WHEREAS, Peter Donnelly helped ensure the survival of the National Endowment for the Arts in the early 1990s when the agency was under attack in Congress by securing the key support of Senator Slade Gorton; and

WHEREAS, Peter Donnelly was the staunch advocate and prime mover behind the establishment of the statewide Building for the Arts Program in 1991 that has since distributed more than 58 million dollars to 150 arts capital projects across the state of Washington; and

WHEREAS, Peter Donnelly was the single greatest force behind the transformation of Seattle from a mid-sized American city with a few arts organizations to a nationally recognized cultural capital with major institutions in music, visual art, ballet, opera, and theatre, including two Tony award-winning regional theatres and an extensive network of independent artists and arts organizations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby proclaim the Senate's collective sadness at Peter Donnelly's passing, and urges all citizens to join in celebrating this exceptional man for his outstanding leadership and contributions to the State of Washington.

Senators Murray and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Murray carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5568,

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9146, Denny Heck, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Becker, Benton, Brandland McCaslin, Pflug and Roach were excused.

APPOINTMENT OF DENNY HECK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9146, Denny Heck as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9146, Denny Heck as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote:
Yeas, 42; Nays, 0; Absent, 3; Excused, 4.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brown, Hewitt and Jacobsen

Excused: Senators Benton, Brandland, Pflug and Roach

Gubernatorial Appointment No. 9146, Denny Heck, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

MOTION

On motion of Senator Marr, Senators Brown and Jacobsen were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kastama moved that Gubernatorial Appointment No. 9037, Marc Gaspard, as a member of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senator Kastama spoke in favor of the motion.

APPOINTMENT OF MARC GASPARD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9037, Marc Gaspard as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9037, Marc Gaspard as a member of the Board of Trustees, Pierce Community College

District No. 11 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland, Jacobsen, Pflug and Roach

Gubernatorial Appointment No. 9037, Marc Gaspard, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5160 with the following amendment: 5160-S AMH JUDI H2856.3

On page 5, line 37, after "seizure" insert "in the case of personal property and within the ninety-day period following service of the notice of seizure in the case of real property" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5160.
Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5160.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5160 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5160, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

Excused: Senators Benton, Brandland, Jacobsen, Pflug and Roach

SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Shin: "Thank you very much Mr. President and members of the Senate. Yesterday I committed an unpardonable crime. I'm sorry I was away from the chamber when in session. Sometime in January I was invited by Microsoft to speak to the International Employees in Microsoft, there were about four hundred of them. I had to go and excuse myself and I will express my profound appreciation to all the members voting for my three important legislation in Higher Education Committee starting with the human rights legislation, pan-Asian issues also honorary doctorate. That means a lot for the universities and I appreciate that and thank you very much. On top of that, on a personal note, my wife is very sick so it gave me time to go visit her and spend the time with her. Thank you very much Mr. President."

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5171 with the following amendment: 5171-S AMH JUDI BARC 023

On page 2, beginning on line 10, after "payment" strike "as of the first business day of the accounting period" and insert "~~((as of the first business day of the accounting period))~~ according to the most recent statement of value preceding the beginning of the accounting period"

On page 3, line 8, after "equal" strike "three" and insert "four"

On page 3, beginning on line 20, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5171.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5171.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5171 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5171, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of

Substitute Senate Bill No. 5171, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5171, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5180 with the following amendment: 5180 AMH TR H2851.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.560 and 1991 c 319 s 408 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. However, public transportation service providers, including private, nonprofit transportation providers regulated under chapter 81.66 RCW, may allow the driver of a transit vehicle to stop upon the roadway momentarily to receive or discharge passengers at an unmarked stop zone only under the following circumstances: (a) The driver stops the vehicle in a safe and practicable position; (b) the driver activates four-way flashing lights; and (c) the driver stops at a portion of the highway with an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW (~~36.58.030~~ ~~36.58.040~~) 36.58.040."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Senate Bill No. 5180.

Senators Jarrett and Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Senate Bill No. 5180.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5180 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5180, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Excused: Senators Benton, Brandland and Jacobsen

SENATE BILL NO. 5180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5229 with the following amendment: 5229-S AMH APPE H3025.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.801 and 2007 c 291 s 2 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review

process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. Beginning with the effective date of this act, the office of the lieutenant governor shall notify all applicants of the final selections using existing staff and resources.

(b) Within existing staff and resources, the office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) If the council has sufficient funds from any source, then the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) If the council has sufficient funds from any source, then in carrying out its duties under this section, the council may meet at least three times but not more than six times per year. The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. ((Councils are)) The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.

(7) If the council has sufficient funds from any source, then members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) If sufficient funds are available from any source, beginning with the effective date of this act, the office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, the office of ~~((the))~~ the superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.

~~((10) This section expires June 30, 2009.))~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

NINETY-EIGHTH DAY, APRIL 19, 2009
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5229.
Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5229.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5229 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5229, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5229, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5229, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5262 with the following amendment: 5262-S.E AMH PSEP H2873.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.118 and 2005 c 274 s 307 and 2005 c 246 s 23 are each reenacted and amended to read as follows:

(1) The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by ~~((RCW 46.20.070 through 46.20.119))~~ this chapter. Negatives in the file shall not be available for public inspection and copying under chapter 42.56 RCW.

(2) The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity or for the purposes of verifying identity when a law enforcement officer is authorized by law to request identification from an individual.

(3) The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration database.

2009 REGULAR SESSION

(4) The department may also provide a print to the driver's next of kin in the event the driver is deceased."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5262.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5262.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5262 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5262, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5262, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

Excused: Senators Benton, Brandland and Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5262, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5268 with the following amendment: 5268-S AMH AGNR H2770.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The fish and wildlife equipment revolving account is created in the custody of the state treasurer. The department must reimburse the account for all moneys expended from the account. Reimbursements may be made with moneys appropriated to the department or from other moneys otherwise available to the department. All moneys generated by the use or repair of vehicles, water vessels, and heavy equipment or generated by the sale or surplusing of vehicles, water vessels, and heavy equipment must be deposited in the account. The department's reimbursements may be prorated over the useful life of the vehicle, water vessel, or heavy equipment acquired with moneys from the account.

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(2) Expenditures from the account may be used only for the purchase or lease of vehicles, water vessels, and heavy equipment, to include the payment of costs for the operation, repair, and maintenance of the vehicles, water vessels, and heavy equipment.

(3) Only the director of fish and wildlife or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) For the purposes of this section, the terms and charges for the intra-agency use of vehicles, water vessels, or heavy equipment or for the disposal through sale of vehicles, water vessels, or heavy equipment is solely within the discretion of the department and the department's determination of the terms, charges, or sale price is considered a reasonable term, charge, or sale price."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5268.

Senators Ranker and Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5268.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5268 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5268, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5268, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Absent: Senator Shin

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5289 with the following amendment: 5289 AMH TR H2945.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.39.020 and 2003 c 55 s 1 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynoochee river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(12) State route number 17, beginning at a junction with state route number 395 in the vicinity of Mesa, thence northerly to the junction with state route number 97 in the vicinity of Brewster;

(13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence northerly and easterly to a junction with state route number 153 southeast of Twisp; also

Beginning at the junction of state route number 97 in the vicinity of Okanogan, thence westerly across the Okanogan river to the junction with state route number 215; also

NINETY-EIGHTH DAY, APRIL 19, 2009

Beginning at a junction with state route number 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

(15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 26, beginning at the Whitman county boundary line, thence easterly by way of the vicinities of La Crosse and Dusty to a junction with state route number 195 in the vicinity of Colfax;

(17) State route number 27, beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly by way of the vicinities of Palouse and Garfield to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence northerly to the vicinity of Tekoa;

(18) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(19) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(20) State route number 90, beginning at the junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

(21) State route number 97, beginning at the Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth; also

Beginning at the junction of state route number 153 in the vicinity south of Pateros, thence northerly by way of the vicinities of Brewster, Okanogan, Omak, Riverside, Tonasket, and Oroville to the international boundary line;

(22) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

(23) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the junction with state route number 5 in the vicinity of Olympia;

(24) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the Kingston ferry crossing;

(25) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(26) State route number 109, beginning at a junction with state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

(27) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(28) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(29) State route number 119, beginning at the junction with state route number 101 at Hoodspport, thence northwesterly to the Mount Rose development intersection;

(30) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(31) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(32) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(33) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(34) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(35) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(36) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northerly and westerly to the junction with state route number 215;

(37) State route number 194, beginning at the Port of Alмота to the junction with state route number 195 in the vicinity of Pullman;

(38) State route number 195, beginning at the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly and northerly by way of the vicinity of Colton, Pullman, Colfax, Steptoe, and Rosalia to the Whitman county boundary line;

(39) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(40) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(41) State route number 215, beginning at the junction of state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak;

(42) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(43) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(44) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(45) State route number 271, beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia;

(46) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(47) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(48) State route number 395, beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(49) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(50) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(51) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(52) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(53) State route number 504, beginning at a junction with state route number 5 at Castle Rock, to the end of the route on Johnston Ridge, approximately milepost 52;

(54) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(55) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(56) State route number 525, beginning at the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

(57) State route number 542, beginning at the junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

(58) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(59) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(60) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(61) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road;

(62) Beginning at the Anacortes ferry landing, the Washington state ferries Anacortes/San Juan Islands route, which includes stops at Lopez, Shaw, Orcas, and San Juan Islands; and the roads on San Juan and Orcas Islands as described in San Juan Island county council resolution number 7, adopted February 5, 2008;

(63) All Washington state ferry routes."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Senate Bill No. 5289.

Senators Ranker, Swecker and McDermott spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Senate Bill No. 5289.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5289 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5289, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5289, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin, Morton and Roach

Excused: Senators Benton, Brandland and Jacobsen

SENATE BILL NO. 5289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5340 with the following amendment: 5340-S AMH APPG H3087.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.155.010 and 2006 c 14 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to ~~((RCW 70.155.020 through 70.155.130))~~ this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

~~(2) ("Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.~~

~~(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.~~

~~(4)) "Internet" means any computer network, telephonic network, or other electronic network.~~

~~(3) "Minor" refers to an individual who is less than eighteen years old.~~

~~((5))~~ (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((6))~~ (5) "Sampling" means the distribution of samples to members of the public.

~~((7) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.~~

~~(8) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.~~

~~(9))~~ (6) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010(1), except that for

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

the purposes of section 2 of this act only. "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.

NEW SECTION. Sec. 2. A new section is added to chapter 70.155 RCW to read as follows:

(1) A person may not:

(a) Ship or transport, or cause to be shipped or transported, any tobacco product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler or retailer; or

(b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

(2)(a) A person who knowingly violates subsection (1) of this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(b) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated subsection (1) of this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court. For purposes of this subsection, each shipment or transport of tobacco products constitutes a separate violation.

(3) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of subsection (1) of this section and to compel compliance with subsection (1) of this section.

(4) Any violation of subsection (1) of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of subsection (1) of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(5)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated subsection (1) of this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

(6) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

NEW SECTION. Sec. 3. RCW 70.155.105 (Delivery sale of cigarettes--Requirements, unlawful practices--Penalties--Enforcement) and 2003 c 113 s 2 are each repealed."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5340.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5340.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5340 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, McCaslin, Morton, Parlette, Stevens and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5340, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5355 with the following amendment: 5355 AMH LGH H2964.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 27.12.040 and 1990 c 259 s 1 are each amended to read as follows:

The procedure for the establishment of a rural county library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the county who voted in the last general election, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the county legislative authority. For all districts created after the effective date of this act, the petition may include a proposed initial maximum levy rate. This initial maximum levy rate must not exceed the rate limit set forth in RCW 27.12.050(1).

(2) The county legislative authority, after having determined that the petitions were signed by the requisite number of registered voters, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. If the petition to create the rural county library district included a proposed initial maximum levy rate, the ballot proposition for the establishment of the rural county library district must include the initial maximum levy rate specified in the petition. This ballot must be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the county legislative authority shall forthwith declare it established.

Sec. 2. RCW 27.12.050 and 1973 1st ex.s. c 195 s 5 are each amended to read as follows:

(1) After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

maintenance of library service for the district by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

(2) The initial levy rate may not exceed the rate limit in subsection (1) of this section or, if applicable, the initial maximum levy rate contained in the ballot proposition approved by the voters to create the district. In subsequent years, the levy rate may be increased as authorized under chapter 84.55 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

Senators Fairley and Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5355 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

SENATE BILL NO. 5355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5360 with the following amendment: 5360-S AMH ENGR H2890.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.05 RCW to read as follows:

(1) The community health care collaborative grant program is established to further the efforts of community-based coalitions to increase access to appropriate, affordable health care for Washington residents, particularly employed low-income persons and children in school who are uninsured and underinsured, through local programs addressing one or more of the following: (a) Access to medical treatment; (b) the efficient use of health care resources; and (c) quality of care.

(2) Consistent with funds appropriated for community health care collaborative grants specifically for this purpose, two-year grants may be awarded pursuant to section 2 of this act by the administrator of the health care authority.

(3) The health care authority shall provide administrative support for the program. Administrative support activities may include health care authority facilitation of statewide discussions regarding best practices and standardized performance measures among grantees, or subcontracting for such discussions.

(4) Eligibility for community health care collaborative grants shall be limited to nonprofit organizations established to serve a defined geographic region or organizations with public agency status under the jurisdiction of a local, county, or tribal government. To be eligible, such entities must have a formal collaborative governance structure and decision-making process that includes representation by the following health care providers: Hospitals, public health, behavioral health, community health centers, rural health clinics, and private practitioners that serve low-income persons in the region, unless there are no such providers within the region, or providers decline or refuse to participate or place unreasonable conditions on their participation. The nature and format of the application, and the application procedure, shall be determined by the administrator of the health care authority. At a minimum, each application shall: (a) Identify the geographic region served by the organization; (b) show how the structure and operation of the organization reflects the interests of, and is accountable to, this region and members providing care within this region; (c) indicate the size of the grant being requested, and how the money will be spent; and (d) include sufficient information for an evaluation of the application based on the criteria established in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) The community health care collaborative grants shall be awarded on a competitive basis based on a determination of which applicant organization will best serve the purposes of the grant program established in section 1 of this act. In making this determination, priority for funding shall be given to the applicants that demonstrate:

(a) The initiatives to be supported by the community health care collaborative grant are likely to address, in a measurable fashion, documented health care access and quality improvement goals aligned with state health policy priorities and needs within the region to be served;

(b) The applicant organization must document formal, active collaboration among key community partners that includes local governments, school districts, large and small businesses, nonprofit organizations, tribal governments, carriers, private health care providers, public health agencies, and community public health and safety networks, as defined in RCW 70.190.010;

(c) The applicant organization will match the community health care collaborative grant with funds from other sources. The health care authority may award grants solely to organizations providing at least two dollars in matching funds for each community health care collaborative grant dollar awarded;

(d) The community health care collaborative grant will enhance the long-term capacity of the applicant organization and its members to serve the region's documented health care access needs, including the sustainability of the programs to be supported by the community health care collaborative grant;

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(e) The initiatives to be supported by the community health care collaborative grant reflect creative, innovative approaches which complement and enhance existing efforts to address the needs of the uninsured and underinsured and, if successful, could be replicated in other areas of the state; and

(f) The programs to be supported by the community health care collaborative grant make efficient and cost-effective use of available funds through administrative simplification and improvements in the structure and operation of the health care delivery system.

(2) The administrator of the health care authority shall endeavor to disburse community health care collaborative grant funds throughout the state, supporting collaborative initiatives of differing sizes and scales, serving at-risk populations.

(3) Grants shall be disbursed over a two-year cycle, provided the grant recipient consistently provides timely reports that demonstrate the program is satisfactorily meeting the purposes of the grant and the objectives identified in the organization's application. The requirements for the performance reports shall be determined by the health care authority administrator. The performance measures shall be aligned with the community health care collaborative grant program goals and, where possible, shall be consistent with statewide policy trends and outcome measures required by other public and private grant funders.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

By July 1st of each even-numbered fiscal year the administrator of the health care authority shall provide the governor and the legislature with an evaluation of the community health care collaborative grant program, describing the organizations and collaborative initiatives funded and the results achieved. The report shall include the impact of the program, results of performance measures, general findings, and recommendations.

NEW SECTION. Sec. 4. The health care authority may adopt rules to implement this act."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5360.

Senators Keiser and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5360.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5360 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5360, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray,

Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5360, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5367 with the following amendment: 5367-S AMH CONW ELGE 083

On page 15, line 7, after "after" insert "the"

On page 15, line 7, after "notice" insert "for applications, or at least thirty days prior to the expiration date for renewals" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5367.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5367.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5367 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5367, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5367, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Hargrove, Haugen, Holmquist, McCaslin, Morton, Parlette, Roach, Shin, Stevens and Swecker

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

NINETY-EIGHTH DAY, APRIL 19, 2009

The House has passed SUBSTITUTE SENATE BILL NO. 5368 with the following amendment: 5368-S AMH FIN H2944.1

Beginning on page 4, line 9, strike all of section 5 and insert the following:

"Sec. 5. RCW 82.45.180 and 2006 c 312 s 1 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five-dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. For taxes collected by the county under this chapter after June 30, 2006, on a monthly basis the county treasurer shall pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

(b) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (a) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

(3)(a) The real estate excise tax electronic technology account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

2009 REGULAR SESSION

(b) Through June 30, 2010, the county treasurer shall collect an additional five-dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the real estate excise tax electronic technology account. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county assessor, revert to the ((county capital improvements fund in accordance with RCW 82.46.010)) special real estate and property tax administration assistance account in accordance with subsection (5)(c) of this section.

(4) Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five-dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in section 3 of this act.

(5)(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five-dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5368.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5368.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5368 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5368, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5368, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Holmquist, King, McCaslin, Sheldon, Stevens and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5368, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5402 with the following amendment: 5402-S AMH JUDI ADAM 054

On page 5, line 9, after "second" insert "or subsequent"

On page 5, line 11, after "has" strike all material through "for" on line 12 and insert "no more than two convictions of animal cruelty and each conviction is for animal"
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5402.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5402.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5402 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Hargrove, Honeyford, Schoesler and Swecker

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5410 with the following amendment: 5410-S AMH ENGR H3320.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that online learning provides tremendous opportunities for students to access curriculum, courses, and a unique learning environment that might not otherwise be available. The legislature supports and encourages online learning opportunities.

(2) However, the legislature also finds that there is a need to assure quality in online learning, both for the programs and the administration of those programs. The legislature is the steward of public funds that support students enrolled in online learning and must ensure an appropriate accountability system at the state level.

(3) Therefore, the legislature intends to take a first step in improving oversight and quality assurance of online learning programs, and intends to examine possible additional steps that may need to be taken to improve financial accountability.

(4) The first step in improving quality assurance is to:

(a) Provide objective information to students, parents, and educators regarding available online learning opportunities, including program and course content, how to register for programs and courses, teacher qualifications, student-to-teacher ratios, prior course completion rates, and other evaluative information;

(b) Create an approval process for multidistrict online providers;

(c) Enhance statewide equity of student access to high quality online learning opportunities; and

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(d) Require school district boards of directors to develop policies and procedures for student access to online learning opportunities.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course that:

(i) Is delivered primarily electronically using the internet or other computer-based methods; and

(ii) Is taught by a teacher primarily from a remote location. Students enrolled in an online course may have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that:

(i) Is delivered primarily electronically using the internet or other computer-based methods;

(ii) Is taught by a teacher primarily from a remote location. Students enrolled in an online program may have access to the teacher synchronously, asynchronously, or both;

(iii) Delivers a part-time or full-time sequential program; and

(iv) Has an online component of the program with online lessons and tools for student and data management.

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW 28A.150.262 to qualify for state basic education funding.

NEW SECTION. Sec. 3. (1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving multidistrict online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online course provider; and an appeals process. The criteria and processes shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation through the Northwest association of accredited schools or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing multidistrict online

providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding the awarding of high school credit shall remain the responsibility of school districts.

(3) Initial approval of multidistrict online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before the effective date of this section, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2011, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee.

NEW SECTION. Sec. 4. The superintendent of public instruction shall create an office of online learning. In the initial establishment of the office, the superintendent shall hire staff who have been employed by the digital learning commons to the extent such hiring is in accordance with state law and to the extent funds are available. The office shall:

(1) Develop and maintain a web site that provides objective information for students, parents, and educators regarding online learning opportunities offered by multidistrict online providers that have been approved in accordance with section 3 of this act. The web site shall include information regarding the online course provider's overall instructional program, specific information regarding the content of individual online courses and online school programs, a direct link to each online course provider's web site, how to register for online learning programs and courses, teacher qualifications, student-to-teacher ratios, course completion rates, and other evaluative and comparative information. The web site shall also provide information regarding the process and criteria for approving multidistrict online providers. To the greatest extent possible, the superintendent shall use the framework of the course offering component of the web site developed by the digital learning commons;

(2) Develop model agreements with approved multidistrict online providers that address standard contract terms and conditions that may apply to contracts between a school district and the approved provider. The purpose of the agreements is to provide a template to assist individual school districts, at the discretion of the district, in contracting with multidistrict online providers to offer the multidistrict online provider's courses and programs to students in the district. The agreements may

NINETY-EIGHTH DAY, APRIL 19, 2009

address billing, fees, responsibilities of online course providers and school districts, and other issues; and

(3) In collaboration with the educational service districts:

(a) Provide technical assistance and support to school district personnel through the educational technology centers in the development and implementation of online learning programs in their districts; and

(b) To the extent funds are available, provide online learning tools for students, teachers, administrators, and other educators.

NEW SECTION. Sec. 5. The superintendent of public instruction shall:

(1) Develop model policies and procedures, in consultation with the Washington state school directors' association, that may be used by school district boards of directors in the development of the school district policies and procedures required in section 6 of this act. The model policies and procedures shall be disseminated to school districts by February 1, 2010;

(2) By December 1, 2009, modify the standards for school districts to report course information to the office of the superintendent of public instruction under RCW 28A.300.500 and for purposes of the standardized transcript to designate if the course was an online course. Both the designation and the reporting standards shall be required beginning with the 2010-11 school year; and

(3) Beginning January 15, 2011, and annually thereafter, submit a report regarding online learning to the state board of education, the governor, and the legislature. The report shall cover the previous school year and include but not be limited to student demographics, course enrollment data, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews.

NEW SECTION. Sec. 6. (1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(3) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under section 3 of this act.

NEW SECTION. Sec. 7. (1) Beginning with the 2011-12 school year, school districts may claim state basic education funding, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under section 3 of this act by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

NEW SECTION. Sec. 8. Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in online courses or programs.

Sec. 9. RCW 28A.150.262 and 2005 c 356 s 2 are each amended to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through ~~((digital programs. "Digital programs" means electronically delivered learning that occurs primarily away from the classroom))~~ alternative learning experience online programs. As used in this section, an "alternative learning experience online program" is a set of online courses or an online school program as defined in section 2 of this act that is delivered to students in whole or in part independently from a regular classroom schedule. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, ~~((a digital))~~ an alternative learning experience online program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital alternative learning experience online programs from its staff;

(3) Requiring each school district offering or contracting to offer ~~((a digital))~~ an alternative learning experience online program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the ~~((digital))~~ alternative learning experience online program be provided by certificated instructional staff;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other

NINETY-EIGHTH DAY, APRIL 19, 2009

technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in (~~(a digital)~~) an alternative learning experience online program, a learning plan that includes a description of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with certificated instructional staff at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide (~~(digital)~~) alternative learning experience online learning programs to receive accreditation through the (~~(state accreditation program or through the regional accreditation program)~~) Northwest association of accredited schools or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning;

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide (~~(digital)~~) alternative learning experience online learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more (~~(digital)~~) alternative learning experience online courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

NEW SECTION. Sec. 10. (1) The office of the superintendent of public instruction shall conduct a review of online courses and programs offered to students during the 2008-09 school year to create a baseline of information about part-time, full-time, and interdistrict student enrollment; how courses and programs are offered and overseen; contract terms and funding arrangements; the fiscal impact on school district levy bases and levy equalization from interdistrict student enrollment; student-to-teacher ratios; course and program completion and success rates; student retention and dropout rates; and how issues such as student assessment, special education, and teacher certification are addressed.

(2) The office of the superintendent of public instruction shall also assess the level of funding provided for online course and program enrollment relative to the basic education general

2009 REGULAR SESSION

allocation, particularly for alternative learning experience programs. The assessment shall include but not be limited to a comparison of staffing ratios and costs, nonemployee-related costs, and facility requirements; and an analysis of the appropriate share of per-student allocations between resident districts and serving districts given the requirements for monthly progress reviews and direct personal contact.

(3) The office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the legislature by December 1, 2009.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5410.
Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5410.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5410 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5410, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5410, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Holmquist, Honeyford, McCaslin, Morton, Roach, Stevens and Swecker

Excused: Senators Benton, Brandland and Jacobsen

SUBSTITUTE SENATE BILL NO. 5410, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5414 with the following amendment: 5414-S.E AMH ENGR H2934.E

Strike everything after the enacting clause and insert the following:

NINETY-EIGHTH DAY, APRIL 19, 2009

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

(a) Include multiple assessment formats, including both formative and summative, as necessary to provide information to help improve instruction and inform accountability;

(b) Enable collection of data that allows both statewide and nationwide comparisons of student learning and achievement; and

(c) Be balanced so that the information used to make significant decisions that affect school accountability or student educational progress includes many data points and does not rely on solely the results of a single assessment.

(2) The legislature further finds that one component of the assessment system should be instructionally supportive formative assessments. The key design elements or characteristics of an instructionally supportive assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

(3) The legislature further finds that a second component of the assessment system should be a state-administered summative achievement assessment that can be used as a check on the educational system in order to guide state expectations for the instruction of children and satisfy legislative demands for accountability. The key design elements or characteristics of the state administered achievement assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

(4) The legislature further finds that a third component of the assessment system should include classroom-based assessments, which may be formative, summative, or both. Depending on their use, classroom-based assessments should have the same design elements and characteristics described in this section for formative and summative assessments.

(5) The legislature further finds that to sustain a strong and viable assessment system, preservice and ongoing training should be provided for teachers and administrators on the effective use of different types of assessments.

2009 REGULAR SESSION

(6) The legislature further finds that as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

(7) The superintendent of public instruction, in consultation with the state board of education, shall begin design and development of an overall assessment system that meets the principles and characteristics described in this section. In designing formative and summative assessments, the superintendent shall solicit bids for the use of computerized adaptive testing methodologies.

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments.

NEW SECTION. **Sec. 2.** The superintendent of public instruction shall:

(1) Revise the number of open-ended questions and extended responses in the statewide achievement assessment in grades three through eight and ten to reduce the cost and time of administering the assessment while retaining validity and reliability of the assessment and retaining assessment of critical thinking skills. By December 1, 2009, the superintendent shall report to the legislature regarding the changes, including a cost analysis of the changes; and

(2) Revisit the alternative assessments, the appeals process, including considering authorizing local school districts to determine the outcome of an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or an alternative assessment, and the Washington alternative assessment system portfolios for students with the most significant cognitive disabilities. By December 1, 2009, the superintendent shall make recommendations to the legislature for improvements.

Sec. 3. RCW 28A.655.066 and 2008 c 163 s 3 are each amended to read as follows:

(1)(a) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The assessments shall be implemented statewide in the 2010-11 school year.

(b) The superintendent shall develop end-of-course assessments ((in algebra I, geometry, integrated mathematics I, and integrated mathematics II. The superintendent shall make the algebra I and integrated mathematics I end-of-course assessments available to school districts on an optional basis in the 2009-10 school year. The end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II shall be implemented statewide in the 2010-11 school year)) for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II. The assessments under this subsection (1)(b) shall be used to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning for purposes of RCW 28A.655.061.

(c) The superintendent of public instruction shall also develop subtests for the end-of-course assessments that measure standards for the first two years of high school mathematics that are unique to algebra I, integrated mathematics I, geometry, and integrated mathematics II. The results of the subtests shall be reported at the student, teacher, school, and district level.

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(2) For the graduating ~~((class of 2013))~~ classes of 2013 and 2014 and for purposes of the certificate of academic achievement under RCW 28A.655.061, a student may use: (a) ~~Results from the ((algebra I end-of-course assessment plus the geometry end-of-course assessment or results from the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment may be used))~~ end-of-course assessment for the first year of high school mathematics plus the results from the end-of-course assessment for the second year of high school mathematics; or (b) results from the comprehensive mathematics assessment to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning.

(3) Beginning with the graduating class of ~~((2014))~~ 2015 and for purposes of the certificate of academic achievement under RCW 28A.655.061, the mathematics content area of the Washington assessment of student learning shall be assessed using ~~((either the algebra I end-of-course assessment plus the geometry end-of-course assessment or the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment))~~ the end-of-course assessment for the first year of high school mathematics plus the end-of-course assessment for the second year of high school mathematics. All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the sequence of end-of-course assessments once but does not meet the state mathematics standard on the sequence of end-of-course assessments.

(4) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

NEW SECTION. Sec. 4. (1) The office of the superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall develop an implementation plan and strategies to ensure that all students have the opportunity to learn the new science and mathematics standards. The plan must include the following components:

- (a) Strategies to help districts improve their alignment of curriculum and teacher instruction to the new standards;
- (b) Identification of effective intervention programs and strategies for struggling students; and
- (c) An assessment of the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards on the statewide high school assessments.

(2) The office of the superintendent of public instruction, in consultation with the state board of education, shall also recommend whether to use a comprehensive assessment or end-of-course assessments, including the costs for developing and implementing these assessments, for the high school assessment for students to demonstrate that they have achieved proficiency on the state's science standards.

(3) The office of the superintendent of public instruction shall report to the governor and legislature by December 1, 2009, on the implementation plan and the recommended method of assessment for science.

Sec. 5. RCW 28A.305.215 and 2008 c 274 s 2 and 2008 c 172 s 2 are each reenacted and amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science

advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under ~~((subsection (4))~~(c) of this ~~((section))~~ subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under ~~((subsection (4))~~(c) of this ~~((section))~~ subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By ~~((May 15))~~ June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary~~((:))~~ and middle~~((, and high))~~ school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) ~~((By June 30, 2009))~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this

section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008.

NEW SECTION. Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5414.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5414.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5414 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland and Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

NINETY-EIGHTH DAY, APRIL 19, 2009
EVENING SESSION

2009 REGULAR SESSION

The Senate was called to order at 4:54 p.m. by President Owen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961,
 HOUSE BILL NO. 2132,
 HOUSE BILL NO. 2165,
 ENGROSSED HOUSE BILL NO. 2279,
 ENGROSSED HOUSE BILL NO. 2285,

MESSAGE FROM THE HOUSE

April 18, 2009

SIGNED BY THE PRESIDENT

MR. PRESIDENT:

The Speaker has signed the following:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
 SECOND SUBSTITUTE HOUSE BILL NO. 1025,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
 SUBSTITUTE HOUSE BILL NO. 1038,
 HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1050,
 SECOND SUBSTITUTE HOUSE BILL NO. 1052,
 SUBSTITUTE HOUSE BILL NO. 1071,
 HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1199,
 SUBSTITUTE HOUSE BILL NO. 1283,
 SUBSTITUTE HOUSE BILL NO. 1286,
 SECOND SUBSTITUTE HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1361,
 HOUSE BILL NO. 1487,
 SECOND SUBSTITUTE HOUSE BILL NO. 1580,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
 HOUSE BILL NO. 1888,
 SECOND SUBSTITUTE HOUSE BILL NO. 1938,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961,
 HOUSE BILL NO. 2132,
 HOUSE BILL NO. 2165,
 ENGROSSED HOUSE BILL NO. 2279,
 ENGROSSED HOUSE BILL NO. 2285,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
 SECOND SUBSTITUTE HOUSE BILL NO. 1025,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
 SUBSTITUTE HOUSE BILL NO. 1038,
 HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1050,
 SECOND SUBSTITUTE HOUSE BILL NO. 1052,
 SUBSTITUTE HOUSE BILL NO. 1071,
 HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1199,
 SUBSTITUTE HOUSE BILL NO. 1283,
 SUBSTITUTE HOUSE BILL NO. 1286,
 SECOND SUBSTITUTE HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1361,
 HOUSE BILL NO. 1487,
 SECOND SUBSTITUTE HOUSE BILL NO. 1580,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
 HOUSE BILL NO. 1888,
 SECOND SUBSTITUTE HOUSE BILL NO. 1938,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,

The President signed:
 SENATE BILL NO. 5008,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5011,
 SENATE BILL NO. 5038,
 SUBSTITUTE SENATE BILL NO. 5040,
 SUBSTITUTE SENATE BILL NO. 5042,
 SUBSTITUTE SENATE BILL NO. 5056,
 SENATE BILL NO. 5060,
 SENATE BILL NO. 5153,
 SUBSTITUTE SENATE BILL NO. 5172,
 SENATE BILL NO. 5173,
 SUBSTITUTE SENATE BILL NO. 5177,
 SENATE BILL NO. 5277,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6169, by Senator Prentice

Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6169 was substituted for Senate Bill No. 6169 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli be adopted.

On page 2, line 25, after "taxpayer" strike the remainder of the line.

Senators Zarelli and Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 25 to Substitute Senate Bill No. 6169.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Tom: "Did we need to say 'Engrossed Substitute' since we adopted the amendment?"

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

REPLY BY THE PRESIDENT

President Owen: "It is engrossed, yes. We will assume even if you don't."

Senators Tom and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6169.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin, Morton and Sheldon

Excused: Senators Benton and Brandland

ENGROSSED SUBSTITUTE SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6161, by Senator Prentice

Relating to the actuarial funding of pension systems. Revised for 1st Substitute: Addressing the actuarial funding of pension systems.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6161 was substituted for Senate Bill No. 6161 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6161 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt,

Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton and Brandland

SUBSTITUTE SENATE BILL NO. 6161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. Yesterday in the prayer the Senator ask for divine guidance for two more weeks. I just wanted to report that yesterday I stuck my head out the door of the Cherberg Building. One of the lobbyist out there observed that and saw that I didn't see my shadow and predicted three more weeks of session."

SECOND READING

HOUSE BILL NO. 2328, by Representatives Linville and Ericks

Reducing the administrative cost of state government.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 4, after line 37, insert the following:

"NEW SECTION. Sec. 5. (1) Within this section, "sensory disability" means a sensory condition that materially limits, contributes to limiting, or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(2) The department of personnel shall adopt rules that authorize state agencies to provide allowances to employees with sensory disabilities who must attend training necessary to attain a new service animal. The employee's absence must be treated in the same manner as that granted to employees who are absent to attend training that supports or improves their job performance, except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or 43.03.060. The department of personnel shall adopt rules as necessary to implement this chapter.

(3) If the necessity to attend training for a new service animal is foreseeable and the training will cause the employee to miss work, the employee shall provide the employer with not less than thirty days' notice, before the date the absence is to begin, of the employee's impending absence. If the date of the training requires the absence to begin in less than thirty days, the employee shall provide notice as is practicable.

(4) An agency may require that a request to attend service animal training be supported by a certification issued by the relevant training organization. The employee must provide, in a timely manner, a copy of the certification to the agency. Certification provided under this section is sufficient if it states: (a) The date on which the service animal training session is scheduled to commence; and (b) the session's duration.

NEW SECTION. Sec. 6. Section 5 of this act constitutes a new chapter in Title 49 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 2328.

ROLL CALL

The motion by Senator Tom carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "(uncodified);" insert "adding a new chapter to Title 49 RCW;"

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 2328 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2328 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2328 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Brandland

HOUSE BILL NO. 2328 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5470, by Senators Stevens, Carrell, Parlette, Swecker, McCaslin, Hewitt, Schoesler, King, Holmquist, Pflug, Roach, Delvin and Benton

Providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities.

The measure was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5470.

The Secretary called the roll on the final passage of Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senators Benton and Brandland

SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6170, by Senators Hobbs and Prentice

Concerning environmental tax incentives.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 6170 was substituted for Senate Bill No. 6170 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs be adopted.

On page 2, line 21, after "energy" strike "has the same meaning as in RCW 19.285.030" and insert "includes: (i) Byproducts of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from algae and other sources; (viii) dedicated energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste"

On page 13, at the beginning of line 5, insert "forest derived"

On page 13, beginning on line 12, after "(3)" strike all material through "(4)" on line 21

On page 13, line 25, after "use of" insert "forest derived"

Beginning on page 13, line 28, after "(3)" strike all material through "(4)" on page 14, line 1

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs on page 2, line 21 to Substitute Senate Bill No. 6170.

The motion by Senator Hobbs carried and the amendment was adopted by voice vote.

MOTION

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 6170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6170.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6170 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Fairley, Fraser, Hewitt, Holmquist, King, McCaslin, Parlette, Pflug, Schoesler, Stevens and Zarelli

Excused: Senators Benton and Brandland

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5548 with the following amendment: 5548 AMH LGH H2968.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

(a) The cost of public facilities necessitated by new development;

(b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

(c) The availability of other means of funding public facility improvements;

(d) The cost of existing public facilities improvements; and

(e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(4) Shall provide a credit for the value of any dedication of land for public transit infrastructure improvements requested by the legislative authority of the applicable county, city, or town. A credit may only be provided under this subsection (4) if the public transit infrastructure improvement improves system capacity and the long-term operational costs for the new public transit infrastructure have been identified and secured for six or more years. Credits provided under this subsection (4) may not exceed the value of the impact fees for public streets and roads imposed on the applicable development;

(5) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((5))~~ (6) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((6))~~ (7) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

~~((7))~~ (8) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5548 and ask the House to recede therefrom.

Senators Haugen and Swecker spoke in favor of the motion.

MOTION

Senator Pflug moved that the Senate concur in the House amendment(s) to Senate Bill No. 5548.

Senator Pflug spoke in favor of the motion.

Senators Haugen and Swecker spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pflug that the Senate concur in the House amendment(s) to Senate Bill No. 5548.

The motion by Senator Pflug failed and the Senate did not concur in the House amendment(s) to Senate Bill No. 5548 by voice vote.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5548 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5548 and asked the House to recede therefrom by voice vote.

NINETY-EIGHTH DAY, APRIL 19, 2009
 MESSAGE FROM THE HOUSE

2009 REGULAR SESSION

April 9, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5554 with the following amendment: 5554 AMH HASE CLYN 115
 On page 4, line 34, strike "and" and insert "~~((and))~~"
 On page 5, line 3, after "program" insert "; and
(13) The job skills program provides training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces"
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5554 and ask the House to recede therefrom.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5554 and ask the House to recede therefrom.

The motion by Senator Kastama carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5554 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5684 with the following amendment: 5684-S AMH TR H2942.1
 Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

(1) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and chapter 43.21C RCW, the department shall, to the greatest extent possible, consider using public land first.

(2) If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(3) Nothing in this section shall be construed to restrict the department from meeting environmental mitigation requirements, described in subsection (1) of this section, by the purchase of credits from a wetland mitigation bank certified for the sale of such credits, including but not limited to credits for lands that were or are agricultural lands of long-term commercial significance."

Correct the title.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in

the House amendment(s) to Substitute Senate Bill No. 5684 and ask the House to recede therefrom.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5684 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5684 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5760 with the following amendment: 5760-S AMH ENGR H3117.E

On page 1, beginning on line 12, after "process," strike "design-bid-build process,"

On page 2, beginning on line 7, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 2, beginning on line 16, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

On page 3, after line 4, insert the following:

"(3) A contractor may appeal the university's determination that the contractor does not meet the qualifications criteria to bid on a project. Appeals must be made in writing and submitted to the board within seven days. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 5, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. The University of Washington shall report on the status and performance of projects using federal funds through the American recovery and reinvestment act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 3, after line 16, insert the following:

"**Sec. 2.** RCW 28B.20.140 and 1969 ex.s. c 223 s 28B.20.140 are each amended to read as follows:

(1) The board of regents shall enter into such contracts with one or more contractors for the erection and construction of university buildings or improvements thereto as in their judgment shall be deemed for the best interest of the university; subject to subsections (2) and (3) of this section, such contract or contracts shall be let after public notice and under such regulations as shall be established by said board or as otherwise provided by law to the person or persons able to perform the same on the most advantageous terms: PROVIDED, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: AND PROVIDED FURTHER, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting

NINETY-EIGHTH DAY, APRIL 19, 2009

procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board.

Sec. 3. RCW 39.10.200 and 2007 c 494 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures. It is the intent of the legislature to establish that, unless otherwise specifically provided for in law, public bodies may use only those alternative public works contracting procedures either specifically authorized in this chapter, subject to the requirements of this chapter, or those approved for use on a demonstration project by the capital projects advisory review board.

Sec. 4. RCW 39.10.230 and 2007 c 494 s 103 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures (~~and potential future use of~~);

(3) Evaluate other alternative contracting procedures including competitive negotiation contracts, for: (a) Potential future use; and (b) approval to use as a demonstration project;

(4) Submit a report to the appropriate committees of the legislature evaluating any alternative contracting procedure that is not authorized under this chapter and has been submitted to the board for its review or approval. The report must:

(a) Include a recommendation regarding use of the alternative contracting procedure by other public bodies; and

(b) Be submitted by December of the next regular legislative session following completion of the evaluation;

~~((3))~~ (5) Appoint members of the committee; and

~~((4))~~ (6) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

Sec. 5. RCW 39.10.210 and 2007 c 494 s 101 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively. It also means other contracting procedures submitted to the board under RCW 39.10.230 for approval to use as a demonstration project.

(2) "Board" means the capital projects advisory review board.

(3) "Committee" means the project review committee.

(4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

2009 REGULAR SESSION

(5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.

(7) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.

(11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

(14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(15) "Total project cost" means the cost of the project less financing and land acquisition costs.

(16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 6. RCW 43.131.408 and 2007 c 494 s 507 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(1) RCW 39.10.200 and section 3 of this act, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and section 5 of this act, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and section 4 of this act, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

(12) RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

- (13) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;
- (14) RCW 39.10.330 and 2007 c 494 s 204;
- (15) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
- (16) RCW 39.10.350 and 2007 c 494 s 302;
- (17) RCW 39.10.360 and 2007 c 494 s 303;
- (18) RCW 39.10.370 and 2007 c 494 s 304;
- (19) RCW 39.10.380 and 2007 c 494 s 305;
- (20) RCW 39.10.390 and 2007 c 494 s 306;
- (21) RCW 39.10.400 and 2007 c 494 s 307;
- (22) RCW 39.10.410 and 2007 c 494 s 308;
- (23) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

- (24) RCW 39.10.430 and 2007 c 494 s 402;
- (25) RCW 39.10.440 and 2007 c 494 s 403;
- (26) RCW 39.10.450 and 2007 c 494 s 404;
- (27) RCW 39.10.460 and 2007 c 494 s 405;
- (28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

- (29) RCW 39.10.480 and 1994 c 132 s 9;
- (30) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

- (31) RCW 39.10.500 and 2007 c 494 s 502;
- (32) RCW 39.10.510 and 2007 c 494 s 503;
- (33) RCW 39.10.900 and 1994 c 132 s 13;
- (34) RCW 39.10.901 and 1994 c 132 s 14; and
- (35) RCW 39.10.903 and 2007 c 494 s 510."

Renumber the remaining section consecutively.

On page 3, beginning on line 24, after "process," strike "design-bid-build process,"

On page 4, beginning on line 1, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 4, beginning on line 10, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

On page 4, after line 36, insert the following:

"(3) A contractor may appeal the university's determination that the contractor does not meet the qualifications criteria to bid on a project. Appeals must be made in writing and submitted to the board within seven days. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 4, line 37, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. Washington State University shall report on the status and performance of projects using federal funds through the American recovery and reinvestment act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 5, after line 10, insert the following:

"Sec. 3. RCW 28B.30.700 and 1985 c 390 s 41 are each amended to read as follows:

(1) The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature, subject to subsections (2) and (3) of this section, for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5760 and ask the House to recede therefrom.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5760 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5760 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5840 with the following amendment: 5840-S.E AMH ENGR H3356.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

((4)) (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

((5)) (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

NINETY-EIGHTH DAY, APRIL 19, 2009

~~((6))~~ (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

~~((7))~~ (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

~~((8))~~ (9) "Department" means the department of community, trade, and economic development or its successor.

~~((9))~~ (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than ~~(five)~~ seven megawatts.

~~((10))~~ (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource ~~((other than fresh water))~~ that commences operation after March 31, 1999, where ~~((the))~~ the facility is located ~~((in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services))~~ within the geographic boundary of the western electric coordinating council or its successor entity; ~~((or))~~

~~((b))~~ ~~((Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments))~~ (i) Electricity from a hydroelectric generating facility with an installed generating capacity of five megawatts or less that discharges the water it uses for power generation into either:

(A) A conduit, with the water flowing directly to a point of agricultural, municipal, or industrial consumption; or

(B) A natural water body if a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from the natural water body on which the hydroelectric generating facility is located, unless that consumption would occur for agricultural, municipal, or industrial consumption purposes even if hydroelectric generating facilities were not installed;

(ii) Electricity from a hydroelectric generating facility must not come from a dam or weir that creates more than intraday storage of water;

(iii) Electricity from a hydroelectric generating facility must be certified by a nationally recognized organization that certifies hydroelectric facilities as low-impact hydroelectric;

(c) Electricity from a biomass energy powered generation facility located in Washington that commenced operation before March 31, 1999, that is: (i) Owned by a qualifying utility as of the effective date of this section; or (ii) subject to a maximum of twenty-five percent of the electrical output delivered to a qualifying utility, owned by an entity other than a qualifying utility as of the effective date of this section; or

(d) Electricity from an existing generation facility powered by a fresh water renewable resource that commenced operation before March 31, 1999.

~~((11))~~ (12) "Intraday storage of water" means the amount of water that is retained by a dam or weir over a twenty-four hour period that is in excess of normal stream flow.

(13) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

~~((12))~~ (14) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

~~((13))~~ (15) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants

to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

~~((14))~~ (16) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

~~((15))~~ (17) "Public facility" has the same meaning as defined in RCW 39.35C.010.

~~((16))~~ (18) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

~~((17))~~ (19) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource ~~((where the generation facility is not powered by fresh water)),~~ the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

~~((18))~~ (20) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~((or first-growth))~~ forests where the clearing occurred after December 7, 2006; ~~((and))~~ or (i) biomass energy ~~((based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old-growth forests; or (iv) municipal solid waste)).~~

~~((19))~~ (21) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

~~((20))~~ (22) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 2. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ~~((Beginning))~~ By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility ~~((has a useful thermal energy output of no less than thirty-three percent of the total energy output))~~ is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be ~~((i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii))~~ counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least ~~((nine))~~ ten and twenty-five one-hundredths of one percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least ~~((fifteen))~~ sixteen and twenty-five one-hundredths of one percent of its load by January 1, 2020, and each year thereafter.

(b) It must be the goal of the state for each qualifying utility to use eligible renewable resources or acquire equivalent renewable energy credits or a combination of both to meet an annual renewable resource goal of at least twenty percent of its load by January 1, 2025, and each year thereafter.

(c) Except as provided in (k) of this subsection, a qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

~~((e))~~ (d) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

~~((d))~~ (e) A qualifying utility with annual sales of less than two million megawatt hours is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

(f) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

~~((e))~~ (g) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding two years, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

~~((f))~~ (h) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; ~~((or))~~

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

(iii) Efficiency improvements to hydroelectric generation facilities whose energy output is marketed by the Bonneville power administration that is attributable to any other utility other than the qualifying utility.

~~((g))~~ (i) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

~~((h))~~ (j)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((i))~~ (k) A qualifying utility that acquires solar energy located in Washington or meeting the definition of distributed generation may count that acquisition at four times its base value, or six times its base value where the energy is produced using solar inverters and modules manufactured in Washington state, provided the qualifying utility: (i) Owns or has contracted for the solar energy generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(l) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 3. RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits.

~~((For each year that a qualifying utility elects to demonstrate~~

NINETY-EIGHTH DAY, APRIL 19, 2009

~~alternative compliance under RCW 19.285.040(2) (d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.)~~ A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

Sec. 4. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ~~((††))~~ (†) or ~~((††))~~ (†) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ~~((December 31, 2007))~~ June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

NEW SECTION. Sec. 5. (1) Within existing resources, the department of community, trade, and economic development shall report to the legislature by December 1, 2009, its recommendations on how low-cost hydroelectric generation may be used to firm, shape, and integrate renewable energy resources

2009 REGULAR SESSION

into the northwestern electric grid for delivery to Washington residents. The report must make recommendations on the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department of community, trade, and economic development shall also consider information and recommendations from integration service providers and users.

(2) The department of community, trade, and economic development shall conduct a study of the impacts of electricity costs on low-income families. The department shall select two cities, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains, and through analysis and case studies determine the impacts of electricity costs on low-income families. The department shall also review the extent to which government energy programs help mitigate electricity costs for low-income families. By December 10, 2009, the department shall provide recommendations to the governor and the appropriate committees of the legislature on how the impacts of electricity costs on low-income families might be further mitigated."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840 and ask the House to recede therefrom.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is not sustained.

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840.

Senators Honeyford, Schoesler, Parlette, Carrell, Pflug and Delvin spoke in favor of the motion.

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand was sustained.

Senators Rockefeller, Marr and Brown spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840.

The Secretary called the roll on the motion by Senator Honeyford to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840 and the motion failed by the following vote: Yeas, 18; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Pridemore, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom
Excused: Senators Benton and Brandland

MESSAGE FROM THE HOUSE

April 7, 2009

MOTION

Senator Rockefeller moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840 and request of the House a conference thereon.

The motion by Senator Rockefeller carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5840 and requested of the House a conference thereon by a voice vote.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5452 with the following amendment: 5452 AMH WARN SNEL 108

On page 1, line 7, after "~~(five)~~", strike "seven" and insert "six" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5452.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Senate Bill No. 5452.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5452 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5452 as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Carrell, Hewitt, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Benton and Brandland

SENATE BILL NO. 5452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5461 with the following amendment: 5461-S AMH JUDI H2862.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) A condominium association with ten or fewer unit owners is not required to follow the requirements under RCW 64.34.380 through 64.34.390 if two-thirds of the owners agree to exempt the association from the requirements.

(2) The unit owners must agree to maintain an exemption under subsection (1) of this section by a two-thirds vote every three years.

(3) Notwithstanding subsections (1) and (2) of this section, a disclosure that the condominium association does not have a reserve study must be included in a unit's public offering statement as required under RCW 64.34.410 or resale certificate as required under RCW 64.34.425."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5461.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5461.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5461 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5461 as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5461, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Kline

Excused: Senators Benton and Brandland

SUBSTITUTE SENATE BILL NO. 5461, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5468 with the following amendment: 5468-S AMH FII H2953.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 31.04.025 and 2008 c 78 s 1 are each amended to read as follows:

(1) Each loan made to a resident of this state by a licensee is subject to the authority and restrictions of this chapter, unless such loan is made under the authority of chapter 63.14 RCW.

(2) This chapter shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, or credit unions, nor to any pawnbroking business lawfully transacted under and as permitted by any law of this state regulating pawnbrokers, nor to any loan of credit made pursuant to a credit card plan.

(3) This chapter does not apply to nonprofit housing organizations making loans, or loans made, under housing programs that are funded in whole or in part by federal or state programs if the primary purpose of the programs is to assist low-income borrowers with purchasing or repairing housing or the development of housing for low-income Washington state residents.

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5468.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5468.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5468 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5468, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5468, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Brandland and Kline

SUBSTITUTE SENATE BILL NO. 5468, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5473 with the following amendment: 5473-S.E AMH CEDT H2857.5

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.157.005 and 1997 c 369 s 1 are each amended to read as follows:

The legislature declares that certain ((industrial)) investments, such as investments for industrial development, environmental improvement, and innovation activities, merit special designation and treatment by governmental bodies when they are proposed. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize ((industrial)) projects of statewide significance and to encourage local governments and state agencies to expedite their completion.

Sec. 2. RCW 43.157.010 and 2004 c 275 s 63 are each amended to read as follows:

((1)) For purposes of this chapter and RCW 28A.525.166, 28B.76.210, 28C.18.080, 43.21A.350, ((47.06.030,)) and 90.58.100 ((and an industrial)), unless the context requires otherwise:

(1)(a) A project of statewide significance is:

(i) A border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces;

(ii) A development project that will provide a net environmental benefit;

(iii) A development project in furtherance of the commercialization of innovations; or

(iv) A private industrial development with private capital investment in manufacturing or research and development.

(b) To qualify for designation under RCW 43.157.030 as ((an industrial)) a project of statewide significance: (((a)))

(i) The project must be completed after January 1, ((1997)) 2009; (((b)))

(ii) The applicant must submit an application to the department for designation as ((an industrial)) a project of statewide significance to the department of community, trade, and economic development; and (((c)))

(iii) The project must have:

((i)) (A) In counties with a population ((of)) less than or equal to twenty thousand, a capital investment of ((twenty)) five million dollars;

((ii)) (B) In counties with a population ((of)) greater than twenty thousand but no more than fifty thousand, a capital investment of ((fifty)) ten million dollars;

((iii)) (C) In counties with a population ((of)) greater than fifty thousand but no more than one hundred thousand, a capital investment of ((one hundred)) fifteen million dollars;

((iv)) (D) In counties with a population ((of)) greater than one hundred thousand but no more than two hundred thousand, a capital investment of ((two hundred)) twenty million dollars;

((v)) (E) In counties with a population ((of)) greater than two hundred thousand but no more than four hundred thousand, a capital investment of ((four hundred)) thirty million dollars;

((vi)) (F) In counties with a population ((of)) greater than four hundred thousand but no more than one million, a capital investment of ((six hundred)) forty million dollars;

((vii)) (G) In counties with a population ((of)) greater than one million, a capital investment of ((one billion)) fifty million dollars;

((viii)) (H) In rural counties ((with fewer than one hundred persons per square mile as determined annually by the office of

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

financial management and published by the department of revenue effective for the period July 1st through June 30th) as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of fifty or greater;

((ix)) (I) In counties ((with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th)) other than rural counties as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of one hundred or greater; or

((x)) (J) Been ((designated)) qualified by the director of ((community, trade, and economic development)) the department as ((an industrial)) a project of statewide significance either because: (((A) Because the county in which the project is to be located is a distressed county and))

(I) The economic circumstances of the county merit the additional assistance such designation will bring; ((or (B) because))

(II) The impact on a region due to the size and complexity of the project merits such designation;

(III) The project resulted from or is in furtherance of innovation activities at a public research institution in the state or is in or resulted from innovation activities within an innovation partnership zone; or

(IV) The project will provide a net environmental benefit as evidenced by plans for design and construction under green building standards or for the creation of renewable energy technology or components or under other environmental criteria established by the director in consultation with the director of the department of ecology.

A project may be qualified under this subsection (1)(b)(iii)(J) only after consultation on the availability of staff resources of the office of regulatory assistance.

(2) ((The term)) "Department" means the department of community, trade, and economic development.

(3) "Manufacturing" shall have the meaning assigned it in RCW ((82.61.010)) 82.62.010.

((3) The term) (4) "Research and development" shall have the meaning assigned it in RCW ((82.61.010)) 82.62.010.

((4) The term) (5) "Applicant" means a person applying to the department ((of community, trade, and economic development)) for designation of a development project as ((an industrial)) a project of statewide significance.

Sec. 3. RCW 43.157.020 and 2003 c 54 s 2 are each amended to read as follows:

Counties and cities with development projects designated as ((industrial)) projects of statewide significance within their jurisdictions shall enter into an agreement with the office of ((permit)) regulatory assistance and the project managers of ((industrial)) projects of statewide significance for expediting the completion of ((industrial)) projects of statewide significance. The agreement shall require:

(1) Expedited permit processing for the design and construction of the project;

(2) Expedited environmental review processing;

(3) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project; ((and))

(4) Participation of local officials on the team assembled under the requirements of RCW 43.157.030(2)(b); and

(5) Such other actions or items as are deemed necessary by the office of ((permit)) regulatory assistance for the design and construction of the project.

Sec. 4. RCW 43.157.030 and 2003 c 54 s 3 are each amended to read as follows:

(1) The department of community, trade, and economic development shall:

(a) Develop an application for designation of development projects as ((industrial)) projects of statewide significance. The application must be accompanied by a letter of approval from

the legislative authority of any jurisdiction that will have the proposed ((industrial)) project of statewide significance within its boundaries. No designation of a project as ((an industrial)) a project of statewide significance shall be made without such letter of approval. The letter of approval must state that the jurisdiction joins in the request for the designation of the project as one of statewide significance and has or will hire the professional staff that will be required to expedite the processes necessary to the completion of ((an industrial)) a project of statewide significance. The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite. The application shall contain information regarding the location of the project, the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, estimated time schedules for completion and operation, and other information required by the department; and

(b) ((Certify that)) Designate a development project as a project of statewide significance if the department determines:

(i) After review of the application under criteria adopted by rule, the development project will provide significant economic benefit to the local or state economy, or both, the project is aligned with the state's comprehensive plan for economic development under RCW 43.162.020, and, by its designation, the project will not prevent equal consideration of all categories of proposals under RCW 43.157.010; and

(ii) The development project meets or will meet the requirements of RCW 43.157.010 regarding designation as ((an industrial)) a project of statewide significance.

(2) The office of ((permit)) regulatory assistance shall assign a project facilitator or coordinator to each ((industrial)) project of statewide significance to:

(a) Assist in the scoping and coordinating functions provided for in chapter 43.42 RCW;

(b) Assemble a team of state and local government and private officials to help meet the planning, permitting, and development needs of each project, which team shall include those responsible for planning, permitting and licensing, infrastructure development, workforce development services including higher education, transportation services, and the provision of utilities; and

(c) Work with each team member to expedite their actions in furtherance of the project.

Sec. 5. RCW 28A.525.166 and 2006 c 263 s 311 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

District adjusted	Total state
3-valuation	+adjusted valuation

NINETY-EIGHTH DAY, APRIL 19, 2009

Computed per pupil	per pupil	State
State	=- % Assistance	
Ratio	District adjusted	Total state
3+valuation adjusted valuation	per pupil per pupil	

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner prescribed in this section multiplied by the percentage of state assistance derived as provided for in this section shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from ((industrial)) projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

Sec. 6. RCW 28C.18.080 and 1997 c 369 s 5 are each amended to read as follows:

(1) The state comprehensive plan for workforce training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's workforce training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include workforce training role and mission statements for the workforce development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their workforce development efforts that are consistent with the comprehensive plan and that provide detail

on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

(5) The comprehensive plan shall address how the state's workforce development system will meet the needs of employers hiring for ((industrial)) projects of statewide significance.

(6) The board shall report to the appropriate legislative policy committees by December 1 of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

Sec. 7. RCW 43.21A.350 and 1997 c 369 s 6 are each amended to read as follows:

The department of ecology shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall address how the department will expedite the completion of ((industrial)) projects of statewide significance. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the department a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The department shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

Sec. 8. RCW 43.42.060 and 2007 c 94 s 7 are each amended to read as follows:

(1) The office may coordinate the processing by participating permit agencies of permits required for a project, at the request of the project proponent through a cost-reimbursement agreement as provided in subsection (3) of this section or with the agreement of the project proponent as provided in subsection (4) of this section.

(2) The office shall assign a project coordinator to perform any or all of the following functions, as specified by the terms of a cost-reimbursement agreement under subsection (3) of this section or an agreement under subsection (4) of this section:

(a) Serve as the main point of contact for the project proponent;

(b) Conduct a project scoping as provided in RCW 43.42.050(2);

(c) Verify that the project proponent has all the information needed to complete applications;

(d) Coordinate the permit processes of the permit agencies;

(e) Manage the applicable administrative procedures;

(f) Work to assure that timely permit decisions are made by the permit agencies and maintain contact with the project proponent and the permit agencies to ensure adherence to schedules;

(g) Assist in resolving any conflict or inconsistency among permit requirements and conditions; and

(h) Coordinate with relevant federal permit agencies and tribal governments to the extent possible.

(3) At the request of a project proponent and as provided in RCW 43.42.070, the project coordinator shall coordinate negotiations among the project proponent, the office, and

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

participating permit agencies to enter into a cost-reimbursement agreement and shall coordinate implementation of the agreement, which shall govern coordination of permit processing by the participating permit agencies.

(4) For ((industrial)) projects of statewide significance or if the office determines that it is in the public interest to coordinate the processing of permits for certain projects that are complex in scope, require multiple permits, involve multiple jurisdictions, or involve a significant number of affected parties, the office shall, upon the proponent's request, enter into an agreement with the project proponent and the participating permit agencies to coordinate the processing of permits for the project. The office may limit the number of such agreements according to the resources available to the office and the permit agencies at the time.

Sec. 9. RCW 90.58.100 and 1997 c 369 s 7 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, ((industrial)) projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

Sec. 10. RCW 43.131.402 and 2007 c 231 s 7 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2012:

- (1) RCW 43.42.005 and 2003 c 71 s 1 & 2002 c 153 s 1;
- (2) RCW 43.42.010 and 2007 c 231 s 5, 2003 c 71 s 2, & 2002 c 153 § 2;
- (3) RCW 43.42.020 and 2002 c 153 s 3;
- (4) RCW 43.42.030 and 2003 c 71 s 3 & 2002 c 153 s 4;
- (5) RCW 43.42.040 and 2003 c 71 s 4 & 2002 c 153 s 5;
- (6) RCW 43.42.050 and 2002 c 153 s 6;
- (7) RCW 43.42.060 and 2009 c . . . s 8 (section 8 of this act) & 2002 c 153 s 7;
- (8) RCW 43.42.070 and 2002 c 153 s 8;
- (9) RCW 43.42.905 and 2002 c 153 s 10;
- (10) RCW 43.42.900 and 2002 c 153 s 11; and
- (11) RCW 43.42.901 and 2002 c 153 s 12.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473.
Senator Kastama spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5473 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Holmquist, Honeyford and Stevens

Excused: Senators Benton, Brandland and Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5482 with the following amendments: 5482 AMH HUDG H3134.2 & 5482 AMH WILL H3138.1

On page 2, after line 28, insert the following:

"Sec. 4. RCW 46.20.500 and 2003 c 353 s 9, 2003 c 141 s 7, and 2003 c 41 s 1 are each reenacted and amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement."

Re-number the remaining sections consecutively and correct the title.

On page 8, after line 8, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 47.36 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arterial" means a public road or highway that is designated or qualifies as a principal or minor arterial under a state or local law, ordinance, regulation, or plan.

(b) "Bicycle" means a human-powered vehicle with metallic wheels at least sixteen inches in diameter or with metallic braking strips and metallic components, not necessarily including the frame or fork, which may be lawfully ridden on a public road or highway.

(c) "Bicycle route" means a route (i) that is designated as a route for bicycle use in a state or local law, ordinance, rule, or plan, or (ii) that provides bicycle access to urban areas that are not reasonably and conveniently accessible through other bicycle routes. The level of existing or projected use by bicyclists is a factor to consider in determining whether a bicycle route provides access that is not reasonably and conveniently available from other bicycle routes. An intersection that provides necessary linkages in a bicycle route or between routes is considered a part of the bicycle route or routes.

(d) "Design complete" means that all major design work for a new vehicle-activated traffic control signal has been completed and that the funding necessary for complete construction of the vehicle-activated traffic control signal has been firmly secured.

(e) "Existing vehicle-activated traffic control signal" means a vehicle-activated traffic control signal that is in use or design complete on or before the effective date of this section.

(f)(i) "Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver:

(A) Rides on a seat or saddle and the motor vehicle is designed to be steered with a handle bar; or

(B) Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

(ii) "Motorcycle" excludes a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle, and a moped.

(g) "Restricted right turn lane" means a right turn only lane where a right turn is not allowed after stopping but only upon a green signal.

(h) "Routinely and reliably detect motorcycles and bicycles" means that the detection equipment at a vehicle-activated traffic control signal is capable of detecting and will reliably detect a motorcycle or bicycle (i) when the motorcycle or bicycle is present immediately before a stop line or crosswalk in the center of a lane at an intersection or road entrance to such an intersection, or (ii) when the motorcycle or bicycle is present at marked detection areas.

(i) "Vehicle-activated traffic control signal" means a traffic control signal on a public road or highway that detects the presence of a vehicle as a means to change a signal phase.

(2) During routine maintenance or monitoring activities, but subject to the availability of funds:

(a) All existing vehicle-activated traffic control signals that do not currently routinely and reliably detect motorcycles and bicycles must be adjusted to do so to the extent that the existing equipment is capable consistent with safe traffic control. Priority must be given to existing vehicle-activated traffic control signals for which complaints relating to motorcycle or bicycle detection have been received and existing vehicle-activated traffic control signals that are otherwise identified as a detection problem for motorcyclists or bicyclists, or both. Jurisdictions operating existing vehicle-activated traffic control signals shall establish and publicize a procedure for filing these

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

complaints in writing or by e-mail, and maintain a record of these complaints and responses; and

(b) Where motorcycle and bicycle detection is limited to certain areas other than immediately before the stop line or crosswalk in the center of a lane at an existing vehicle-activated traffic control signal, those detection areas must be clearly marked on the pavement at left turn lanes, through lanes, and limited right turn lanes. These detection areas must also be marked to allow a bicyclist to leave a bicycle lane to enter a detection area, if necessary, to cross an intersection. Pavement markings must be consistent with the standards described in the state of Washington's "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

(3)(a) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(a), "substantial portion" means that the proposed replacement or upgrade will cost more than twenty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(b) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on a public road or highway that is not an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(b), "substantial portion" means that the proposed replacement or upgrade will cost more than fifty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(4) All vehicle-activated traffic control signals that are design complete and put in operation after the effective date of this section must be designed and operated, when in use, to routinely and reliably detect motorcycles and bicycles, including the detection of bicycles in bicycle lanes that cross an intersection."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Senate Bill No. 5482.

Senator Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Senate Bill No. 5482.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5482 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5482, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5482, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen,

Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Hatfield, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Benton, Brandland and Kline

SENATE BILL NO. 5482, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5504 with the following amendment: 5504-S AMH AGNR H2742.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.46.010 and 2006 c 279 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agricultural industrial process water" means water that has been used for the purpose of agricultural processing and has been adequately and reliably treated, so that as a result of that treatment, it is suitable for other agricultural water use.

(2) "Agricultural processing" means the processing of crops or milk to produce a product primarily for wholesale or retail sale for human or animal consumption, including but not limited to potato, fruit, vegetable, and grain processing.

(3) "Agricultural water use" means the use of water for irrigation and other uses related to the production of agricultural products. These uses include, but are not limited to, construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, and fire control.

(4) ("~~Beneficial use~~" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

~~(5)) "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or ((replace)) create natural wetland functions and values. ((Constructed beneficial use wetlands are considered "waters of the state."~~

~~(6)) (5) "Constructed treatment wetlands" means ((those wetlands)) wetland-like impoundments intentionally constructed on nonwetland sites and managed for the primary purpose of ((polishing)) further treatment or retention of reclaimed water ((or aesthetics)) as distinct from creating natural wetland functions and values. ((Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state."~~

~~(7)) (6) "Direct groundwater recharge" means the controlled subsurface addition of water directly ((to the groundwater basin that results in the replenishment of)) into groundwater for the purpose of replenishing groundwater.~~

~~((8)) (7) "Greywater or gray water" means ((wastewater having the consistency and strength of residential)) domestic type ((wastewater. Greywater includes wastewater)) flows from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks((-showers, and laundry~~

NINETY-EIGHTH DAY, APRIL 19, 2009

fixtures, but)). Gray water does not include flow from a toilet or urinal ((waters)).

~~((9))~~ ~~"Groundwater recharge")~~ (8) "State drinking water contaminant criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

~~((10))~~ (9) "Industrial reuse water" means water that has been used for the purpose of industrial processing and has been adequately and reliably treated so that, as a result of that treatment, it is suitable for other uses.

~~((11))~~ (10) "Land application" means use of reclaimed water as permitted under this chapter for the purpose of irrigation or watering of landscape ~~((enhancement for residential, business, and governmental purposes))~~ vegetation.

~~((12))~~ (11) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

~~((13))~~ (12) "Planned groundwater recharge project" means any reclaimed water project designed for the purpose of recharging groundwater ~~((via direct recharge or surface percolation)).~~

~~((14))~~ (13) "Reclaimed water" means ~~((effluent))~~ water derived in any part from ~~((sewage from a))~~ wastewater ~~((treatment system))~~ with a domestic wastewater component that has been adequately and reliably treated, so that ~~((as a result of that treatment, it is suitable for a beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.~~

~~((15))~~ "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health) it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

(14) "Wastewater" means water-carried wastes from residences, buildings, industrial and commercial establishments, or other places, together with such groundwater infiltration and inflow as may be present.

~~((16))~~ "Sewage" (15) "Domestic wastewater" means ~~((water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial wastewater as may be present))~~ wastewater from greywater, toilet, or urinal sources.

~~((17))~~ (16) "Streamflow or surface water augmentation" means the ~~((discharge))~~ intentional use of reclaimed water ~~((to))~~ for rivers and streams of the state or other surface water bodies, ~~((but not wetlands))~~ for the purpose of increasing volumes.

~~((18))~~ (17) "Surface percolation" means the controlled application of water to the ground surface or to unsaturated soil for the purpose of replenishing groundwater.

~~((19))~~ (18) "User" means any person who uses reclaimed water.

~~((20))~~ "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

~~((21))~~ (19) "Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380.

(20) "Lead agency" means either the department of health or the department of ecology that has been designated by rule as the agency that will coordinate, review, issue, and enforce a reclaimed water permit issued under this chapter.

2009 REGULAR SESSION

(21) "Nonlead agency" means either the department of health or the department of ecology, whichever is not the lead agency for purposes of this chapter.

Sec. 2. RCW 90.46.015 and 2006 c 279 s 1 are each amended to read as follows:

(1) The department of ecology shall, in coordination with the department of health, adopt rules for reclaimed water use consistent with this chapter. The rules must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct groundwater recharge, wetland discharge, surface percolation, constructed wetlands, and streamflow or surface water augmentation. The department of health shall, in coordination with the department of ecology, adopt rules for greywater reuse. The rules must also designate whether the department of ecology or the department of health will be the lead ~~((permitting or regulatory))~~ agency responsible for a particular aspect of reclaimed water use. In developing the rules, the departments of health and ecology shall amend or rescind any existing rules on reclaimed water in conflict with the new rules.

(2) All rules required to be adopted pursuant to this section must be completed no later than December 31, 2010, although the department of ecology is encouraged to adopt the final rules as soon as possible.

(3) The department of ecology must consult with the advisory committee created under RCW 90.46.050 in all aspects of rule development required under this section.

Sec. 3. RCW 90.46.040 and 2006 c 279 s 6 are each amended to read as follows:

(1)~~((a))~~ The department of ecology shall, in coordination with the department of health, adopt a single set of standards, procedures, and guidelines, on or before August 1, 1993, for land applications of reclaimed water.

~~((b))~~ (2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to RCW 90.46.015 as they relate to the land application of reclaimed water.

~~((2))~~ A permit is required for any land application of reclaimed water. The department of ecology may issue a reclaimed water permit under chapter 90.48 RCW to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purpose of use. The department of ecology shall not issue more than one permit for any individual land application of reclaimed water to a single generator.

~~((3))~~ In cases where the department of ecology determines, in land applications of reclaimed water, that a significant risk to the public health exists, the department shall refer the application to the department of health for review and consultation and the department of health may require fees appropriate for review and consultation from the applicant pursuant to RCW 43.70.250.

~~((4))~~ A permit under this section for use of reclaimed water may be issued only to:

~~((a))~~ A municipal, quasi-municipal, or other governmental entity;

~~((b))~~ A private utility as defined under RCW 36.94.010; or

~~((c))~~ The holder of a waste discharge permit issued under chapter 90.48 RCW.

~~((5))~~ The authority and duties created in this section are in addition to any authority and duties already provided in law. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

~~((6))~~ Before deciding whether to issue a permit under this section to a private utility, the department of ecology may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water facility.)

Sec. 4. RCW 90.46.080 and 2006 c 279 s 9 are each amended to read as follows:

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

(1) Except as otherwise provided in this section, reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ~~((groundwater recharge))~~ state drinking water contaminant criteria as measured in groundwater beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ~~((groundwater recharge))~~ drinking water contaminant criteria ~~((as defined by RCW 90.46.010))~~ do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter, except as otherwise provided in this section.

(3) Except as otherwise provided in this section, reclaimed water that does not meet the ~~((groundwater recharge))~~ state drinking water contaminant criteria may be beneficially used for surface percolation where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standard.

(4) The provisions of this section are superseded by any rules adopted by the department of ecology pursuant to RCW 90.46.015 as they relate to surface percolation.

Sec. 5. RCW 90.46.120 and 2007 c 445 s 3 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use, distribution, storage, and the recovery from ~~((aquifer))~~ storage of reclaimed water ~~((by the owner of the wastewater treatment facility))~~ permitted under this chapter is exempt from the permit requirements of RCW 90.03.250 and 90.44.060, provided that a permit for recovery of reclaimed water from aquifer storage ~~((and recovery))~~ shall be reviewed under the standards established under RCW 90.03.370(2) for aquifer storage and recovery projects. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of systemwide funding.

(2) If the proposed use ~~((or uses))~~ of reclaimed water ~~((are intended))~~ is to augment or replace potable water supplies or to create the potential for the development of an additional new potable water ~~((supplies, such use or uses shall be considered in the development of any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans))~~ supply, then regional water supply plans, or any other potable water supply plans prepared by multiple water purveyors, must consider the proposed use of the reclaimed water as they are developed or updated.

(a) Regional water supply plans include those adopted under state board of health laws (chapter 43.20 RCW), the public water system coordination act of 1977 (chapter 70.116 RCW), groundwater protection laws (chapter 90.44 RCW), and the watershed planning act (chapter 90.82 RCW).

(b) The requirement to consider the use of reclaimed water does not change the plan approval process established under these statutes.

(c) When regional water supply plans are being developed, the owners of wastewater treatment facilities that produce or propose to produce reclaimed water for use within the planning area must be included in the planning process.

~~(3) ((Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed)) When reclaimed water is available or is proposed for use under a water supply or wastewater plan developed under chapter ~~((s))~~ 43.20, 70.116, 90.44, ~~((and))~~ 90.48, or 90.82 RCW ~~((, and the water supply provisions under the utility element of chapter 36.70A RCW,))~~ these plans must be ~~((developed and))~~ coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.~~

(4) The provisions of any plan for reclaimed water, developed under the authorities in subsections (2) and (3) of this section, should be included by a city, town, or county in reviewing provisions for water supplies in a proposed short plat, short subdivision, or subdivision under chapter 58.17 RCW, where reclaimed water supplies may be proposed for nonpotable purposes in the short plat, short subdivision, or subdivision.

(5) By November 30, 2009, the department of ecology shall review comments from the reclaimed water advisory committee under RCW 90.46.050 and the reclaimed water and water rights advisory committee under the direction of the department of ecology and submit a recommendation to the legislature on the impairment requirements and standards for reclaimed water. The department of ecology shall also provide a report to the legislature that describes the opinions of the stakeholders on the impairment requirements and standards for reclaimed water.

Sec. 6. RCW 90.48.465 and 2002 c 361 s 2 are each amended to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the department shall take appropriate action to rescind or modify these permits.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under section 9 of this act, RCW 90.48.160, 90.48.162, and 90.48.260.

(8) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

NEW SECTION. Sec. 7. LEAD AGENCY DUTIES. (1) The department of ecology and the department of health shall have authority to carry out all the provisions of this chapter including, but not limited to, permitting and enforcement. Only the department of ecology or the department of health may act as a lead agency for purposes of this chapter and will be established as such by rule. Enforcement of a permit issued under this chapter shall be at the sole discretion of the lead agency that issued the permit.

(2) All permit applications shall be referred to the nonlead agency for review and consultation. The nonlead agency may choose to limit the scope of its review.

(3) The authority and duties created in this chapter are in addition to any authority and duties already provided in law. Nothing in this chapter limits the powers of the state or any political subdivision to exercise such authority.

NEW SECTION. Sec. 8. VIOLATIONS--INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED. The lead agency, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, as may be necessary to carry out the provisions of this chapter. The lead agency may bring the action in the superior court of the county in which the violation occurred or in the superior court of Thurston county. The court may award reasonable attorneys' fees for the cost of the attorney general's office in representing the lead agency.

NEW SECTION. Sec. 9. OPERATING PERMIT REQUIRED. (1) Any person proposing to generate any type of reclaimed water for a use regulated under this chapter shall obtain a permit from the lead agency prior to distribution or use of that water. The permittee may then distribute and use the water, subject to the provisions in the permit. The permit must include provisions that protect human health and the environment. At a minimum, the permit must:

(a) Assure adequate and reliable treatment; and

(b) Govern the water quality, location, rate, and purpose of use.

(2) A permit under this chapter may be issued only to:

(a) A municipal, quasi-municipal, or other governmental entity;

(b) A private utility as defined in RCW 36.94.010;

(c) The holder of a waste disposal permit issued under chapter 90.48 RCW; or

(d) The owner of an agricultural processing facility that is generating agricultural industrial process water for agricultural use, or the owner of an industrial facility that is generating industrial process water for reuse.

(3) Before deciding whether to issue a permit under this section to a private utility, the lead agency may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water facility.

(4) Permits shall be issued for a fixed term specified by the rules adopted under RCW 90.46.015. A permittee shall apply for permit renewal prior to the end of the term. The rules adopted under RCW 90.46.015 shall specify the process of renewal, modification, change of ownership, suspension, and termination.

(5) The lead agency may deny an application for a permit or modify, suspend, or revoke a permit for good cause, including but not limited to, any case in which it finds that the permit was obtained by fraud or misrepresentation, or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the rules adopted under this chapter.

(6) The lead agency shall provide for adequate public notice and opportunity for review and comment on all initial permit applications and renewal applications. Methods for providing notice may include electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the lead agency determines appropriate. The lead agency shall also publicize notice of final permitting decisions.

(7) Any person aggrieved by a permitting decision has the right to an adjudicative proceeding. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW. For any permit decision for which the department of ecology is the lead agency under this chapter, any appeal shall be in accordance with chapter 43.21B RCW. For any permit decision for which department of health is the lead agency under this chapter, any application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department of health within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt.

(8) Permit requirements for the distribution and use of greywater will be established in rules adopted by the department of health under RCW 90.46.015.

NEW SECTION. Sec. 10. AUTHORITY TO ENTER PREMISES--SEARCH WARRANTS. (1)(a) Except as otherwise provided in (b) of this subsection, the lead agency or its designee shall have the right to enter and inspect any property related to the purpose of the permit, public or private, at reasonable times with prior notification in order to determine compliance with laws and rules administered by the lead agency. During such inspections, the lead agency shall have free and unimpeded access to all data, facilities, and property involved in the generation, distribution, and use of reclaimed water.

(b) The lead agency or its designee need not give prior notification to enter property under (a) of this subsection if the purpose of the entry is to ensure compliance by the permittee with a prior order of the lead agency or if the lead agency or its designee has reasonable cause to believe there is a violation of the law that poses a serious threat to public health and safety or the environment.

(2) The lead agency or its designee may apply for an administrative search warrant to a court of competent jurisdiction and an administrative search warrant may issue where:

(a) The lead agency has attempted an inspection under this chapter and access has been actually or constructively denied; or

(b) There is reasonable cause to believe that a violation of this chapter or rules adopted under this chapter is occurring or has occurred.

NEW SECTION. Sec. 11. PLANS, REPORTS, AND PROPOSED METHODS OF OPERATION AND MAINTENANCE TO BE SUBMITTED TO DEPARTMENTS.

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

All required feasibility studies, planning documents, engineering reports, and plans and specifications for the construction of new reclaimed water, agricultural industrial process water, and industrial reuse water facilities, including generation, distribution, and use facilities, or for improvements or extensions to existing facilities, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the lead agency, before construction thereof may begin. No approval shall be given until the lead agency is satisfied that the plans, reports, and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the water for the intended use as provided for in this chapter and are adequate to protect public health and safety as necessary.

NEW SECTION. Sec. 12. NOTICE OF DETERMINATION THAT VIOLATION HAS OR WILL OCCUR--REPORT OF COMPLIANCE WITH DETERMINATION--ORDER OR DIRECTIVE TO BE ISSUED--NOTICE. (1) When, in the opinion of the lead agency, a person violates or creates a substantial potential to violate this chapter, the lead agency shall notify the person of its determination by registered mail. The determination shall not constitute an appealable order or directive. Within thirty days from the receipt of notice of such determination, the person shall file with the lead agency a full report stating what steps have been and are being taken to comply with the determination of the lead agency. After the full report is filed or after the thirty days have elapsed, the lead agency may issue the order or directive as it deems appropriate under the circumstances, shall notify the person by registered mail, and shall inform the person of the process for requesting an adjudicative hearing.

(2) When it appears to the lead agency that water quality conditions or other conditions exist which require immediate action to protect human health and safety or the environment, the lead agency may issue a written order to the person or persons responsible without first issuing a notice of determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed, and shall inform the person or persons responsible of the process for requesting an adjudicative hearing.

NEW SECTION. Sec. 13. PENALTY. Any person found guilty of willfully violating any of the provisions of this chapter, or any final written orders or directive of the lead agency or a court in pursuance thereof, is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or both, in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

NEW SECTION. Sec. 14. VIOLATIONS--CIVIL PENALTY--PROCEDURE. (1) Except as provided in RCW 43.05.060 through 43.05.080, 43.05.100, 43.05.110, and 43.05.150, any person who:

(a) Generates any reclaimed water for a use regulated under this chapter and distributes or uses that water without a permit;

(b) Violates the terms or conditions of a permit issued under this chapter; or

(c) Violates rules or orders adopted or issued pursuant to this chapter,

shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars per day for every violation. Each violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous

history of the violator and the severity of the violation's impact on public health, the environment, or both, in addition to other relevant factors.

(2) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing within the month in which the notice of penalty was served, and reasonable attorneys' fees as are incurred if civil enforcement of the final administrative order is required to collect penalty.

(3) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the lead agency and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorneys' fees for the cost of the attorney general's office in representing the lead agency.

(4) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the lead agency may file a certified copy of the final administrative order with the clerk of the superior court in which the person resides, or in Thurston county, and the clerk shall enter judgment in the name of the lead agency and in the amount of the penalty assessed in the final administrative order.

(5) When the penalty herein provided for is imposed by the department of ecology, it shall be imposed pursuant to the procedures set forth in RCW 43.21B.300. All penalties imposed by the department of ecology pursuant to RCW 43.21B.300 shall be deposited into the state treasury and credited to the general fund.

(6) When the penalty is imposed by the department of health, it shall be imposed pursuant to the procedures set forth in RCW 43.70.095. All receipts from penalties shall be deposited into the health reclaimed water account. The department of health shall use revenue derived from penalties only to provide training and technical assistance to reclaimed water system owners and operators.

NEW SECTION. Sec. 15. APPLICATION OF ADMINISTRATIVE PROCEDURE LAW TO RULE MAKING AND ADJUDICATIVE PROCEEDINGS. The provisions of chapter 34.05 RCW, the administrative procedure act, apply to all rule making and adjudicative proceedings authorized by or arising under the provisions of this chapter.

Sec. 16. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, section 14 of this act, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, section 12 of this act, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 17. RCW 43.21B.300 and 2007 c 147 s 9 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, section 14 of this act, 90.48.144, 90.56.310, and 90.56.330 and chapter 90.76 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department or authority may remit or mitigate the penalty upon whatever terms the department or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account created by RCW 70.105.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 90.76.080, which shall be credited to the underground storage tank account created by RCW 90.76.100.

Sec. 18. RCW 43.21B.310 and 2004 c 204 s 5 are each amended to read as follows:

(1) Except as provided in RCW 90.03.210(2), any order issued by the department or local air authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, section 12 of this act, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after the date of receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of the date of receipt.

NEW SECTION. Sec. 19. The code reviser shall alphabetize and renumber the definitions in RCW 90.46.010.

NEW SECTION. Sec. 20. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 21. Sections 7 through 15 of this act are each added to chapter 90.46 RCW.

NEW SECTION. Sec. 22. RCW 90.46.060 (Enforcement powers-- Secretary of health) and 1992 c 204 s 7 are each repealed."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5504.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5504.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5504 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5504, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Excused: Senators Benton and Brandland

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5509 with the following amendment: 5509-S AMH HUDG MUNN 184

On page 1, line 14, after "fees," insert "child restraint system rental fees,"

On page 2, beginning on line 18, strike all of subsection (5), and insert the following:

"(5) The following definitions apply to this section unless the context clearly requires otherwise:

(a) "Vehicle license cost recovery fee" means a charge that

may be separately stated and charged on the rental contract in a car rental transaction originating in Washington state to recover costs incurred in the state of Washington by a rental car company to license, title, register, plate, and inspect rental cars; and

(b) "Child restraint system rental fee" means a charge that may be separately stated and charged on the rental contract in a car rental transaction originating in Washington state to recover the costs associated with providing child restraint systems."

On page 2, after line 24, insert the following:

"(6)(a) If a rental car company includes a child restraint system rental fee as a separately stated charge in a rental transaction, the amount of the fee must represent no more than the rental car company's good faith estimate of the rental car company's costs to provide a child restraint system.

(b) If a rental car customer pays a child restraint system rental fee and the child restraint system is not available in a timely manner, as determined by the rental car customer, but in no case less than one hour after the arrival of the customer at the location where the customer receives the vehicle or vehicles, (a) the customer may cancel any reservation or other agreement for the rental of the vehicle or vehicles, (b) any costs or penalties associated with the cancellation are void, and (c) the customer is entitled to a full refund of any costs associated with the rental of the vehicle or vehicles."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5509.

Senator Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5509.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5509 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5509, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Morton

Excused: Senators Benton and Brandland

SUBSTITUTE SENATE BILL NO. 5509, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5513 with the following amendment: 5513-S AMH TR H2943.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.80.090 and 1987 c 456 s 17 are each amended to read as follows:

(1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, ~~((or))~~ town, or transit agency authorized to issue civil infractions may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

Sec. 2. RCW 7.80.010 and 1987 c 456 s 9 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

Sec. 3. RCW 9.91.025 and 2004 c 118 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful ~~((bus))~~ transit conduct if, while on or in a ~~((municipal))~~ transit vehicle ~~((as defined by RCW 46.04.355))~~ or in or at a ~~((municipal))~~ transit station ~~((and with knowledge that the conduct is prohibited))~~, he or she knowingly:

~~((Except while in or at a municipal transit station,))~~ (a) ~~Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, unless he or she is smoking in an area designated and authorized by the transit authority;~~

(b) Discards litter other than in designated receptacles;

(c) ~~Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids;~~

~~((d))~~ (d) ~~Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener((s or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle or municipal transit station)).~~ The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, or communicate with other individuals, such as pagers and cellular phones;

~~((d))~~ (e) ~~Spits ((or)), expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities;~~

~~((e))~~ (f) ~~Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;~~

~~((f))~~ ~~Intentionally~~ (g) ~~Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained;~~

~~((h))~~ (h) ~~Obstructs or impedes the flow of ((municipal)) transit vehicles or passenger traffic, hinders or prevents access to ((municipal)) transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;~~

~~((g))~~ ~~Intentionally~~ (i) ~~Unreasonably disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior; ((or~~

~~((h))~~ (j) ~~Destroys, defaces, or otherwise damages property ((of a municipality as defined in RCW 35.58.272 or a regional transit authority authorized by chapter 81.112 RCW employed in the provision or use of public transportation services)) in a transit vehicle or at a transit facility;~~

~~((k))~~ (k) ~~Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm;~~

~~((l))~~ (l) ~~Possesses an unissued transfer or fare media or tenders an unissued transfer or fare media as proof of fare payment;~~

~~((m))~~ (m) ~~Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee;~~

~~((n))~~ (n) ~~Engages in gambling or any game of chance for the winning of money or anything of value;~~

~~((o))~~ (o) ~~Skates on roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law; or~~

~~((p))~~ (p) ~~Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.~~

(2) For the purposes of this section~~((--"municipal"))~~:

(a) "Transit station" or "transit facility" means all ~~passenger facilities, structures, ((lands, interest in lands, air rights over lands))~~ stops, shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a ~~((municipality as defined in RCW 35.58.272, or a regional transit authority authorized by chapter 81.112 RCW))~~ transit authority for the purpose of providing public transportation services~~((, including, but not limited to, park and ride lots, transit centers and tunnels, and bus shelters.~~

~~((3))~~ Unlawful bus conduct is a misdemeanor~~(()).~~

(b) "Transit vehicle" means any motor vehicle, street car, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.

(c) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.

Sec. 4. RCW 81.112.020 and 1999 c 20 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authority" means a regional transit authority authorized under this chapter.

(2) "Board" means the board of a regional transit authority.

(3) "Service area" or "area" means the area included within the boundaries of a regional transit authority.

(4) "System" means a regional transit system authorized under this chapter and under the jurisdiction of a regional transit authority.

(5) "Facilities" means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, trains, stations, designated passenger waiting areas, and other components necessary to support the system.

(6) "Proof of payment" means evidence of fare prepayment authorized by a regional transit authority for the use of ~~((trains, including but not limited to commuter trains and light rail trains))~~ its facilities.

Sec. 5. RCW 81.112.210 and 1999 c 20 s 3 are each amended to read as follows:

(1) An authority is authorized to establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 81.112.220. Fines established by a regional transit authority shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) A regional transit authority may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An authority is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment also have the authority to take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation conforming to the requirements established in RCW 7.80.070; and

(iv) Request that a passenger leave the regional transit authority ~~((train, including but not limited to commuter trains and light rail trains))~~ facility when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Regional transit authorities shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by chapter 20, Laws of 1999 shall be heard and determined by a district or municipal court as provided in RCW 7.80.010 (1), (2), and (4).

Sec. 6. RCW 81.112.220 and 1999 c 20 s 4 are each amended to read as follows:

(1) Persons traveling on ~~((trains, including but not limited to commuter trains or light rail trains))~~ facilities operated by an authority(ies) shall pay the fare established by the authority. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by the authority under RCW 81.112.210(1):

(a) Failure to pay the required fare;

(b) Failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the ~~((train, including but not limited to commuter trains and light rail trains))~~ facility when requested to do so by a person designated to monitor fare payment.

Sec. 7. RCW 81.112.230 and 2006 c 270 s 12 are each amended to read as follows:

Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options; or

(3) Fails to depart the ~~((train, including but not limited to commuter trains and light rail trains))~~ facility when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 8. A new section is added to chapter 81.112 RCW to read as follows:

The powers and authority conferred by RCW 81.112.210 through 81.112.230 are in addition and supplemental to powers or authority conferred by any other law. RCW 81.112.210 through 81.112.230 do not limit any other powers or authority of a regional transit authority.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5513.

Senator Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5513.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5513 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5513, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5513, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkeley, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Brandland

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5531 with the following amendment: 5531-S AMH ENGR H3246.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.86.090 and 2007 c 66 s 2 are each amended to read as follows:

Any person who is injured in his or her business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he or she refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in ~~((the))~~ superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including a reasonable attorney's fee ~~(; and))~~. In addition, the court may in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained: PROVIDED, That such increased damage award for violation of RCW 19.86.020 may not exceed ~~((ten))~~ twenty-five thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the district court to recover his or her actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The district court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed ~~((the amount specified in RCW 3.66.020))~~ twenty-five thousand dollars. For the purpose of this section, "person" ~~((shall))~~ includes the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured, directly or indirectly, by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in ~~((the))~~ superior court to recover the actual damages sustained by it, whether direct or indirect, and to recover the costs of the suit including a reasonable attorney's fee.

NEW SECTION, Sec. 2. A new section is added to chapter 19.86 RCW to read as follows:

In a private action in which an unfair or deceptive act or practice is alleged under RCW 19.86.020, a claimant may establish that the act or practice is injurious to the public interest because it:

- (1) Violates a statute that incorporates this chapter;
- (2) Violates a statute that contains a specific legislative declaration of public interest impact; or
- (3)(a) Injured other persons; (b) had the capacity to injure other persons; or (c) has the capacity to injure other persons."

NEW SECTION, Sec. 3. This act applies to all causes of action that accrue on or after the effective date of this act."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5531.

Senators Regala and Holmquist spoke in favor of passage of the motion.

MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5531.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5531 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5531, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5531, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton, Brandland and Fairley
SUBSTITUTE SENATE BILL NO. 5531, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Eide moved that the following bills were removed from the calendar and be referred to the Committee on Rules.

House Bill No. 1028,
House Bill No. 1080,
Engrossed Substitute House Bill No. 1114,
Engrossed House Bill No. 1251,
House Bill No. 1312,
Substitute House Bill No. 1369,
Engrossed Second Substitute House Bill No. 1393,
House Bill No. 1431,
House Bill No. 1456,
House Bill No. 1483,
Substitute House Bill No. 1554,
Substitute House Bill No. 1572,
Engrossed Substitute House Bill No. 1703,
Engrossed House Bill No. 1728,
Second Substitute House Bill No. 1797,
House Bill No. 1880,
Substitute House Bill No. 1900,
House Bill No. 1912,
Substitute House Joint Memorial No. 4004,

NINETY-EIGHTH DAY, APRIL 19, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6173, by Senator Prentice

Improving sales tax compliance.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 6173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6173.

POINT OF ORDER

Senator Schoesler: "I believe that this measure is not properly before us. According to House Concurrent Resolution No. 4402, Friday, April 17, was the final day to consider a bill unless it is a matter of differences between the House and the Senate or unless the bill is necessary to implement the budget. This bill is not referenced in the proposed budget nor is the revenue generated from this bill assumed in the budget. Therefore, I believe that this bill is not properly before us and I ask you to rule."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6173 was deferred and the bill held its place on the third reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, by House Committee on Finance (originally sponsored by Representative Hunter)

Concerning the excise taxation of certain products and services provided or furnished electronically.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute House Bill No. 2075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2075.

POINT OF ORDER

Senator Honeyford: "Thank you Mr. President. I believe this measure may require a super majority vote under provisions of the law enacted by Initiative 960. This measure imposes sale tax on digital goods. It's true that the bill also contains some sale tax exemptions for some digital products such as electronic

newspaper content but it plainly imposes new taxes on goods that are presently not subject to tax because of this tax increase I believe a super majority vote of this body is needed for final passage and I respect a ruling, request a ruling thereon."

Senator Tom spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2075 was deferred and the bill held its place on the third reading calendar.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Schoesler as whether or not Senate Bill No. 6173 is appropriately before us. It's clear that this bill is projected to generate considerable revenue and since the state faces a multibillion dollar deficiency the President can reasonably anticipate that the revenue is necessary to implement the budget so your, Senator Schoesler's point is not well taken and the bill is properly before us."

The Senate resumed consideration of Senate Bill No. 6173 which had been deferred earlier in the day.

Senator Tom spoke in favor of passage of the bill.
Senator Sheldon spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6173 and the bill passed the Senate by the following vote: Yeas; 26; Nays; 21; Absent; 0; Excused; 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton and Brandland

SENATE BILL NO. 6173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:11 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Monday, April 20, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 20, 2009

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hargrove, Prentice, Roach Sheldon and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Billy Ray Birge III and Randy Fishman, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2009

SB 6116 Prime Sponsor, Senator Murray: Funding arts and heritage programs, tourism promotion, youth sport activities, regional centers, publicly owned stadiums, community development, and low income housing in a county with a population of one million five hundred thousand or more. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6116 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Tom, Vice Chair, Operating Budget; Carrell; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 18, 2009

2SHB 1290 Prime Sponsor, Committee on Finance: Concerning local tourism promotion areas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Fairley; Hewitt; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carrell.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 2068,

HOUSE BILL NO. 2359,

HOUSE BILL NO. 2360,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1021,

SUBSTITUTE HOUSE BILL NO. 1036,

ENGROSSED HOUSE BILL NO. 1087,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,

HOUSE BILL NO. 1127,

HOUSE BILL NO. 1137,

HOUSE BILL NO. 1158,

ENGROSSED HOUSE BILL NO. 1167,

HOUSE BILL NO. 1184,

SUBSTITUTE HOUSE BILL NO. 1215,

SUBSTITUTE HOUSE BILL NO. 1225,

HOUSE BILL NO. 2165,

HOUSE BILL NO. 2313,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1201,

SUBSTITUTE HOUSE BILL NO. 1402,

HOUSE BILL NO. 1717,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,

SUBSTITUTE HOUSE BILL NO. 1749,

SUBSTITUTE HOUSE BILL NO. 1769,

HOUSE BILL NO. 1789,

HOUSE BILL NO. 1790,

SUBSTITUTE HOUSE BILL NO. 1791,

NINETY-NINTH DAY, APRIL 20, 2009
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1295,
SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,
HOUSE BILL NO. 1433,
HOUSE BILL NO. 1448,
SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1552,
ENGROSSED HOUSE BILL NO. 1566,
SECOND SUBSTITUTE HOUSE BILL NO. 1580,
SUBSTITUTE HOUSE BILL NO. 1583,
HOUSE BILL NO. 1640,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5171,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5229,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5268,
SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5340,
SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5367,
SUBSTITUTE SENATE BILL NO. 5368,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5410,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5414,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9115, Harriet A. Spanel, as a member of the Pacific Marine Fishery Commission, be confirmed.

Senators Jacobsen, Swecker and Ranker spoke in favor of passage of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Haugen, Prentice and Sheldon were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, Parlette, Roach and Zarelli were excused.

APPOINTMENT OF HARRIET A. SPANEL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9115, Harriet A. Spanel as a member of the Pacific Marine Fishery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9115, Harriet A. Spanel as a member of the Pacific Marine Fishery Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker and Tom

Excused: Senators Hargrove, Prentice, Roach, Sheldon and Zarelli

Gubernatorial Appointment No. 9115, Harriet A. Spanel, having received the constitutional majority was declared confirmed as a member of the Pacific Marine Fishery Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9007, Ida Ballasiotes, as a member of the Sentencing Guidelines Commission, be confirmed.

Senators Kline and Pflug spoke in favor of passage of the motion.

APPOINTMENT OF IDA BALLASIOTES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9007, Ida Ballasiotes as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9007, Ida Ballasiotes as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker and Tom

Absent: Senator Kohl-Welles

Excused: Senators Hargrove, Roach, Sheldon and Zarelli

Gubernatorial Appointment No. 9007, Ida Ballasiotes, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Senator Keiser moved that Gubernatorial Appointment No. 9010, Rick S. Bender, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF RICK S. BENDER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9010, Rick S. Bender as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9010, Rick S. Bender as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker and Tom

Vote nay: Senators Honeyford and Schoesler

Excused: Senators Hargrove, Roach and Zarelli

Gubernatorial Appointment No. 9010, Rick S. Bender, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2068 by House Committee on Health Care & Wellness (originally sponsored by Representatives Goodman, Hurst, Priest, O'Brien, Miloscia, Seaquist, Cody, Appleton, Roberts, Campbell and Morrell)

AN ACT Relating to criminal background checks; and amending RCW 74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, and 74.39A.260.

Referred to Committee on Ways & Means.

HB 2359 by Representative Cody

AN ACT Relating to delaying the implementation date for peer mentoring for long-term care workers; and amending RCW 74.39A.330.

Referred to Committee on Ways & Means.

HB 2360 by Representative Darneille

AN ACT Relating to consolidation of administrative services for AIDS grants in the department of health; amending RCW 70.24.400; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5045 with the following amendment: 5045-S2 AMH ENGR H3059.E

Strike everything after the enacting clause and insert the following:

"PART I LOCAL REVITALIZATION FINANCING--GENERAL PROVISIONS

NEW SECTION. Sec. 101. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs, stimulates the redevelopment of brownfields and blighted areas in the inner city, lowers the cost of housing, and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax to those local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year and the additional amounts designated for demonstration projects in section 402 of this act.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Department" means the department of revenue.

(4) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(5) "Local government" means any city, town, county, and port district.

(6) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(7) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in section 601 of this act, dedicated to pay the principal and interest on bonds authorized under section 701 of this act.

(8) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(9) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(10) "Ordinance" means any appropriate method of taking legislative action by a local government.

(11) "Participating local government" means a local government having a revitalization area within its geographic

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

boundaries that has taken action as provided in section 107(1) of this act to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(12) "Participating taxing district" means a local government having a revitalization area within its geographic boundaries that has not taken action as provided in section 106(2) of this act.

(13) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(14)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved by the department;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved by the department;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved by the department.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(15) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(16) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Storm water and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(17) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(18) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(19)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources, which are dedicated for the payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(20) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the department, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(21) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(22) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the department as provided in section 401 or 402 of this act; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (22)(c).

(23) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(24) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area by the department as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(25) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by section 601 of this act for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(26) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

NEW SECTION. Sec. 103. CONDITIONS. A local government may finance public improvements using local revitalization financing subject to the following conditions:

(1) The local government has adopted an ordinance designating a revitalization area within its boundaries and specified the public improvements proposed to be financed in whole or in part with the use of local revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using local revitalization financing are expected to encourage private development within the revitalization area and to increase the fair market value of real property within the revitalization area;

(3) The local government has entered into a contract with a private developer relating to the development of private improvements within the revitalization area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revitalization area;

(4) Private development that is anticipated to occur within the revitalization area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(5) The local government may not use local revitalization financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048 or 82.14.390;

(6) The governing body of the local government must make a finding that local revitalization financing:

(a) Will not be used for the purpose of relocating a business from outside the revitalization area, but within this state, into the revitalization area unless convincing evidence is provided that the firm being relocated would otherwise leave the state;

(b) Will improve the viability of existing business entities within the revitalization area; and

(c) Will be used exclusively in areas within the jurisdiction of the local government deemed in need of either economic development or redevelopment, or both, and absent the financing available under this chapter and sections 601 and 602 of this act the proposed economic development or redevelopment would more than likely not occur; and

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using local revitalization financing are reasonably likely to:

(a) Increase private investment within the revitalization area;

(b) Increase employment within the revitalization area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter.

NEW SECTION. Sec. 104. CREATING A REVITALIZATION AREA. (1) Before adopting an ordinance creating the revitalization area, a sponsoring local government must:

(a) Provide notice to all taxing districts and local governments with geographic boundaries within the proposed revitalization area of the sponsoring local government's intent to create a revitalization area. Notice must be provided in writing to the governing body of the taxing districts and local governments at least thirty days in advance of the public hearing as required by (b) of this subsection. The notice must include at least the following information:

(i) The name of the proposed revitalization area;

(ii) The date for the public hearing as required by (b) of this subsection;

(iii) The earliest anticipated date when the sponsoring local government will take action to adopt the proposed revitalization area; and

(iv) The name of a contact person with phone number of the sponsoring local government and mailing address where a copy of an ordinance adopted under sections 105 and 106 of this act may be sent; and

(b) Hold a public hearing on the proposed financing of the public improvements in whole or in part with local revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revitalization area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revitalization area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by local revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revitalization area, and estimate the period during which local revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the sponsoring local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) To create a revitalization area, a sponsoring local government must adopt an ordinance establishing the revitalization area that:

(a) Describes the public improvements proposed to be made in the revitalization area;

(b) Describes the boundaries of the revitalization area, subject to the limitations in section 105 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local revitalization financing;

(d) Estimates the time during which local property tax allocation revenues, and other revenues from local public sources, such as amounts of local sales and use taxes from participating local governments, are to be used for local revitalization financing;

(e) Provides the date when the use of local property tax allocation revenues will commence and a list of the taxing districts that have not adopted an ordinance as described in

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

section 106 of this act to be removed as a participating taxing district;

(f) Finds that all of the requirements in section 103 of this act are met;

(g) Provides the anticipated rate of sales and use tax under section 601 of this act that the local government will impose if awarded a state contribution under section 401 of this act;

(h) Provides the anticipated date when the criteria for the sales and use tax in section 601 of this act will be met and the anticipated date when the sales and use tax in section 601 of this act will be imposed.

(3) The sponsoring local government must deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating taxing authority and participating taxing district within which the revitalization area is located, and the department.

NEW SECTION. Sec. 105. LIMITATIONS ON REVITALIZATION AREAS. The designation of a revitalization area is subject to the following limitations:

(1) No revitalization area may have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW, any part of a revenue development area created under chapter 39.102 RCW, any part of an increment area under chapter 39.89 RCW, or any part of another revitalization area under this chapter;

(2) A revitalization area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revitalization area;

(3) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(4) The public improvements financed through bonds issued under section 701 of this act must be located in the revitalization area;

(5) A revitalization area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government at the time the revitalization area is created;

(6) The boundaries of the revitalization area may not be changed for the time period that local property tax allocation revenues, local sales and use taxes of participating local governments, and the local sales and use tax under section 601 of this act are used to pay bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, as provided under this chapter; and

(7) A revitalization area must be geographically restricted to the location of the public improvement and adjacent locations that the sponsoring local government finds to have a high likelihood of receiving direct positive business and economic impacts due to the public improvement, such as a neighborhood or a block.

NEW SECTION. Sec. 106. OPTING OUT AS A PARTICIPATING TAXING DISTRICT. (1) Participating taxing districts must allow the use of all of their local property tax allocation revenues for local revitalization financing.

(2)(a) If a taxing district does not want to allow the use of its property tax revenues for the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance to remove itself as a participating taxing district and must notify the sponsoring local government.

(b) The taxing district must provide a copy of the adopted ordinance and notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt the ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

NEW SECTION. Sec. 107. OPTING IN OR OUT AS A PARTICIPATING LOCAL GOVERNMENT. (1) A participating local government must enter into an interlocal agreement as provided in chapter 39.34 RCW to participate in local revitalization financing with the sponsoring local government.

(2)(a) If a local government that imposes a sales and use tax under RCW 82.14.030 does not want to participate in the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance

and notify the sponsoring local government that the taxing authority will not be a participating local government.

(b) The local government must provide a copy of the adopted ordinance and the notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt an ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

**PART II
LOCAL REVITALIZATION FINANCING
USE OF LOCAL PROPERTY TAX ALLOCATION
REVENUES TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 201 LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the creation of a revitalization area by a sponsoring local government, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revitalization area as follows:

(a) Each participating taxing district and the sponsoring local government must receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local revitalization financing project in the taxing district; and

(b) The sponsoring local government must receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revitalization area. However, if there is no property tax allocation revenue value, the sponsoring local government may not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revitalization area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local revitalization financing.

(2) The county assessor shall determine the property tax allocation revenue value and property tax allocation revenue base value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The distribution of local property tax allocation revenue to the sponsoring local government must cease when local property tax allocation revenues are no longer obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues, and earnings on the revenues, remaining at the time the distribution of local property tax allocation revenue terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revitalization area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revitalization area of that portion of the sponsoring local government's and each participating taxing district's regular property taxes levied upon the property tax allocation revenue value within that revitalization area is declared to be a public purpose of and benefit to the sponsoring local government and each participating taxing district.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(5) The distribution of local property tax allocation revenues under this section may not affect or be deemed to affect the rate of taxes levied by or within any sponsoring local government and participating taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

**PART III
LOCAL REVITALIZATION FINANCING
USE OF LOCAL SALES AND USE TAX INCREMENTS
TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 301. LOCAL SALES AND USE TAX INCREMENTS. (1) A sponsoring local government may use annually local sales and use tax amounts equal to some or all of its local sales and use tax increments to finance public improvements in the revitalization area. The amounts of local sales and use tax dedicated by a participating local government must begin and cease on the dates specified in an interlocal agreement authorized in chapter 39.34 RCW. Sponsoring local governments and participating local governments are authorized to allocate some or all of their local sales and use tax increment to the sponsoring local government as provided by section 107(1) of this act.

(2) The department, upon request, must assist sponsoring local governments in estimating sales and use tax revenues from estimated taxable activity in the proposed or adopted revitalization area. The sponsoring local government must provide the department with accurate information describing the geographical boundaries of the revitalization area in an electronic format or in a manner as otherwise prescribed by the department.

**PART IV
LOCAL REVITALIZATION FINANCING--STATE
CONTRIBUTION**

NEW SECTION. Sec. 401. APPLICATION PROCESS--DEPARTMENT OF REVENUE APPROVAL. (1) Prior to applying to the department to receive a state contribution, a sponsoring local government shall adopt a revitalization area within the limitations in section 105 of this act and in accordance with section 104 of this act.

(2) As a condition to imposing a sales and use tax under section 601 of this act, a sponsoring local government must apply to the department and be approved for a project award amount. The application must be in a form and manner prescribed by the department and include, but not be limited to:

(a) Information establishing that over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues as a result of public improvements in the revitalization area will be equal to or greater than the respective state and local contributions made under this chapter;

(b) Information demonstrating that the sponsoring local government will meet the requirements necessary to receive the full amount of state contribution it is requesting on an annual basis;

(c) The amount of state contribution it is requesting;

(d) The anticipated effective date for imposing the tax under section 601 of this act;

(e) The estimated number of years that the tax will be imposed;

(f) The anticipated rate of tax to be imposed under section 601 of this act, subject to the rate-setting conditions in section 601(3) of this act, should the sponsoring local government be approved for a project award; and

(g) The anticipated date when bonds under section 701 of this act will be issued.

The department shall make available electronic forms to be used for this purpose. As part of the application, each applicant must provide to the department a copy of the adopted ordinance creating the revitalization area as required in section 104 of this act, copies of any adopted interlocal agreements from

participating local governments, and any notices from taxing districts that elect not to be a participating taxing district.

(3)(a) Project awards must be determined on:

(i) A first-come basis for applications completed in their entirety and submitted electronically;

(ii) The availability of a state contribution;

(iii) Whether the sponsoring local government would be able to generate enough tax revenue under section 601 of this act to generate the amount of project award requested.

(b) The total of all project awards may not exceed the annual state contribution limit.

(c) If the level of available state contribution is less than the amount requested by the next available applicant, the applicant must be given the first opportunity to accept the lesser amount of state contribution but only if the applicant produces a new application within sixty days of being notified by the department and the application describes the impact on the proposed project as a result of the lesser award in addition to new application information outlined in subsection (2) of this section.

(d) Applications that are not approved for a project award due to lack of available state contribution must be retained on file by the department in order of the date of their receipt.

(e) Once total project awards reach the amount of annual state contribution limit, no more applications will be accepted.

(f) If the annual contribution limit is increased, applications will be accepted again beginning sixty days after the effective date of the increase. However, in the time period before any new applications are accepted, all sponsoring local governments with a complete application already on file with the department must be provided an opportunity to either withdraw their application or update the information in the application. The updated application must be for a project that is substantially the same as the project in the original application. The department must consider these applications, in the order originally submitted, for project awards prior to considering any new applications.

(4) The department shall notify the sponsoring local government of approval or denial of a project award within sixty days of the department's receipt of the sponsoring local government's application. Determination of a project award by the department is final. Notification must include the earliest date when the tax authorized under section 601 of this act may be imposed, subject to conditions in chapter 82.14 RCW. The project award notification must specify the rate requested in the application and any adjustments to the rate that would need to be made based on the project award and rate restrictions in section 601 of this act.

(5) The department must begin accepting applications on September 1, 2009.

NEW SECTION. Sec. 402. A new section is added to chapter 82.14 RCW to read as follows:

(1) Demonstration projects are designated to determine the feasibility of local revitalization financing. For the purpose of this section, "annual state contribution limit" means two million two hundred fifty thousand dollars statewide per fiscal year. Notwithstanding section 401 of this act, the department shall approve each demonstration project as follows:

(a) The Whitman county Pullman/Moscow corridor improvement project award shall not exceed two hundred thousand dollars;

(b) The University Place improvement project award shall not exceed five hundred thousand dollars;

(c) The Tacoma international financial services area/Tacoma dome project award shall not exceed five hundred thousand dollars;

(d) The Bremerton downtown improvement project award shall not exceed three hundred thirty thousand dollars;

(e) The Auburn downtown redevelopment project award shall not exceed two hundred fifty thousand dollars;

(f) The Vancouver Columbia waterfront/downtown project award shall not exceed two hundred twenty thousand dollars; and

(g) The Spokane University District project award shall not exceed two hundred fifty thousand dollars.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(2) Local government sponsors of demonstration projects must submit to the department no later than September 1, 2009, documentation that substantiates that the project has met the conditions, limitations, and requirements provided in this act.

(3) Within sixty days of such submittal, the department shall approve demonstration projects that have met these conditions, limitations, and requirements.

(4) Local government sponsors of demonstration projects may elect to decline the project awards as designated in this section, and may elect instead to submit applications according to the process described in section 401 of this act.

PART V ACCOUNTABILITY REPORTS

NEW SECTION. Sec. 501. A new section is added to chapter 82.32 RCW to read as follows:

REPORTING REQUIREMENTS. (1) A sponsoring local government receiving a project award under section 401 of this act must provide a report to the department by March 1st of each year beginning March 1st after the project award has been approved. The report must contain the following information:

(a) The amounts of local property tax allocation revenues received in the preceding calendar year broken down by sponsoring local government and participating taxing district;

(b) The amount of state property tax allocation revenues estimated to have been received by the state in the preceding calendar year;

(c) The amount of local sales and use tax and other revenue from local public sources dedicated by any participating local government used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(d) The amount of local sales and use tax dedicated by the sponsoring local government, as it relates to the sponsoring local government's local sales and use tax increment, used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis;

(e) The amounts, other than those listed in (a) through (d) of this subsection, from local public sources, broken down by type or source, used for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(f) The anticipated date when bonds under section 701 of this act are expected to be retired;

(g) The names of any businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(h) An estimate of the cumulative number of permanent jobs created in the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(i) An estimate of the average wages and benefits received by all employees of businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(j) A list of public improvements financed by bonds issued under section 701 of this act and the date on which the bonds are anticipated to be retired;

(k) That the sponsoring local government is in compliance with section 103 of this act;

(l) At least once every three years, updated estimates of the amounts of state and local sales and use tax increments estimated to have been received since the approval by the department of the project award under section 401 of this act; and

(m) Any other information required by the department to enable the department to fulfill its duties under this chapter and section 601 of this act.

(2) The department shall make a report available to the public and the legislature by June 1st of each year. The report

shall include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART VI LOCAL SALES AND USE TAX CREDITED AGAINST THE STATE SALES AND USE TAXES

NEW SECTION. Sec. 601. LOCAL SALES AND USE TAX. (1) Any city or county that has been approved for a project award under section 401 of this act may impose a sales and use tax under the authority of this section in accordance with the terms of this chapter. Except as provided in this section, the tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city or county.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the city or county at no cost to the city or county. The taxes must be distributed to cities and counties as provided in RCW 82.14.060.

(3) The rate of tax imposed by a city or county may not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1), less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

(ii) The aggregate rates of all taxes under RCW 82.14.465 and 82.14.475 and this section that are authorized but have not yet been imposed on the same taxable events by a city or county that has been approved to receive a state contribution by the department or the community economic revitalization board under chapter 39.-- RCW (the new chapter created in section 805 of this act) or chapter 39.100 or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the city or county in consultation with the department, reasonably necessary to receive the project award under section 401 of this act over ten months.

(4) The department, upon request, must assist a city or county in establishing its tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected through the application process and approved under section 401 of this act, it may not be increased.

(5)(a) Except as provided in (c) of this subsection, no tax may be imposed under the authority of this section before:

(i) July 1, 2011;

(ii) July 1st of the second calendar year following the year in which the department approved the application made under section 401 of this act;

(iii) The state sales and use tax increment and state property tax increment for the preceding calendar year equal or exceed the amount of the project award approved by the department under section 401 of this act; and

(iv) Bonds have been issued according to section 701 of this act.

(b) The tax imposed under this section expires the earlier of the date that the bonds issued under the authority of section 701 of this act are retired or twenty-five years after the tax is first imposed.

(c) For a demonstration project described in section 402 of this act, no tax may be imposed under the authority of this section before:

(i) July 1, 2010; and

(ii) Bonds have been issued according to section 701 of this act.

(6) An ordinance or resolution adopted by the legislative authority of the city or county imposing a tax under this section must provide that:

BOND AUTHORIZATION

(a) The tax will first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the city or county, in any fiscal year, may not exceed the amount approved by the department under subsection (10) of this section;

(c) The department must cease distributing the tax for the remainder of any fiscal year in which either:

(i) The amount of tax received by the city or county equals the amount of distributions approved by the department for the fiscal year under subsection (10) of this section; or

(ii) The amount of revenue from taxes imposed under this section by all cities and counties equals the annual state contribution limit;

(d) The tax will be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) The state is entitled to any revenue generated by the tax in excess of the amounts specified in (c) of this subsection.

(7) If a city or county receives approval for more than one revitalization area within its jurisdiction, the city or county may impose a sales and use tax under this section for each revitalization area.

(8) The department must determine the amount of tax receipts distributed to each city and county imposing a sales and use tax under the authority of this section and must advise a city or county when tax distributions for the fiscal year equal the amount determined by the department in subsection (10) of this section. Determinations by the department of the amount of tax distributions attributable to a city or county are not appealable. The department must remit any tax receipts in excess of the amounts specified in subsection (6)(c) of this section to the state treasurer who must deposit the money in the general fund.

(9) If a city or county fails to comply with section 501 of this act, no tax may be distributed in the subsequent fiscal year until such time as the city or county complies and the department calculates the state contribution amount according to subsection (10) of this section for the fiscal year.

(10)(a) For each fiscal year that a city or county imposes the tax under the authority of this section, the department must approve the amount of taxes that may be distributed to the city or county. The amount approved by the department under this subsection is the lesser of:

(i) The state contribution;

(ii) The amount of project award granted by the department as provided in section 401 of this act; or

(iii) The total amount of revenues from local public sources dedicated in the preceding calendar year, as reported in the required annual report under section 501 of this act.

(b) A city or county may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department.

(11) The amount of tax distributions received from taxes imposed under the authority of this section by all cities and counties is limited annually to not more than the amount of annual state contribution limit.

(12) The definitions in section 102 of this act apply to this section subject to subsection (13) of this section and unless the context clearly requires otherwise.

(13) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter, chapter 67.28 or 67.40 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the taxes imposed in RCW 82.08.020(1) and 82.12.020.

NEW SECTION. Sec. 602. USE OF SALES AND USE TAX FUNDS. Money collected from the taxes imposed under section 601 of this act may be used only for the purpose of paying debt service on bonds issued under the authority in section 701 of this act.

PART VII

NEW SECTION. Sec. 701. ISSUANCE OF GENERAL OBLIGATION BONDS. (1) A sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local revitalization financing it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revitalization area and authorizing the use of local revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by section 104 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may require any nonpublic participants to provide adequate security to protect the public investment in the public improvement within the revitalization area.

(4) Bonds issued under this section must be authorized by ordinance of the sponsoring local government and may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest at a rate or rates, be in a denomination or denominations, be in a form either coupon or registered as provided in RCW 39.46.030, carry conversion or registration privileges, have a rank or priority, be executed in a manner, be payable in a medium of payment, at a place or places, and be subject to terms of redemption with or without premium, be secured in a manner, and have other characteristics, as may be provided by an ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local property tax allocation revenues derived from property within the revitalization area containing the public improvements funded by the bonds, the payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 601 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 601 of this act are subject to the use restriction in section 602 of this act.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter cease to be the officials before the delivery of the bonds, the signatures must, nevertheless, be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 702. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 701 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local property tax allocation revenues derived from the public improvements. The sponsoring local government may also pledge all or part of any revenues derived from taxes

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

imposed under section 601 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restriction in section 602 of this act.

NEW SECTION. Sec. 703. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 701 of this act to finance public improvements do not constitute an obligation of the state of Washington, either general or special.

**PART VIII
MISCELLANEOUS**

NEW SECTION. Sec. 801. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. CAPTIONS AND PART HEADINGS NOT LAW. Captions and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 803. AUTHORITY. Nothing in this act may be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 804. ADMINISTRATION BY THE DEPARTMENT. The department of revenue may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 805. Sections 101 through 401 and 701 through 804 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 806. Sections 601 and 602 of this act are each added to chapter 82.14 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5045. Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5045.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5045 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5045, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5045, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Hargrove and Zarelli

SECOND SUBSTITUTE SENATE BILL NO. 5045, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator McAuliffe was excused.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5273 with the following amendment: 5273-S AMH ORMS HELA 059

On page 7, line 3, after "licensed" strike "architect;" insert "landscape architect; or"

On page 7, line 4, after "(b)" strike all material through "board" on line 13 and insert "Have a high school diploma or equivalent and eight years' practical landscape architectural work experience, which may include landscape design as a principal activity and post-secondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered or licensed landscape architect. An applicant may receive up to two years of practical landscape architectural work experience for post-secondary education courses in landscape architecture, landscape architectural technology, or a related field, including courses in a community or technical college, if the courses are equivalent to education courses in an accredited landscape architectural degree program" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5273.

Senators Kohl-Welles, Holmquist and Murray spoke in favor of passage of the motion.

Senator Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5273.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5273 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5273, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the constitutional majority, was

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5539 with the following amendment: 5539-S AMH LGH H2965.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.29.024 and 2004 c 79 s 3 are each amended to read as follows:

The county treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any county funds appropriated and expended for the initial administrative costs of establishing a county investment pool provided in RCW 36.29.022. These funds shall be used by the county treasurer as a revolving fund to defray the cost of administering the pool without regard to budget limitations. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivision's respective deposits in the county investment pool and the differing periods of time for which the amounts were placed in the county investment pool. A county investment pool must be available for investment of funds of any local government that invests its money with the county under the provisions of RCW 36.29.020, and a county treasurer shall follow the request from the local government to invest its funds in the pool. As used in this section "actual expenses" include only the county treasurer's direct and out-of-pocket costs and do not include indirect or loss of opportunity costs. As used in this section, "direct costs" means those costs that can be identified specifically with the administration of the county investment pool. Direct costs include: (1) Compensation of employees for the time devoted and identified specifically to administering the pool; and (2) the cost of materials, services, or equipment acquired, consumed, or expended specifically for the purpose of administering the pool.

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Oemig moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5539.

Senator Oemig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Oemig that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5539.

The motion by Senator Oemig carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5539 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5539, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton,

Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker and Tom

Voting nay: Senator Sheldon

Absent: Senator Hargrove

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5539, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5540 with the following amendments: 5540 AMH MOEL LEAT 093 & 5540 AMH ORCU LEAT 099

On page 3, line 1, after "chapter" strike all material through "81.104.170" on line 5, and insert ", subject to the following restrictions:

(a) Any combined tax rates imposed under this chapter within the boundaries of the transit agency establishing a high capacity transportation corridor area or areas may not exceed the maximum rates authorized under RCW 81.104.150, 81.104.160, and 81.104.170;

(b) If a majority of the voters within the boundaries of a high capacity transportation corridor area approve a proposition imposing any high capacity transportation taxes, the governing body of the high capacity transportation corridor area may not seek subsequent voter approval of any additional high capacity transportation taxes, notwithstanding any remaining authorized taxing capacity; and

(c) The governing body of a high capacity transportation corridor area may not submit any authorizing proposition for voter-approved taxes prior to July 1, 2012"

On page 6, line 5, after "of" strike "forty" and insert "twenty-five"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Senate Bill No. 5540.

Senators Jarrett, Swecker and Benton spoke in favor of the motion.

Senator Pflug spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Senate Bill No. 5540.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5540 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5540, as amended by the House.

Senators Benton, Pflug and Swecker spoke against passage of the bill.

Senator Pridemore spoke in favor of passage of the bill.

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. I think that one of the previous speakers came awfully close to or over a line and that is to impugn the motives of another member. I have pretty much had it with suggesting that we are just making floor

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

April 1, 2009

speeches that sound good as opposed to making serious points about what is good or bad in a bill before us. If you cannot make your point on the merits of the bill and can only suggest that the body should vote one way or the other by impugning the other member then I think that's not right...Ok, That's pretty much the sum of my concern. I think we need to be able to address the merits of the bill and not just denigrate the other side."

REPLY BY THE PRESIDENT

President Owen: "Senator Pflug, the President does not believe that this is a point of order. Point of Personal Privilege maybe. I was waiting for your point of order that's why I bring that up."

Senator Jarrett spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5540, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Franklin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Swecker

Excused: Senator Zarelli

SENATE BILL NO. 5540, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Murray: "Thank you Mr. President. When members refer to TVW or speaking to the TVW audience, are we no longer addressing the President when we say 'members listening' or people listening to TVW? Should members address their remarks only to the President?"

REPLY BY THE PRESIDENT

President Owen: "If you want to be specific, in the rules it does require that your remarks be to the President only. That would be even addressing them to each other would be inappropriate. It's very inappropriate addressing your remarks to people in the gallery and members do that on occasion. To be very specific, yes, the rules require that you make your remarks to the President. You can reference people listening and that sort of thing but if in fact you are talking directly to them that would be in violation of your own rules. The President will note that over the years he has provided some discretion in that area and has to be somewhat reasonable in the approach to that and that sometimes it is appropriate to make remarks in certain ways. However, directly making your remarks to an entity is by your rules, improper."

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5547 with the following amendment: 5547 AMH HS MERE 079

On page 2, beginning on line 28, after "assessment for" strike "a ((parent)) family member who resides with and is the primary care provider who provides personal care in the home to ((his or her)) an adult ((son or daughter)) with developmental disabilities" and insert the following: "

(i) A parent who provides personal care in the home to his or her adult son or daughter with developmental disabilities; or

(ii) A family member who replaces the parent as the primary caregiver, resides with, and provides personal care in the home for the adult with developmental disabilities"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5547.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5547.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5547 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5547, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5547, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

SENATE BILL NO. 5547, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5556 with the following amendments: 5556-S AMH SHEA REDF 037 & 5556-S AMH ROLF MUNN 197

On page 3, line 34, after "taken" insert ", unless the toll has already been paid"

On page 4, after line 16, insert the following:

"NEW SECTION. Sec. 2. The department shall report to the transportation committees of the legislature by December 1, 2009 with recommendations regarding implementing a time

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

period for the payment of tolls after crossing the Tacoma Narrows Bridge in which individuals without a transponder could pay the toll due prior to the issuance of an infraction."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5556.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5556.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5556 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5556, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5556, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Benton, Carrell, McCaslin and Morton
Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5556, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5561 with the following amendment: 5561-S AMH SIMP OSBO 088

On page 2, line 3, after "WAC," insert "but excluding owner-occupied single family residences legally occupied before the effective date of this act,"

On page 2, line 5, after "(2)" insert "(a)"

On page 2, at the beginning of line 12, insert the following:

"(b) Owner-occupied single family residences legally occupied before the effective date of this act are exempt from the requirements of this subsection (2). However, for any owner-occupied single family residence that is sold on or after the effective date of this act, the seller must equip the residence with carbon monoxide alarms in accordance with the requirements of the state building code before the buyer or any other person may legally occupy the residence following such sale."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5561.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5561.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5561 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5561, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Delvin, Hatfield, Holmquist, King, McCaslin, Morton, Pflug, Roach and Stevens

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5561, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5565 with the following amendments: 5565-S AMH ENVH MADS 065 & 5565-S AMH SHEA MADS 070

On page 3, line 1, after "with the" strike "local air pollution control authority to implement the prohibition" and insert "department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. However, cooperation shall not include enforcement of this prohibition. The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority"

On page 2, line 35, after "(4)" insert "If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's website the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority."

(5)"

Renumber the remaining subsections consecutively and correct internal references accordingly.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5565 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

Senators Schoesler, Honeyford and Sheldon spoke against passage of the bill.

Senator Rockefeller spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Swecker

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5566 with the following amendment: 5566-S AMH FIN H2948.1

On page 10, after line 30, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any taxpayer because of errors in collecting or remitting the correct amount of local sales or use tax arising out of changes in local sales and use tax sourcing rules implemented under RCW 82.14.490 and section 502, chapter 6, Laws of 2007 if the taxpayer demonstrates that it made a good faith effort to comply with the sourcing rules.

(2) The relief from penalty and interest provided by subsection (1) of this section only applies to taxpayers with a gross income of the business of less than five hundred thousand dollars in the prior calendar year.

(3) The relief from penalty and interest provided by subsection (1) of this section does not apply with respect to sales occurring after December 31, 2012."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5566.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5566.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5566 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 3; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Zarelli

Voting nay: Senators Holmquist, Honeyford, Marr and Stevens

Absent: Senators Keiser, Ranker and Tom

SUBSTITUTE SENATE BILL NO. 5566, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Keiser, Ranker and Tom were excused.

REMARKS BY THE PRESIDENT

President Owen: "If I could have the members attention for just a moment? It would very helpful if, when you're voting, we really do need to hear your vote. Mouthing it and nodding your head doesn't work and let me just give an example of why that was important. At one time the President actually broke a tie vote when the majority actually had, it would of passed without my vote. We went back to the recording and were able to tell that how that person had voted that we had recorded wrong. So, if we can't hear you there's two problems: one is we mis-record you; and, secondly, we may not be able to go back and pick that up if we need to be. So, please nodding of the head and mouthing your vote is not acceptable. We need to hear you."

PARLIAMENTARY INQUIRY

Senator Jacobsen: "Are we going to introduce replays? Replay, where you go and review it?"

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5583 with the following amendment:5583-S.E AMH ENGR H2949.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that many watershed groups and programs, including but not limited to watershed planning units operating under chapter 90.82 RCW, have proposed or considered using the state trust water rights

NINETY-NINTH DAY, APRIL 20, 2009

program for water banking purposes to meet vital instream and out-of-stream needs within a watershed or region. The legislature also finds that water banking can: Provide critical tools to make water supplies available when and where needed during times of drought; improve stream flows and preserve instream values during fish critical periods; reduce water transaction costs, time, and risk to purchasers; facilitate fair and efficient reallocation of water from one beneficial use to another; provide water supplies to offset impacts related to future development and the issuance of new water rights; and facilitate water agreements that protect upstream community values while retaining flexibility to meet critical downstream water needs in times of scarcity. The legislature therefore declares that the intent of this act is to provide clear authority for water banking throughout the state and to improve the effectiveness of the state trust water rights program.

Sec. 2. RCW 90.42.100 and 2003 c 144 s 2 are each amended to read as follows:

(1) The department is hereby authorized to use the trust water rights program (~~in the Yakima river basin~~) for water banking purposes statewide.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that within the Yakima river basin return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water in the Yakima basin from one water year to another water year if it would negatively impact the total water supply available.

(4) The department shall provide notice and opportunity for comment to affected local governments and federally recognized tribal governments prior to utilizing the trust water rights program for water banking purposes for the first time in each watershed.

(5) Nothing in this section may be interpreted or administered in a manner that precludes the use of the department's existing authority to process trust water rights applications under this chapter or to process water right applications under chapter 90.03 or 90.44 RCW.

(6) For purposes of this section and RCW 90.42.135, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

Sec. 3. RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Local government" means a city, town, public utility district, county, sewer district, or water district.

(3) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water

conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

~~((3))~~ (4) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

~~((4))~~ (5) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

~~((5))~~ (6) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on July 28, 1991.

Sec. 4. RCW 90.42.040 and 2002 c 329 s 8 are each amended to read as follows:

(1) ~~(All trust water rights)~~ A trust water right acquired by the state shall be placed in the state trust water rights program to be managed by the department. The department shall exercise its authorities under the law in a manner that protects trust water rights. Trust water rights acquired by the state shall be held ~~((or))~~ in trust and authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems. The state may acquire a groundwater right to be placed in the state trust water rights program. To the extent practicable and subject to legislative appropriation, trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for such acquisition.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the quantity of water transferred to trust, the reach or reaches of the stream~~((the quantity))~~ or the body of public groundwater that constitutes the place of use of the trust water right, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between ~~((them))~~ the two rights, the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment. A trust water right acquired by the state and held or authorized for beneficial use by the department is considered to be exercised as long as it is in the trust water rights program. For the purposes of RCW 90.03.380(1) and 90.42.080(9), the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

~~(8) ((Subsections (4) and (5) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b) or to a trust water right leased under RCW 90.42.080(8) if the period of the lease does not exceed five years. However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.~~

~~(9))~~ Where a portion of an existing water right that is acquired or donated to the trust water rights program will assist in achieving established instream flows, the department shall process the change or amendment of the existing right without conducting a review of the extent and validity of the portion of the water right that will remain with the water right holder.

Sec. 5. RCW 90.42.080 and 2002 c 329 s 9 are each amended to read as follows:

(1)(a) The state may acquire all or portions of existing surface water or groundwater rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) If the holder of a right to surface water ~~((from a body of water))~~ or groundwater chooses to donate all or a portion of the person's water right to the trust water system to assist in providing instream flows or to preserve surface water or groundwater resources on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section and the other applicable requirements of this chapter and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) Except as provided in subsections (10) and (11) of this section, a water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during the five years before the donation. A water right holder who believes his or her water right has been impaired by a trust water right donated under subsection (1)(b) of this section may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from ~~((the))~~ a donation ~~((or exercising a portion of that trust water right donated))~~ under subsection (1)(b) of this section is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right donated under subsection (1)(b) of this section is appealable to the pollution control hearings board under RCW 43.21B.230. A donated water right's status as a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to donations for instream flows described in subsection (1)(b) of this section, but do apply to other transfers of water rights under this section except that the consumptive quantity of a trust water right acquired by the state and held or authorized

for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(6) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(7) Any water right conveyed to the trust water right system as a gift that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

(8) Except as provided in subsections (10) and (11) of this section, if the department acquires a trust water right by lease, the amount of the trust water right shall not exceed the extent to which the water right was exercised during the five years before the acquisition was made nor may the total of any portion of the water right remaining with the original water right holder plus the portion of the water right leased by the department exceed the extent to which the water right was exercised during the five years before the acquisition. A water right holder who believes his or her water right has been impaired by a trust water right leased under this subsection may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from the leasing ~~((or exercising of a portion))~~ of that trust water right leased under this subsection is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right leased under this subsection is appealable to the pollution control hearings board under RCW 43.21B.230. The department's leasing of a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(9) For a water right donated to or acquired by the trust water rights program on a temporary basis, the full quantity of water diverted or withdrawn to exercise the right before the donation or acquisition shall be placed in the trust water rights program and shall revert to the donor or person from whom it was acquired when the trust period ends. For a trust water right acquired by the state and held or authorized for use by the department, the consumptive quantity of the right when it reverts to the donor or person from whom it was acquired is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(10) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is excused under RCW 90.14.140(1):

(a) The department shall calculate the amount of water eligible to be acquired by looking at the extent to which the right was exercised during the most recent five-year period preceding the date where nonuse of the water right was excused under RCW 90.14.140(1); and

(b) The total of the donated or leased portion of the water right and the portion of the water right remaining with the water right holder shall not exceed the extent to which the water right was exercised during the most recent five-year period preceding the date nonuse of the water right was excused under RCW 90.14.140(1).

(11) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is exempt under RCW 90.14.140(2) (a) or (d):

(a) The amount of water eligible to be acquired shall be based on historical beneficial use; and

(b) The total of the donated or leased portion of the water right and the portion of the water right the water right holder continues to use shall not exceed the historical beneficial use of that right during the duration of the trust.

NEW SECTION. Sec. 6. A new section is added to chapter 90.42 RCW to read as follows:

Costs incurred by the department associated with water service contracts with federal agencies may be recovered by the department from persons withdrawing water or credits for water associated with water banking purposes as a condition of the exercise of a water right supplied from a federal water project.

NINETY-NINTH DAY, APRIL 20, 2009

NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW to read as follows:

For purposes of calculating annual consumptive quantity as defined under RCW 90.03.380(1), if, within the most recent five-year period, the water right has been in the trust water rights program under chapter 90.38 or 90.42 RCW, or the nonuse of the water right has been excused from relinquishment under RCW 90.14.140, the department shall look to the most recent five-year period of continuous beneficial use preceding the date where the excuse for nonuse under RCW 90.14.140 was established and remained in effect.

NEW SECTION. Sec. 8. A new section is added to chapter 90.42 RCW to read as follows:

The department may adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5583.

Senators Rockefeller and Honeyford spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5583.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5583 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Keiser and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5601 with the following amendment:5601-S.E AMH ENGR H2901.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is declared to be the policy of this state that, in order to safeguard the public health, safety, and welfare, to protect the public from incompetent, unscrupulous, unauthorized persons and unprofessional conduct, and to ensure the availability of the highest possible standards of speech-language pathology services to the communicatively impaired people of this state, it is necessary to provide regulatory authority over persons offering speech-language pathology services as speech-language pathology assistants.

Sec. 2. RCW 18.35.010 and 2005 c 45 s 1 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this chapter(§) unless the context clearly requires otherwise(§).

(1) "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal to noise ratio for the listener, reduce interference from noise in the background, and enhance hearing levels at a distance by picking up sound from as close to source as possible and sending it directly to the ear of the listener, excluding hearing instruments as defined in this chapter.

(2) "Licensed audiologist" means a person who is licensed by the department to engage in the practice of audiology and meets the qualifications in this chapter.

(3) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function, processing, or vestibular function, the application of aural habilitation, rehabilitation, and appropriate devices including fitting and dispensing of hearing instruments, and cerumen management to treat such disorders.

(4) "Board" means the board of hearing and speech.

(5) "Department" means the department of health.

(6) "Establishment" means any permanent site housing a person engaging in the practice of fitting and dispensing of hearing instruments by a hearing instrument fitter/dispenser or audiologist; where the client can have personal contact and counsel during the firm's business hours; where business is conducted; and the address of which is given to the state for the purpose of bonding.

(7) "Facility" means any permanent site housing a person engaging in the practice of speech-language pathology and/or audiology, excluding the sale, lease, or rental of hearing instruments.

(8) "Fitting and dispensing of hearing instruments" means the sale, lease, or rental or attempted sale, lease, or rental of hearing instruments together with the selection and modification of hearing instruments and the administration of nondiagnostic tests as specified by RCW 18.35.110 and the use of procedures essential to the performance of these functions; and includes recommending specific hearing instrument systems, specific hearing instruments, or specific hearing instrument characteristics, the taking of impressions for ear molds for these purposes, the use of nondiagnostic procedures and equipment to verify the appropriateness of the hearing instrument fitting, and hearing instrument orientation. The fitting and dispensing of hearing instruments as defined by this chapter may be equally provided by a licensed hearing instrument fitter/dispenser or licensed audiologist.

(9) "Good standing" means a licensed hearing instrument fitter/dispenser, licensed audiologist, ~~((or))~~ licensed speech-language pathologist, or certified speech-language pathology assistant whose license or certification has not been subject to sanctions pursuant to chapter 18.130 RCW or sanctions by other states, territories, or the District of Columbia in the last two years.

(10) "Hearing instrument" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

instrument or device, excluding batteries and cords, ear molds, and assistive listening devices.

(11) "Hearing instrument fitter/dispenser" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.

(12) "Interim permit holder" means a person who holds the permit created under RCW 18.35.060 and who practices under the supervision of a licensed hearing instrument fitter/dispenser, licensed speech- language pathologist, or licensed audiologist.

(13) "Secretary" means the secretary of health.

(14) "Licensed speech-language pathologist" means a person who is licensed by the department to engage in the practice of speech- language pathology and meets the qualifications of this chapter.

(15) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders, whether of organic or nonorganic origin, that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and the application of augmentative communication treatment and devices for treatment of such disorders.

(16) "Speech-language pathology assistant" means a person who is certified by the department to provide speech-language pathology services under the direction and supervision of a licensed speech- language pathologist or speech-language pathologist certified as an educational staff associate by the superintendent of public instruction, and meets all of the requirements of this chapter.

(17) "Direct supervision" means the supervising speech-language pathologist is on-site and in view during the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under direct supervision.

(18) "Indirect supervision" means the procedures or tasks are performed under the speech-language pathologist's overall direction and control, but the speech-language pathologist's presence is not required during the performance of the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under indirect supervision.

Sec. 3. RCW 18.35.040 and 2007 c 271 s 1 are each amended to read as follows:

(1) An applicant for licensure as a hearing instrument fitter/dispenser must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter; and

(ii) Satisfactorily completes a minimum of a two-year degree program in hearing instrument fitter/dispenser instruction. The program must be approved by the board; or

(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state as provided in (a) of this subsection; or

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid fitter/dispenser in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2)(a) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

~~((a))~~ (i) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

~~((b))~~ (ii) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

~~((c))~~ (iii) Has completed postgraduate professional work experience approved by the board.

(b) All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

(c) The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(3) An applicant for certification as a speech-language pathology assistant shall pay a fee determined by the secretary as provided in RCW 43.70.250 and must have the following minimum qualifications:

(a) An associate of arts or sciences degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education that is approved by the board, as is evidenced by the following:

(i) Transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology coursework; and

(ii) Transcripts showing forty-five quarter hours or thirty semester hours of general education credit; or

(b) A bachelor of arts or bachelor of sciences degree, as evidenced by transcripts, from a speech, language, and hearing program from an institution of higher education that is approved by the board.

Sec. 4. RCW 18.35.095 and 2002 c 310 s 9 are each amended to read as follows:

(1) A hearing instrument fitter/dispenser licensed under this chapter and not actively practicing may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A hearing instrument fitter/dispenser on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Hearing instrument fitter/dispenser inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing instruments for more than five years from the expiration of the licensee's full fee license shall retake the practical or the written, or both, hearing instrument fitter/dispenser examinations required under this chapter and other requirements as determined by the board. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to take the hearing instrument fitter/dispenser practical examination, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing instruments.

(3) A speech-language pathologist or audiologist licensed under this chapter, or a speech-language pathology assistant certified under this chapter, and not actively practicing either speech-language pathology or audiology may be placed on inactive status by the department at the written request of the licensee or certification holder. The board shall define by rule the conditions for inactive status licensure or certification. In addition to the requirements of RCW 43.24.086, the fee for a license or certification on inactive status shall be directly related to the cost of administering an inactive license or certification by the department. A person on inactive status may be

NINETY-NINTH DAY, APRIL 20, 2009

voluntarily placed on active status by notifying the department in writing, paying the remainder of the fee for the year, and complying with subsection (4) of this section.

(4) Speech-language pathologist, speech-language pathology assistant, or audiologist inactive license or certification holders applying for active licensure or certification shall comply with requirements set forth by the board, which may include completion of continuing competency requirements and taking an examination.

Sec. 5. RCW 18.35.150 and 2002 c 310 s 15 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing instrument fitting/dispensing, audiology, and speech-language pathology. The board shall consist of ~~((ten))~~ eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing instrument fitter/dispensers who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. Of the initial appointments, one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing instrument fitter/dispensers, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. A quorum is a majority of the board. A hearing instrument fitter/dispenser, speech-language pathologist, and audiologist must be represented. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 6. RCW 18.35.205 and 2002 c 310 s 22 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare would best be protected by uniform regulation of hearing instrument fitter/dispensers, speech-language pathologists, speech-language pathology assistants, audiologists, and interim permit holders throughout the state. Therefore, the provisions of this chapter relating to the licensing or certification of hearing instrument fitter/dispensers, speech-language pathologists, speech-language pathology assistants, and audiologists and regulation of interim permit holders and their respective establishments or facilities is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing instrument fitter/dispenser, audiologist, or speech-language pathologist establishment or facility is located may require any registrations, bonds, licenses, certificates, or interim permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

Sec. 7. RCW 18.35.260 and 2002 c 310 s 26 are each amended to read as follows:

(1) A person who is not a licensed hearing instrument fitter/dispenser may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed hearing instrument fitter/dispenser," "hearing instrument specialist," or "hearing aid fitter/dispenser," or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed hearing instrument fitter/dispenser.

(2) A person who is not a licensed speech-language pathologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words including "licensed speech-language pathologist" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a licensed speech-language pathologist.

(3) A person who is not a certified speech-language pathology assistant may not represent himself or herself as being so certified and may not use in connection with his or her name the words including "certified speech-language pathology assistant" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a certified speech-language pathology assistant.

(4) A person who is not a licensed audiologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed audiologist" or a variation, synonym, letter, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed audiologist.

~~((+))~~ (5) Nothing in this chapter prohibits a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

Sec. 8. RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No. 1029) are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists;

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiv) Athletic trainers licensed under chapter 18.250 RCW;

~~((and))~~ (xxv) Home care aides certified under chapter 18.88B RCW;

and (xxvi) Speech-language pathology assistants certified under chapter 18.35 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 18.35 RCW to read as follows:

Speech-language pathologists are responsible for patient care given by assistive personnel under their supervision. A speech-language pathologist may delegate to assistive personnel selected acts, tasks, or procedures that fall within the scope of speech-language pathology practice but do not exceed the education or training of the assistive personnel.

NEW SECTION. Sec. 10. A new section is added to chapter 18.35 RCW to read as follows:

A speech-language pathology assistant may only perform procedures or tasks delegated by the speech-language pathologist and must follow the individualized education program or treatment plan. Speech-language pathology assistants may not perform procedures or tasks that require diagnosis, evaluation, or clinical interpretation.

NEW SECTION. Sec. 11. An applicant for certification as a speech-language pathology assistant may meet the requirements for certification as a speech-language pathology assistant if, within one year of the effective date of this section, he or she submits a competency checklist to the board of hearing and speech, and is employed under the supervision of a speech-language pathologist for at least six hundred hours within the last three years as defined by the board by rule.

NEW SECTION. Sec. 12. A new section is added to chapter 18.35 RCW to read as follows:

Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person certified as a speech-language pathology assistant under this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.210 RCW to read as follows:

(1) The superintendent of public instruction shall report to the department of health:

(a) Any complaint or disciplinary action taken against a certified educational staff associate providing speech-language pathology services in a school setting; and

(b) Any complaint the superintendent receives regarding a speech-language pathology assistant certified under chapter 18.35 RCW.

(2) The superintendent of public instruction shall make the reports required by this section as soon as practicable, but in no case later than five business days after the complaint or disciplinary action.

NEW SECTION. Sec. 14. The code reviser is directed to put the defined terms in RCW 18.35.010 in alphabetical order.

NEW SECTION. Sec. 15. In order to allow for adequate time to establish the program created in this act, the provisions of this act must be implemented beginning one year after the effective date of this section."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5601. Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5601.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5601 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon and Shin

Voting nay: Senators Becker, Benton, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5608 with the following amendments: 5608-S AMH CODY MORI 047 & 5608-S AMH GREE MORI 049

On page 7, line 4, after "**Sec. 11.**" insert "(1) Except as provided in section 3 of this act, no person shall engage in the practice of genetic counseling unless he or she is licensed, or provisionally licensed, under this chapter.

(2)"

On page 7, line 6, after "counselor" insert "" or a "genetic counselor" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5608.

Senator Franklin spoke in favor of the motion.

Senator Pflug spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5608.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5608 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5608, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5608, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Carrell, Holmquist, Honeyford, McCaslin, Morton, Roach, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5608, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5610 with the following amendment: 5610-S AMH GOOD MUNN 187

On page 2, line 14, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 2, line 15, after "(2)" insert the following:

"Nothing in this section shall be interpreted to prevent a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending case in that court for a suspended license violation or an open infraction or criminal case in that court that has resulted in the suspension of the individual's driver's license. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for production and copying of the abstract for the individual.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 36, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 5, line 23, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 5, after line 30, insert the following:

"**Sec. 2.** RCW 46.01.260 and 1999 c 86 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication, destroy records ~~((of the following: (i) Convictions or adjudications of the following offenses: RCW 46.61.502 or 46.61.504; or~~

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

—(ii) ~~(i)~~ if the offense was originally charged as one of the offenses designated in (a) (~~(or (b)(i))~~) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249, or any other violation that was originally charged as one of the offenses designated in (a) (~~(or (b)(i))~~) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses."

Correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5610. Senator Jarrett spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brandland, Brown, Fairley, Fraser and Regala were excused.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5610.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5610 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Holmquist and Stevens

Excused: Senators Brandland, Fairley, Fraser and Regala

SUBSTITUTE SENATE BILL NO. 5610, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator King moved adoption of the following resolution:

SENATE RESOLUTION 8661

By Senators King, Eide, Delvin, Holmquist, McAuliffe, Honeyford, and Brown

WHEREAS, Benjamin A. Soria is retiring after nine years of dedicated and exemplary service as superintendent of the Yakima School District and twenty-one years of service to our state; and

WHEREAS, Ben Soria served in large urban school districts in California and New Mexico before coming to Washington and serving twelve years as deputy superintendent of the Tacoma School District; and

WHEREAS, Ben Soria took a mid-career break to work in private enterprise for ten years in Oakland, California, as vice president and chief administrative officer for BCTV, Inc., producing bilingual education programs for children and gaining experience which would serve him well as a member of the education community; and

WHEREAS, Ben Soria became superintendent of the Yakima School District in 2000 with more than twenty years of successful school administration experience; and

WHEREAS, In the year prior to Ben Soria's arrival fewer than forty percent of fourth graders in Yakima schools met the reading standard on the Washington Assessment of Student Learning, but now the standard is met by more than sixty-five percent; and

WHEREAS, During Ben Soria's time as superintendent the Yakima School District's dropout rate fell from a high of twenty-one percent to six percent, barely more than the state average; and

WHEREAS, Ben Soria, who emigrated from Nogales, Veracruz, Mexico with his family to the state of Kansas when he was nine years old, has been an advocate for young Latinos, especially those who don't speak English; and

WHEREAS, Ben Soria has been a leader in establishing the Ready by Five early learning initiative, supported by the Bill and Melinda Gates Foundation, and has worked to educate state lawmakers about the needs of students from low-income homes and who are Spanish speakers; and

WHEREAS, Ben Soria was named by the Washington Association of School Administrators as "Most Effective Administrator" for large school districts in 2002-03 and Superintendent of the Year for 2006 and was one of four finalists for 2006 National Superintendent of the Year; and

WHEREAS, Ben Soria received the prestigious Eugene T. Carothers Human Relations Award from the National School Public Relations Association in 2007 for his passion and dedication to creating opportunities and eliminating barriers for all students; and

WHEREAS, Ben Soria's leadership has resulted in the Yakima School District receiving national recognition; and

WHEREAS, Ben Soria's dedication, as a native Mexican, to open doors abroad so that future generations of Mexicans can find a better path recently earned him the Ohtli Award from the Consulate of Mexico; and

WHEREAS, Ben Soria and his wife Kathy plan to remain in the Yakima area after his retirement begins July 1st;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Ben Soria for his service to the students and families of the Yakima School District, his efforts on behalf of Latino students, and his contributions to K-12 education in Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Soria family, the Yakima School District Board of Directors, the Washington Association of School Administrators, and the Consulate of Mexico in Seattle.

Senators King, McAuliffe, Prentice and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

The motion by Senator King carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Benjamin Soria and his family who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5616 with the following amendment: 5616-S AMH ENGR H3074.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.67.020 and 2006 c 112 s 3 are each amended to read as follows:

(1) The Washington customized employment training program is hereby created to provide training assistance to employers locating or expanding in the state.

(2)(a) Application to receive funding under this program shall be made to the board in a form and manner as specified by the board. Successful applicants shall receive a training allowance from the board to cover the costs of training at a qualified training institution. Employers may not receive an allowance for training costs which exceed the maximum annual training cost per employee, as established by the board, and are not eligible to receive an allowance or allowances of over five hundred thousand dollars per calendar year.

(b) Allowances shall be granted for applicants who meet the following criteria:

(i) The employer must have entered into an agreement with a qualified training institution to engage in customized training and the employer must agree to: (A) Upon completion of the training, make a payment to the employment training finance account created in RCW 28B.67.030 in an amount equal to one-quarter of the amount of the training allowance; and (B) over the subsequent eighteen months, make monthly or quarterly payments, as specified in the agreement, to the employment training finance account created in RCW 28B.67.030 in an amount equal to three-quarters of the amount of the training allowance. During calendar years 2009 and 2010, participants may delay payments due under this section for up to eighteen months. The payments into the employment training finance account provided for in this section do not constitute payment to the institution.

(ii) ~~((The employer must ensure that the number of employees an employer has in the state during the calendar year following the completion of the training program will equal the number of employees the employer had in the state in the calendar year preceding the start of the training program plus seventy-five percent of the number of trainees:))~~ When hiring, the employer must make good faith efforts, as determined by the board, to hire from trainees in the participant's training program. The agreement with the qualified training institution provided for in (b)(i) of this subsection shall specify terms for reimbursement or additional payment to the employment training finance account by the employer if the ~~((employment criterion of this subsection is not met))~~ participant does not, when hiring, make good faith efforts to hire from trainees in the participant's training program.

(iii) The training ~~((grant))~~ allowance may not be used to train workers who have been hired as a result of a strike or lockout.

(c) Preference shall be given to employers with fewer than fifty employees.

(d) Preference shall be given to training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces.

(3) Qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(4) The board and qualified training institutions may solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, federal, or other governmental entities, as well as private sources, for the purpose of providing training allowances under chapter 112, Laws of 2006. All revenue thus solicited and received shall be deposited into the employment training finance account created in RCW 28B.67.030.

(5) Qualified training institutions must make good faith efforts to develop training programs using trainers preferred by participants.

(6) For employers who (a) have requested training under the job skills program created under chapter 28C.04 RCW but are not able to participate in the job skills program because the funds have all been committed, and (b) desire to become participants in the Washington customized employment training program, the board shall ensure a seamless process toward participation.

(7) The board may adopt rules to implement this section.

Sec. 2. RCW 28B.67.030 and 2006 c 112 s 8 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 shall be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant shall cease when the board specifies that the participant has met the monetary obligations of the program.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) shall be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

Sec. 3. RCW 82.04.449 and 2006 c 112 s 5 are each amended to read as follows:

In computing the tax imposed under this chapter, a credit is allowed for participants in the Washington customized employment training program created in RCW 28B.67.020. The credit allowed under this section is equal to fifty percent of the value of a participant's payments to the employment training finance account created in RCW 28B.67.030. If a participant in the program does not meet the ~~((qualifications in))~~ requirements of RCW 28B.67.020(2)(b)(ii), the participant must remit to the department the value of any credits taken plus interest. The credit earned by a participant in one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year. No credit may be allowed for repayment of training allowances received from the Washington customized employment training program on or after July 1, 2016."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5616.

Senator Shin spoke in favor of the motion.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5616.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5616 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5616, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5616, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Fraser and Regala

SUBSTITUTE SENATE BILL NO. 5616, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5629 with the following amendment: 5629 AMH HCW H2958.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) To reduce unintended pregnancies, state agencies may apply for sexual health education funding for programs that are medically and scientifically accurate, including, but not limited to, programs on abstinence, the prevention of sexually transmitted diseases, and the prevention of unintended pregnancies. The state shall ensure that such programs:

- (a) Are evidence-based;
- (b) Use state funds cost-effectively;
- (c) Maximize the use of federal matching funds; and
- (d) Are consistent with RCW 28A.300.475, the state's healthy youth act, as existing on the effective date of this section.

(2) As used in this section:

(a) "Medically and scientifically accurate" has the same meaning as in RCW 28A.300.475, as existing on the effective date of this section; and

(b) "Evidence-based" means a program that uses practices proven to the greatest extent possible through research in compliance with scientific methods to be effective and beneficial for the target population.

Sec. 2. RCW 74.12.410 and 1997 c 58 s 601 are each amended to read as follows:

(1) At the time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based ~~((teen))~~ unintended pregnancy prevention programs, to prospective and

current recipients of ~~((aid to families with dependent children))~~ temporary assistance for needy families.

(2) The department shall work in cooperation with the superintendent of public instruction to reduce the rate of ~~((illegitimate births and))~~ abortions and unintended pregnancies in Washington state.

~~((3))~~ The department of health shall maximize federal funding by timely application for federal funds available under P.L. 104-193 and Title V of the federal social security act, 42 U.S.C. 701 et seq., as amended, for the establishment of qualifying abstinence education and motivation programs. The department of health shall contract, by competitive bid, with entities qualified to provide abstinence education and motivation programs in the state.

~~((4))~~ The department of health shall seek and accept local matching funds to the maximum extent allowable from qualified abstinence education and motivation programs.

~~((5))~~ (a) For purposes of this section, "qualifying abstinence education and motivation programs" are those bidders with experience in the conduct of the types of abstinence education and motivation programs set forth in Title V of the federal social security act, 42 U.S.C. Sec. 701 et seq., as amended.

~~((b))~~ The application for federal funds, contracting for abstinence education and motivation programs and performance of contracts under this section are subject to review and oversight by a joint committee of the legislature, composed of four legislative members, appointed by each of the two caucuses in each house-))"

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5629.

Senators Keiser and Pflug spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Murray was excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5629.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5629 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5629, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5629, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Roach, Schoesler, Stevens, Swecker and Zarelli

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Excused: Senator Brandland

SENATE BILL NO. 5629, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5651 with the following amendment: 5651-S.E AMH JUDI TANG 080

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Dogs are neither a commercial crop nor commodity and should not be indiscriminately or irresponsibly mass produced;

(2) Large-scale dog breeding increases the likelihood that the dogs will be denied their most basic needs including but not limited to: Sanitary living conditions, proper and timely medical care, the ability to move freely at least once per day, and adequate shelter from the elements;

(3) Without proper oversight, large-scale breeding facilities can easily fall below even the most basic standards of humane housing and husbandry;

(4) Current Washington state laws are inadequate regarding the care and husbandry of dogs in large-scale breeding facilities;

(5) No Washington state agency currently regulates large-scale breeding facilities;

(6) The United States department of agriculture does not regulate large-scale breeding facilities that sell dogs directly to the public and thus, such direct-sales breeders are currently exempt from even the minimum care and housing standards outlined in the federal animal welfare act;

(7) Documented conditions at large-scale breeding facilities include unsanitary conditions, potential for soil and groundwater contamination, the spread of zoonotic parasites and infectious diseases, and the sale of sick and dying animals to the public; and

(8) An unfair fiscal burden is placed on city, county, and state taxpayers as well as government agencies and nongovernmental organizations, which are required to care for discarded or abused and neglected dogs from large-scale breeding facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog

access to an enclosure at least four times the size of the minimum allowable enclosure specified in subsection (2)(a) of this section allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

MESSAGE FROM THE HOUSE

April 20, 2009

(5) Subsection (1) does not apply to a commercial dog breeder licensed, before the effective date of this act, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).

(6) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. Sec. 3. This act takes effect January 1, 2010."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5651.

Senators Kohl-Welles, Schoesler and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5651.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5651 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5651, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5651, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 2; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield, Holmquist, McCaslin and Morton

Absent: Senators Hargrove and Regala

ENGROSSED SUBSTITUTE SENATE BILL NO. 5651, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MR. PRESIDENT:

The Speaker has signed the following:

SUBSTITUTE SENATE BILL NO. 5001,
SENATE BILL NO. 5028,
SENATE BILL NO. 5071,
SENATE BILL NO. 5580,
SENATE BILL NO. 5599,
SENATE BILL NO. 5642,
SENATE BILL NO. 5804,
SUBSTITUTE SENATE BILL NO. 5881,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
SENATE BILL NO. 5909,
SENATE BILL NO. 5976,
SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 18, 2009

SHB 1751 Prime Sponsor, Committee on Finance: Concerning the time period during which sales and use tax for public facilities in rural counties may be collected. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Rural Economic Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Carrell; Hewitt; Hobbs; Honeyford; Keiser; McDermott; Murray; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator McDermott, the measure listed on the Supplemental Committee report was referred to the committee as designated.

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9049, Rebecca Hille, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

MOTION

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

On motion of Senator Marr, Senators Brown, Eide, Haugen, Kohl-Welles and Prentice were excused.

APPOINTMENT OF REBECCA HILLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9049, Rebecca Hille as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9049, Rebecca Hille as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Jacobsen, Jarrett, McAuliffe and Pflug

Excused: Senators Eide, Haugen, Kohl-Welles and Prentice
Gubernatorial Appointment No. 9049, Rebecca Hille, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9071, Albert J. Linggi, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Pflug was excused.

MOTION

On motion of Senator Marr, Senators Jacobsen and McAuliffe were excused.

APPOINTMENT OF ALBERT J. LINGGI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9071, Albert J. Linggi as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9071, Albert J. Linggi as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Jacobsen, McAuliffe and Pflug
Gubernatorial Appointment No. 9071, Albert J. Linggi, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

REMARKS BY THE PRESIDENT

President Owen: "Before we move on the President would like to acknowledge a very important day today that was inadvertently acknowledged on the wrong day last week. That is, one of our most senior members, Mr. McCaslin and his birthday today. Today is the correct day I believe? Senator McCaslin? For your birthday? Happy Birthday. That's ok. You can go back to sleep now."

PERSONAL PRIVILEGE

Senator McCaslin: "How in the world can I sleep if you keep talking!"

MOTION

At 1:45 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:07 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349,
HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1740,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
SUBSTITUTE HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1816,
HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 1856,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879,
SECOND SUBSTITUTE HOUSE BILL NO. 1899,
SUBSTITUTE HOUSE BILL NO. 1943,
SECOND SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1957,
ENGROSSED HOUSE BILL NO. 1967,
SUBSTITUTE HOUSE BILL NO. 2003,
HOUSE BILL NO. 2014,
HOUSE BILL NO. 2025,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2079,
SECOND SUBSTITUTE HOUSE BILL NO. 2119,
HOUSE BILL NO. 2129,
SUBSTITUTE HOUSE BILL NO. 2157,
SUBSTITUTE HOUSE BILL NO. 2160,
HOUSE BILL NO. 2199,

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,
 SUBSTITUTE HOUSE BILL NO. 2223,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 1373,
 SUBSTITUTE HOUSE BILL NO. 1793,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5665 with the following amendment: 5665-S AMH FII H2969.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter is intended to provide authority for two or more affordable housing entities to participate in a joint self-insurance program covering property or liability risks. This chapter provides affordable housing entities with the exclusive source of authority to jointly self-insure property and liability risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services with other affordable housing entities. This chapter must be liberally construed to grant affordable housing entities maximum flexibility in jointly self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every joint self-insurance program. In addition, this chapter is intended to require every joint self-insurance program for affordable housing entities established under this chapter to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW or industrial insurance under chapter 51.14 RCW.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means housing projects in which some of the dwelling units may be purchased or rented on a basis that is affordable to households with an income of eighty percent or less of the county median family income, adjusted for family size.

(2) "Affordable housing entity" means any of the following:

(a) A housing authority created under the laws of this state or another state and any agency or instrumentality of a housing authority including, but not limited to, a legal entity created to conduct a joint self-insurance program for housing authorities that is operating in accordance with chapter 48.62 RCW;

(b) A nonprofit corporation, whether organized under the laws of this state or another state, that is engaged in providing affordable housing and is necessary for the completion, management, or operation of a project because of its access to

funding sources that are not available to a housing authority, as described in this section; or

(c) A general or limited partnership or limited liability company, whether organized under the laws of this state or another state, that is engaged in providing affordable housing as defined in this section. A partnership or limited liability company may only be considered an affordable housing entity if a housing authority or nonprofit corporation, as described in this subsection, satisfies any of the following conditions: (i) It has, or has the right to acquire, a financial or ownership interest in the partnership or limited liability company; (ii) it possesses the power to direct management or policies of the partnership or limited liability company; or (iii) it has entered into a contract to lease, manage, or operate the affordable housing owned by the partnership or limited liability company.

(3) "Property and liability risks" includes the risk of property damage or loss sustained by an affordable housing entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the entity.

(4) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(5) "State risk manager" means the risk manager of the risk management division within the office of financial management.

NEW SECTION. Sec. 3. Prior to the approval of a multistate joint self-insurance program for affordable housing entities, the state risk manager shall adopt rules further clarifying the definitions of "affordable housing" and "affordable housing entity" as defined in section 2 of this act, and the conditions and limitations under which affordable housing entities may participate or be expelled from the joint self-insurance program.

NEW SECTION. Sec. 4. (1) The governing body of an affordable housing entity may join or form a self-insurance program together with one or more other affordable housing entities, and may jointly purchase insurance or reinsurance with one or more other affordable housing entities for property and liability risks only as permitted under this chapter. Affordable housing entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program may include the organization of a separate legal or administrative entity with powers delegated to the entity. The entity may be a nonprofit corporation, limited liability company, partnership, trust, or other form of entity, whether organized under the laws of this state or another state.

(3) If provided for in the organizational documents, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in a form and amount as provided for in the organizational documents;

(e) Obligate the program's participants to pledge revenues or contribute money to secure the obligations or pay the expenses of the program, including the establishment of a reserve or fund for coverage; and

(f) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(4) Every joint self-insurance program governed by this chapter must appoint the state risk manager as its attorney to receive service of, and upon whom must be served, all legal

NINETY-NINTH DAY, APRIL 20, 2009

process issued against the program in this state upon causes of action arising in this state.

(a) Service upon the state risk manager as attorney constitutes service upon the program. Service upon joint self-insurance programs subject to this chapter may only occur by service upon the state risk manager. At the time of service, the plaintiff shall pay to the state risk manager a fee to be set by the state risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the state risk manager, each joint self-insurance program must designate by name and address the person to whom the state risk manager must forward legal process that is served upon him or her. The joint self-insurance program may change this person by filing a new designation.

(c) The appointment of the state risk manager as attorney is irrevocable, binds any successor in interest or to the assets or liabilities of the joint self-insurance program, and remains in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising from the contract.

(d) The state risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, must be sent by the state risk manager to the person designated to receive legal process by the joint self-insurance program in its most recent designation filed with the state risk manager. Proceedings must not commence against the joint self-insurance program, and the program must not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the state risk manager.

NEW SECTION. Sec. 5. This chapter does not apply to an affordable housing entity that:

- (1) Individually self-insures for property and liability risks; or
- (2) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, or is a captive insurer authorized in its state of domicile.

NEW SECTION. Sec. 6. The state risk manager shall adopt rules governing the management and operation of joint self-insurance programs for affordable housing entities that cover property or liability risks. All rules must be appropriate for the type of program and class of risk covered. The state risk manager's rules must include:

- (1) Standards for the management, operation, and solvency of joint self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;
- (2) Standards for claims management procedures;
- (3) Standards for contracts between joint self-insurance programs and private businesses, including standards for contracts between third-party administrators and programs; and
- (4) Standards that preclude housing authorities or other public entities participating in the joint self-insurance program from subsidizing, regardless of the form of subsidy, affordable housing entities that are not housing authorities or public entities. These standards do not apply to the consideration attributable to the ownership interest of a housing authority or public entity in a separate legal or administrative entity organized with respect to the program.

NEW SECTION. Sec. 7. Before the establishment of a joint self-insurance program covering property or liability risks by affordable housing entities, the entities must obtain the approval of the state risk manager. The entities proposing the creation of a joint self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager that provides at least the following information:

- (1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations;

(2) The amount and method of funding the covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the joint self-insurance program;

(5) The legal form of the program including, but not limited to, any articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating entities;

(6) The agreements with participants in the program defining the responsibilities and benefits of each participant and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual to whom service of process must be forwarded by the state risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of the creation and maintenance of the program;

(12) A legal determination of the potential federal and state tax liabilities of the program; and

(13) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 8. An affordable housing entity may participate in a joint self-insurance program covering property or liability risks with similar affordable housing entities from other states if the program satisfies the following requirements:

(1) An ownership interest in the program is limited to some or all of the affordable housing entities of this state and affordable housing entities of other states that are provided insurance by the program;

(2) The participating affordable housing entities of this state and other states shall elect a board of directors to manage the program, a majority of whom must be affiliated with one or more of the participating affordable housing entities;

(3) The program must provide coverage through the delivery to each participating affordable housing entity of one or more written policies affecting insurance of covered risks;

(4) The program must be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program must be audited annually by the certified public accountants for the program, and these audited financial statements must be delivered to the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program must be initiated only with financial institutions or broker-dealers, or both, doing business in those states in which participating affordable housing entities are located, and these investments must be audited annually by the certified public accountants for the program;

(7) The treasurer of a multistate joint self-insurance program must be designated by resolution of the program and the treasurer must be located in the state of one of the participating entities;

(8) The participating affordable housing entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program must obtain approval from the state risk manager in accordance with this chapter and must remain in

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

compliance with this chapter, except if provided otherwise under this section.

NEW SECTION. Sec. 9. (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove of the formation of the joint self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) If the state risk manager determines that a joint self-insurance program covering property or liability risks is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by certified mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the attorney general of the violation.

(c) After hearing or with the consent of a program governed under this chapter and in addition to or in lieu of a continuation of the cease and desist order, the state risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying the fine must specify the period within which the fine must be fully paid. The period within which the fines must be paid must not be less than fifteen and no more than thirty days from the date of the order. Upon failure to pay the fine when due, the state risk manager shall request the attorney general to bring a civil action on the state risk manager's behalf to collect the fine. The state risk manager shall pay any fine collected to the state treasurer for the account of the general fund.

(4) Each joint self-insurance program approved by the state risk manager shall annually file a report with the state risk manager providing:

(a) Details of any changes in the articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating affordable housing entities;

(b) Copies of all the insurance coverage documents;

(c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;

(d) An actuarial analysis;

(e) A list of contractors and service providers;

(f) The financial and loss experience of the program; and

(g) Other information as required by rule of the state risk manager.

(5) A joint self-insurance program requiring the state risk manager's approval may not engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the state risk manager shall specify in detail the reasons for the denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 10. (1) A joint self-insurance program may by resolution of the program designate a person

having experience with investments or financial matters as treasurer of the program. The program must require a bond obtained from a surety company in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

(2) All interest and earnings collected on joint self-insurance program funds belong to the program and must be deposited to the program's credit in the proper program account.

NEW SECTION. Sec. 11. (1) An employee or official of a participating affordable housing entity in a joint self-insurance program may not directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. An employee or official of a participating affordable housing entity in a joint self-insurance program may not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) RCW 48.30.140, 48.30.150, and 48.30.157 apply to the use of insurance producers by a joint self-insurance program.

NEW SECTION. Sec. 12. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, fees assessed under chapter 48.02 RCW, chapters 48.32 and 48.32A RCW, business and occupation taxes imposed under chapter 82.04 RCW, and any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to, and no exemption is provided for, insurance companies issuing policies to cover program risks, and does not apply to or provide an exemption for third-party administrators or insurance producers serving the joint self-insurance program.

NEW SECTION. Sec. 13. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a joint self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations must be charged to the joint self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 14. (1) Any person who files reports or furnishes other information required under this title, required by the state risk manager under the authority granted under this title, or which is useful to the state risk manager in the administration of this title, is immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the state risk manager, unless actual malice, fraud, or bad faith is shown.

(2) The state risk manager and his agents and employees are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the state risk manager unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted under this section is in addition to any common law or statutory privilege or immunity enjoyed by such person. This section is not intended to abrogate or modify in any way such common law or statutory privilege or immunity.

NEW SECTION. Sec. 15. The state risk manager shall take all steps necessary to implement this chapter on January 1, 2010.

NINETY-NINTH DAY, APRIL 20, 2009

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act takes effect January 1, 2010.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act constitute a new chapter in Title 48 RCW.

Sec. 19. RCW 48.01.050 and 2003 c 248 s 1 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals that join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund are not an "insurer" under this code. Two or more local governmental entities, under any provision of law, that join together and organize to form an organization for the purpose of jointly self-insuring or self-funding are not an "insurer" under this code. Two or more affordable housing entities that join together and organize to form an organization for the purpose of jointly self-insuring or self-funding under chapter 48.-- RCW (the new chapter created in section 18 of this act) are not an "insurer" under this code. Two or more persons engaged in the business of commercial fishing who enter into an arrangement with other such persons for the pooling of funds to pay claims or losses arising out of loss or damage to a vessel or machinery used in the business of commercial fishing and owned by a member of the pool are not an "insurer" under this code."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5665.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5665.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5665 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5665, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5665, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Holmquist and Stevens

Absent: Senator Brown
SUBSTITUTE SENATE BILL NO. 5665, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5673 with the following amendment: 5673 AMH MOEL MORI 046

On page 2, line 3, after "organizations" insert "except as provided in subsection (7)(a) of this section"

On page 2, line 7, after "organizations" insert "except as provided in subsection (7)(b) of this section"

On page 4, after line 15, insert the following:

"(7)(a) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(a) of this section for the construction, development, or other establishment of a hospital does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009;

(b) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(b) of this section to sell, purchase, or lease a hospital does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009."

On page 6, line 32, after "section" insert "or RCW 70.38.105(7)"
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5673.

Senators Keiser and Pflug spoke in favor of the motion.

POINT OF INQUIRY

Senator Roach: "Would the Senator from the thirty-third district yield to a question?"

President Owen: "She does not yield."

PERSONAL PRIVILEGE

Senator Roach: "Mr. President, its kind of hard to, we have books here on the floor that explained what some of these bills are. This one came through a health care committee. Most of the senate members are not on the health care committee. This particular rendition here doesn't give the answer...."

POINT OF ORDER

Senator Eide: "I believe a point of personal privilege is something directly related to the individual and not the bill."

REPLY BY THE PRESIDENT

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

President Owen: "Senator Roach, you really are venturing off into the procedures of the Senate not a point of personal privilege. Senator Roach, I've said what I've said."

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5673.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5673 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5673, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5673, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Morton and Roach

Absent: Senator Brown

SENATE BILL NO. 5673, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5354 with the following amendment: 5354 AMH LGH H2963.1

Beginning on page 1, line 18, after "islands" strike all material through "boundaries" on page 2, line 4, and insert "that receives medical services from a hospital district, but is prevented by geography and the absence of contiguous boundaries from annexing to that district"

Beginning on page 2, line 16, strike all of section 3 and insert the following:

"NEW SECTION. **Sec. 3. ESTABLISHING A PUBLIC HOSPITAL CAPITAL FACILITY AREA--BALLOT PROPOSITIONS.** (1)(a) Upon receipt of a completed petition to both establish a public hospital capital facility area and submit a ballot proposition under section 7 of this act to finance public hospital capital facilities and other capital health care facilities, the legislative authority of the county in which a proposed public hospital capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed public hospital capital facility area and authorizing the public hospital capital facility area, if established, to finance public hospital capital facilities or other capital health care facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. A petition submitted under this section must be accompanied by a written request to establish a public hospital capital facility area that is signed by a majority of the commissioners of the public hospital district serving the proposed area.

(b) The ballot propositions must be submitted to voters of the proposed public hospital capital facility area at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed public hospital capital facility area is already holding a special election under RCW 29A.04.330. Approval of the ballot proposition to create a public hospital capital facility area requires a sixty percent affirmative vote by the voters participating in the election.

(2) A completed petition submitted under this section must include:

(a) A description of the boundaries of the public hospital capital facility area; and

(b) A copy of a resolution of the legislative authority of each city, town, and hospital district with territory in the proposed public hospital capital facility area indicating both: (i) Approval of the creation of the proposed public hospital capital facility area; and (ii) agreement on how election costs will be paid for ballot propositions to voters that authorize the public hospital capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness."

On page 3, line 16, after "facility" insert "area"

On page 3, line 21, after "proposed" strike "district" and insert "public hospital capital facility area"

On page 5, at the beginning of line 36, strike "chapter 70.44 RCW" and insert "this chapter" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fairley moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5354 and ask the House to recede therefrom.

Senators Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5354 and ask the House to recede therefrom.

The motion by Senator Fairley carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5354 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Kauffman, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5433 with the following amendment: 5433-S2 AMH ENGR H3322.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one

NINETY-NINTH DAY, APRIL 20, 2009

hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section ~~((shall))~~ may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section ~~((shall))~~ must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" ~~((means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities))~~ has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section ~~((shall))~~ must be shared between the county and the cities as follows: Sixty percent ~~((shall))~~ must be retained by the county and forty percent ~~((shall))~~ must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of ~~((new or expanded))~~ chemical dependency or mental health treatment programs and services and for the operation or delivery of ~~((new or expanded))~~ therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section ~~((shall not))~~ may be used to supplant existing funding for these purposes(, provided that) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten

percent may be used to supplant existing funding in calendar year 2014.

~~((5))~~ Nothing in this section ~~((shall))~~ may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used(, and funds raised under the levy shall not supplant existing funds used for these purposes).

~~((b)(i))~~ Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

~~((ii))~~ The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

~~((iii))~~ The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) The first one cent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 6. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows:

(a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by

the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 5 of this act.

Sec. 7. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~((and))~~ 84.52.135, and section 5 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 5 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((e))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((f))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created

on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to voter approval, a public transportation entity may fix and impose an annual congestion reduction tax, not to exceed twenty dollars per vehicle registered within the boundaries of the public transportation entity, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less. For purposes of this section, a "public transportation entity" includes public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations providing public transportation services under chapter 36.56 or 35.58 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, unincorporated transportation benefit areas under chapter 36.57 RCW, and regional transit authorities under chapter 81.112 RCW.

(2) The department of licensing must administer and collect the tax for the relevant public transportation entity identified in subsection (1) of this section. The department of licensing must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The department of licensing must remit remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the public transportation entity on a monthly basis.

(3) No tax under this section may be collected until six months after it has been approved by a majority of the voters within the public transportation entity's boundaries.

(4) The congestion reduction tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the tax under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 9. A new section is added to chapter 36.57A RCW to read as follows:

In addition to other general and specific powers granted to a public transportation benefit area authority, the legislative authority of a public transportation benefit area may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 10. A new section is added to chapter 35.58 RCW to read as follows:

In addition to other general and specific powers granted to metropolitan municipal corporations and city-owned transit systems, the legislative authorities of metropolitan municipal corporations and city-owned transit systems may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 11. A new section is added to chapter 36.57 RCW to read as follows:

In addition to other general and specific powers granted to county public transportation authorities and unincorporated transportation benefit areas, the legislative authorities of a county public transportation authority and an unincorporated transportation benefit area may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 12. A new section is added to chapter 81.104 RCW to read as follows:

In addition to other general and specific powers granted to regional transit authorities under this chapter and chapter 81.112 RCW, regional transit authorities may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 13. Sections 1 and 2 of this act expire January 1, 2015."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5433 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5433 and request of the House a conference thereon.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5433 and requested of the House a conference thereon by a voice vote.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5436 with the following amendment: 5436-S AMH HCW H2916.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.150.010 and 2007 c 267 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW, plans administered under chapter 41.05, 70.47, or 70.47A RCW, or self-insured plans, except as specifically authorized as a pilot site under section 2, chapter . . . (Substitute Senate Bill No. 5891), Laws of 2009; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health- related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

Sec. 2. RCW 48.150.040 and 2007 c 267 s 6 are each amended to read as follows:

(1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

NINETY-NINTH DAY, APRIL 20, 2009

(b) Except as provided in RCW 48.150.010(1)(c), submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services (~~provided in connection with wellness physical examinations~~). In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

Sec. 3. RCW 70.47.060 and 2007 c 259 s 36 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well- child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the

managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

(e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

(f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees,

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) Except to the extent to be designated as a medical home pilot site as provided in section 2, chapter . . . (Substitute Senate Bill No. 5891), Laws of 2009, to solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon

application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(15) To evaluate the effects this chapter has on private employer- based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

NEW SECTION. Sec. 4. The insurance commissioner shall work with health maintenance organizations under chapter 48.46 RCW to determine how they can operate as a direct practice as defined in RCW 48.150.010. Recommendations for any necessary statutory changes must be submitted to the legislature by December 1, 2009."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Murray moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5436 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Murray that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5436 and ask the House to recede therefrom.

The motion by Senator Murray carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5436 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5574 with the following amendment: 5574-S AMH CLIB H3232.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle. "Recording device" does not include onboard diagnostic systems whose exclusive function is to capture fault codes used to diagnose or service the motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made in writing is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer or distributor of the device shall disclose in the product manual the type of information that the device may record and whether the recording device has the ability to transmit information to a central communications system or other external device.

(5) A disclosure made in writing is deemed a disclosure in the product manual.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information that can be associated with an individual and that is recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 5. A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

Sec. 6. RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to circumventing an ignition interlock device;
- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.500 relating to reckless driving;

(38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(41) RCW 46.61.522 relating to vehicular assault;

(42) RCW 46.61.5249 relating to first degree negligent driving;

(43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(44) RCW 46.61.530 relating to racing of vehicles on highways;

(45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(47) RCW 46.61.740 relating to theft of motor vehicle fuel;

(48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(50) Chapter 46.65 RCW relating to habitual traffic offenders;

(51) RCW 46.68.010 relating to false statements made to obtain a refund;

(52) Section 3 of this act relating to recording device information;

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((53)) (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((54)) (55) RCW 46.72A.060 relating to limousine carrier insurance;

((55)) (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

((56)) (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

~~((57))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((58))~~ (59) Chapter 46.82 RCW relating to driver's training schools;

~~((59))~~ (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((60))~~ (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 8. Sections 1 through 4 and 6 of this act take effect July 1, 2010."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5574 and ask the House to recede therefrom.

MOTION

Senator Holmquist moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5574.

Senator Holmquist spoke in favor of the motion.

Senator Kauffman spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Holmquist that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5574.

The motion by Senator Holmquist failed by voice vote.

The President declared the question before the Senate to be motion by Senator Kauffman that the Senate refuse to concur in the House amendment(s) to, Substitute Senate Bill No. 5574 and ask the House to recede therefrom.

The motion by Senator Kauffman carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5574 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5617 with the following amendment: 5617.E AMH ELCS H2976.3

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning ~~((community needs and progress))~~ issues leading to the building of a comprehensive system of quality early learning programs and services for Washington's children and families by aligning resources, establishing key performance measures, and ensuring children are ready for school.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that ~~((crosses systems and sectors to promote))~~ guides the department in promoting alignment of private and public sector actions, objectives, and resources, and ((to ensure)) ensuring school readiness. Beginning August 1, 2009, the plan shall be

submitted via electronic file annually to the appropriate committees of the legislature.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously. If an appointed member of the council is unable to attend three consecutive council meetings, a replacement representative shall be appointed to serve the remainder of the term of the initial appointee.

(5) The council shall consist of not more than twenty-five members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, the workforce training and education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint at least seven leaders in early childhood education, with at least one representative with experience or expertise in each of the following areas: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) Two representatives of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(8) The department shall provide staff support to the council."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5617 and ask the House to recede therefrom.

Senators Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kauffman that the Senate refuse to concur in

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

the House amendment(s) to Engrossed Senate Bill No. 5617 and ask the House to recede therefrom.

The motion by Senator Kauffman carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5617 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5777 with the following amendment: 5777-S AMH HCW H2878.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.41.060 and 2008 c 217 s 47 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every ~~(eighteen)~~ thirty-six months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim

assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 2. RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health

NINETY-NINTH DAY, APRIL 20, 2009

questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of a rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions and ~~those persons (whose benefits are duplicated under public programs)~~ who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under

2009 REGULAR SESSION

subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 3. RCW 48.41.100 and 2008 c 317 s 4 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of a rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

NEW SECTION. Sec. 4. The board of the Washington state health insurance pool shall conduct a study of options for equitable, stable, and broad-based funding sources for the operation of the pool. The board is authorized to solicit funds to conduct the study. The board shall report its findings and recommendations to the appropriate committees of the senate and house of representatives by December 15, 2009.

NEW SECTION. Sec. 5. Section 2 of this act takes effect if section 4, chapter 317, Laws of 2008 is null and void on the effective date of this act; otherwise section 2 of this act is null and void.

NEW SECTION. Sec. 6. Section 3 of this act takes effect if section 4, chapter 317, Laws of 2008 is in effect on the effective date of this act; otherwise section 3 of this act is null and void."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5777 and request of the House a conference thereon.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5777 and request of the House a conference thereon.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5777 and requested of the House a conference thereon by a voice vote.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809 with the following amendment: 5809-S2.E AMH ENGR H2933.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) This is a time of great economic difficulty for the residents of Washington state;

(b) Education and training provides opportunity for unemployed workers and economically disadvantaged adults to move into living wage jobs and is of critical importance to the current and future prosperity of the residents of Washington state;

(c) Community and technical college workforce training programs, private career schools and colleges, and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high-demand occupations while also meeting the needs of the economy;

(d) The identification of high-demand occupations needs to be based on reliable labor market research; and

(e) Workforce development councils are in a position to provide funding for economically disadvantaged adults and unemployed workers to access training.

(2) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the legislature intends that individuals who are eligible for services under the workforce investment act adult and dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits be provided the opportunity to enroll in training programs to prepare for a high-demand occupation.

Sec. 2. RCW 50.16.010 and 2009 c 4 s 906 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

NINETY-NINTH DAY, APRIL 20, 2009

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) ~~((During the 2007-2009 biennium))~~ Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014~~((1)(a))~~, shall be expended ~~((as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation))~~ upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During fiscal year 2010, no more than five million dollars of moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, may be expended as appropriated by the legislature to create incentives for education and training for individuals who are eligible for services under the workforce investment act adult or dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits and are enrolled in a training program preparing them for a high-demand occupation pursuant to sections 4 and 5 of this act. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 3. RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is

established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, Laws of 2009 and the costs under RCW 50.22.150~~((10))~~ (11) and section 4(14), chapter 3, Laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

NEW SECTION. Sec. 4. (1) Subject to the availability of funds through March 1, 2011, funds available under section 2 of this act shall be distributed by the employment security department to workforce development councils as a match to American recovery and reinvestment act formula funds or local workforce investment act funds that workforce development councils provide specifically for the education and training of eligible individuals in high-demand occupations for the purposes identified in section 5(2) of this act.

(a) Funds used to increase capacity as described in section 5(2)(a) of this act shall receive a seventy-five percent match.

(b) Funds used to provide student financial aid described in section 5(2)(b) of this act shall receive a twenty-five percent match.

(2) The governor may direct discretionary funds made available under Title VIII of division A of the American recovery and reinvestment act of 2009 (P.L. 111-5) to be used for the purposes of this section.

(3) Funds available for the purposes identified in section 5(2) of this act but not distributed under subsection (1) of this section shall be allocated to the state board for community and technical colleges March 1, 2011. The board shall only use the funds to increase capacity as described in section 5(2)(a) of this

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

act. The board shall report to the employment security department on the use of these funds.

(4) The employment security department, in cooperation with the workforce training and education coordinating board and the state board for community and technical colleges, shall develop a set of guidelines on allowable uses for the incentive funds made available under this section. These guidelines shall emphasize training programs that expand the skills for Washington workers in order to obtain and retain jobs in high-demand industries such as those referenced in the American recovery and reinvestment act of 2009.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 5. (1) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. The department shall encourage workforce development councils to collaborate with other local recipients of American recovery and reinvestment act funding for the purposes of increasing training and supporting individuals who receive training. The department shall also require workforce development councils to determine the number of participants who will receive education and training in high-demand industries. The department shall require the workforce development councils to report on these efforts to accomplish the tasks described in this subsection.

(2) The employment security department shall use funds as described in section 4 of this act to encourage workforce development councils to use American recovery and reinvestment act and workforce investment act adult and dislocated worker formula resources for the following education and training purposes:

(a) To provide enrollment support or enter into contracts with the community and technical college system to increase capacity for training eligible individuals for high-demand occupations in programs on the eligible training provider list or new programs; and

(b) For the provision of individual training accounts that provide financial aid for eligible students training for high-demand occupations in programs on the eligible training provider list.

(3) American recovery and reinvestment act formula funds described in this section may not be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

(4) The employment security department, in its role as fiscal agent for workforce funds available under the American recovery and reinvestment act, shall monitor and report to the governor on the use of these funds and identify specific actions that the governor or the legislature may take to ensure the state and local workforce development councils are effectively meeting the intent of this act. This shall include such reports as required by the American recovery and reinvestment act of 2009 and the governor.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 6. The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and the state board for community and technical colleges, shall submit a report to the governor and to the appropriate committees of the legislature by December 1, 2010. The report shall describe the implementation of this act, and shall include the following:

- (1) The amounts of expenditures on education and training;
- (2) The number of students receiving training;
- (3) The types of training received by the students;
- (4) Training completion and employment rates;
- (5) Comparisons of preprogram and postprogram wage levels;

(6) Student demographics and institution/program demographics;

(7) Efforts made to ensure training was provided in areas that would lead to employment;

(8) Efforts to develop capacity in occupations that are of particularly high demand; and

(9) Specific enhancements made in the workforce system to ensure additional training in high-demand occupations is accessible to low-income and dislocated workers.

NEW SECTION. Sec. 7. A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall periodically bring together representatives of the workforce training and education coordinating board, workforce development councils, the state board for community and technical colleges, business, labor, and the legislature to review development and implementation of chapter . . . , Laws of 2009 (this act) and related programs under this chapter.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809 and ask the House to recede therefrom.

Senators Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809 and ask the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5894 with the following amendment: 5894.E AMH TR H2939.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 81.68.015 and 2007 c 234 s 47 are each amended to read as follows:

This chapter does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

This chapter does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

This chapter does not apply to commuter ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with or infringe upon comparable

NINETY-NINTH DAY, APRIL 20, 2009

service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service does not serve an essential transportation purpose, is solely for recreation, and would not adversely affect the operations of the holder of a certificate under this chapter, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service is provided pursuant to a contract with a state agency, or funded by a grant issued by the department of transportation, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

Sec. 2. RCW 81.84.010 and 2007 c 234 s 92 are each amended to read as follows:

(1) A commercial ferry may not operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued ~~((before or after July 25, 1993))~~ to a commercial ferry operator must be exercised by the operator in a manner consistent with the conditions established in the certificate ~~((or))~~ and tariff~~((s))~~ filed under chapter 81.28 RCW. However, a certificate is not required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers or vehicles, or both, are not more than ten percent of the total gross annual earnings of such vessel.

(2) This section does not affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across the waters within this state, including rivers and lakes and Puget Sound, if the operation is not over the same route or between the same districts being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate.

~~((2))~~ (3) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate, except that the holder of a certificate of public convenience and necessity for passenger-only ferry service in Puget Sound must initiate service within twenty months of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. Except in the case of passenger-only ferry service in Puget Sound, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

Sec. 3. RCW 81.66.010 and 1996 c 244 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

2009 REGULAR SESSION

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs, or pursuant to a contract with a state agency or funded by a grant issued by the department of transportation.

(4) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

Sec. 4. RCW 81.70.220 and 1989 c 163 s 7 are each amended to read as follows:

(1) No person may engage in the business of a charter party carrier or excursion service carrier of persons over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier.

(2) An auto transportation company carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route that is not required to hold an auto transportation certificate because of a commission finding under RCW 81.68.015 must obtain a certificate under this chapter.

Sec. 5. RCW 46.74.010 and 1997 c 250 s 8 and 1997 c 95 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in RCW 81.66.010(3), serving persons with special needs, in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long; PROVIDED, That the driver need not be a person with special transportation needs.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing, flexible commuter ride sharing, or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, or any other political subdivision that owns or leases a ride-sharing vehicle.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(5) "Ride-sharing promotional activities" means those activities involved in forming a commuter ride-sharing arrangement or a flexible commuter ride-sharing arrangement, including but not limited to receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

(6) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

NEW SECTION. Sec. 6. (1) Within its existing resources, the utilities and transportation commission shall study the appropriateness of rate and service regulation of commercial ferries operating on Lake Chelan. The commission shall report its findings and recommendations to the legislature by December 31, 2009.

(2) This section expires December 31, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5894 and ask the House to recede therefrom.

Senators Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jarrett that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5894 and ask the House to recede therefrom.

The motion by Senator Jarrett carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5894 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5913 with the following amendment: 5913-S AMH HCW H2880.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c)(i) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112. However, each person subject to this subsection (3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses he or she holds. Each year, by December 1st, the department shall provide an annual accounting of the use of the surcharge paid under this subsection, including the amounts paid by each of the professions subject to the surcharge. The accounting must be transmitted by electronic mail to the members of the health care committees of the legislature.

(ii) Annually, beginning within one year after the program begins, the department shall convene a user advisory group to review the online access program under RCW 43.70.112 and make recommendations for improving the program. The work group must include a licensed professional from each of the categories of professionals paying the surcharge under (c)(i) of this subsection, a department representative, and a representative from the University of Washington.

(4) Department of health advisory committees may review fees established by the secretary for licensees and comment upon the appropriateness of the level of such fees.

Sec. 2. RCW 43.70.112 and 2007 c 259 s 12 are each amended to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009. Each year, by December 1st, the University of Washington shall provide an annual accounting of the use of the funds transferred, including which categories of health professionals are using the materials available under the program. The accounting must be transmitted by electronic mail to the members of the health care committees of the legislature." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5913 and ask the House to recede therefrom.

Senators Keiser and Pflug spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5913 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5913 and asked the House to recede therefrom by voice

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5110 with the following amendment: 5110-S.E AMH CL MOEU 016

On page 1, line 14, after "wine" insert "or beer" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5110.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5110.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5110 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5110, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hargrove, Haugen and Morton

Absent: Senator Delvin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5719 with the following amendment: 5719-S AMH RODN H2971.2

On page 1, beginning on line 12, strike all of subsection (2) and insert the following:

"(2) The department shall use the model year of a manufactured new vehicle kit and manufactured body kit ((ts)) as the year reflected on the manufacturer's certificate of origin."

On page 4, after line 1, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 46.37 RCW to read as follows:

(1) For the purposes of this section:

(a) "Kit vehicle" means a passenger car or light truck assembled from a manufactured kit, and is either (i) a kit consisting of a prefabricated body and chassis used to construct a complete vehicle, or (ii) a kit consisting of a prefabricated body to be mounted on an existing vehicle chassis and drive train, commonly referred to as a donor vehicle. "Kit vehicle" does not include a vehicle that has been assembled by a manufacturer.

(b) "Major component part" includes at least each of the following vehicle parts: (i) Engines and short blocks; (ii) frame; (iii) transmission or transfer case; (iv) cab; (v) door; (vi) front or rear differential; (vii) front or rear clip; (viii) quarter panel; (ix) truck bed or box; (x) seat; (xi) hood; (xii) bumper; (xiii) fender; and (xiv) airbag.

(2) A kit vehicle must, prior to inspection, contain the following components:

(a) Brakes on all wheels. The service brakes, upon application, must be capable of stopping the vehicle within a twelve-foot lane and (i) developing an average tire to road retardation force of not less than 52.8 percent of the gross vehicle weight, (ii) decelerating the vehicle at a rate of not less than seventeen feet per second, or (iii) stopping the vehicle within a distance of twenty-five feet from a speed of twenty miles per hour. Tests must be made on a level, dry, concrete or asphalt surface free from loose material;

(b) Brake hoses that comply with 49 C.F.R. Sec. 571.106;

(c) Brake fluids that comply with 49 C.F.R. Sec. 571.119;

(d) A parking brake that must operate on at least two wheels on the same axle, and when applied, must be capable of holding the vehicle on any grade on which the vehicle is operated. The parking brake must be separately actuated so that failure of any part of the service brake actuation system will not diminish the vehicle's parking brake holding capability;

(e) Lighting equipment that complies with 49 C.F.R. Sec. 571.108;

(f) Pneumatic tires that comply with 49 C.F.R. Sec. 571.109;

(g) Glazing material that complies with 49 C.F.R. Sec. 571.205. The driver must be provided with a windshield and side windows or opening that allows an outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision must not be interrupted by window framing not exceeding four inches in width at each side location;

(h) Seat belt assemblies that comply with 49 C.F.R. Sec. 571.209;

(i) Defroster and defogging devices capable of defogging and defrosting the windshield area, except vehicles or exact replicas of vehicles manufactured prior to January 1938 are exempt from this requirement;

(j) Door latches that firmly and automatically secure the door when pushed closed and that allow each door to be opened both from the inside and outside, if the vehicle is enclosed with side doors leading directly into a compartment that contains one or more seating accommodations;

(k) A floor plan that is capable of supporting the weight of the number of occupants that the vehicle is designed to carry;

(l) If an enclosed kit vehicle powered by an internal combustion engine, a passenger compartment that must be constructed to prevent the entry of exhaust fumes into the passenger compartment;

(m) Fenders that must be installed on all wheels and cover the entire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. The tire must not come in contact with the body, fender, chassis, or suspension of the vehicle. Kit vehicles that are more than forty years old and are owned and operated primarily as collector's vehicles are exempt from this fender requirement if the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads;

(n) A speedometer that is calibrated to indicate miles per hour, and may also indicate kilometers per hour;

(o) Mirrors as outlined in RCW 46.37.400. Mirror mountings must provide for mirror adjustment by tilting both horizontally and vertically;

(p) An accelerator control system that, in accordance with 49 C.F.R. Sec. 571.124, contains a double spring that returns engine throttle to an idle position when the driver removes the actuating force from the accelerator control. The geometry of the throttle linkage must be designed so that the throttle will not lock in an open position. A vehicle equipped with cruise control is exempt when the cruise control is actuated;

(q) A fuel system that, in accordance with 49 C.F.R. Secs. 571.301 and 571.302, is securely fastened to the vehicle so as not to interfere with the vehicle's operation. The components, such as tank, tubing, hoses, and pump, must be of leak proof design and be securely attached with fasteners designed for that purpose. All fuel system vent lines must extend outside of the passenger compartment and be positioned as not to be in contact with the high temperature surfaces or moving components. If the vehicle is fueled using alternative measures, it must be installed in accordance with any applicable standards set by the United States department of transportation;

(r) A steering wheel as outlined in RCW 46.37.375 and WAC 204-10-034;

(s) A suspension as outlined in WAC 204-10-036;

(t) An exhaust system as outlined in WAC 204-10-038; and

(u) A horn that is capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. The horn or another warning device must not emit an unreasonably loud or harsh sound or whistle. A bell or siren must not be used as a warning device. The device used to actuate the horn must be easily accessible to the driver when operating the vehicle.

(3) A kit vehicle may also be equipped with hoods and bumpers. If this equipment is present, it must meet the following requirements:

(a) Hood latches must be equipped with a primary and secondary latching system to hold the hood in a closed position if the hood is a front opening hood; and

(b) Bumpers must be 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers must be horizontal load veering and attach to the frame to effectively transfer energy when impacted. The bumper must be installed in accordance with the bumper heights outlined in WAC 204-10-022."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5719.

Senator Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Swecker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5719.

The motion by Senator Swecker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5719 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5719, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5719, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Tom

Excused: Senator Delvin

SUBSTITUTE SENATE BILL NO. 5719, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Fraser and Tom were excused.

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5720 with the following amendment: 5720 AMH HE H2789.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.621 and 2008 c 188 s 1 and 2008 c 6 s 501 are each reenacted and amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no

NINETY-NINTH DAY, APRIL 20, 2009

state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled(~~(, as defined in RCW 28B.15.385;))~~ as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

~~((b))~~ (c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

~~((c))~~ (d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a

person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5720.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5720.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5720 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5720, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Delvin and Tom

SENATE BILL NO. 5720, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5724 with the following amendment: 5724-S AMH TEC H2881.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Any county legislative authority of a county where a public utility district owns and operates a plant or system for the generation, transmission, and distribution of electric energy for sale within the county may construct, purchase, acquire, operate, and maintain a facility to generate electricity from biomass energy that is a renewable resource under RCW 19.285.030 or from biomass energy that is produced from lignin in spent pulping liquors or liquors derived from algae and other sources. The county legislative authority has the authority to regulate and control the use, distribution, sale, and price of the electricity produced from the biomass facility authorized under this section.

(2) For the purposes of this section:

(a) "County legislative authority" means the board of county commissioners or the county council; and

(b) "Public utility district" means a municipal corporation formed under chapter 54.08 RCW.

NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 36 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5724.

Senator Pridemore spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5724.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5724 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5724, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5724, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Delvin and Tom

SUBSTITUTE SENATE BILL NO. 5724, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5731 with the following amendment: 5731 AMH CODY H3132.1

On page 4, line 9, after "may" strike "explore" and insert "implement"

On page 4, line 9, after "methods" insert "of communication"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Senate Bill No. 5731.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Senate Bill No. 5731.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5731 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5731, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Jarrett

Excused: Senator Tom

SENATE BILL NO. 5731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5738 with the following amendment: 5738-S A,H ED H2936.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Within existing resources, the office of the superintendent of public instruction shall review all annual compliance reports required of school districts.

(2) The office of the superintendent of public instruction shall make recommendations about which reports should be:

(a) Discontinued;

(b) Integrated into the longitudinal student data system established in RCW 28A.300.500; or

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(c) Maintained in their current form.

(3) The office of the superintendent of public instruction shall also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports.

(4) By December 1, 2009, the office of the superintendent of public instruction shall provide a final report on the status of the annual compliance reports to the appropriate policy and fiscal committees of the legislature."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5738.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Hargrove was excused.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5738.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5738 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5738, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5738, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Hargrove and Tom

SUBSTITUTE SENATE BILL NO. 5738, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5810 with the following amendment: 5810.E AMH JUDI TANG 072

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 61.24.005 and 1998 c 295 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(2) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(4) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(5) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(6) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(7) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(8) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

(9) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(10) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Owner-occupied" means property that is the principal residence of the borrower.

(13) "Residential real property" means property consisting solely of a single family residence, a residential condominium unit, or a residential cooperative unit.

(14) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until thirty days after initial contact with the borrower is made as required under (b) of this subsection or thirty days after satisfying the due diligence requirements as described in subsection (5) of this section.

(b) A beneficiary or authorized agent shall contact the borrower by letter and by telephone in order to assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

foreclosure. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in subsection (5)(a) and (5)(e)(i) through (iv) of this section.

(c) During the initial contact, the beneficiary or authorized agent shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or authorized agent shall schedule the meeting to occur within fourteen days of the request. The assessment of the borrower's financial ability to repay the debt and a discussion of options may occur during the initial contact or at a subsequent meeting scheduled for that purpose. At the initial contact, the borrower must be provided the toll-free telephone number made available by the department to find a department-certified housing counseling agency and the toll-free numbers for the Department of Financial Institutions and the statewide civil legal aid hotline for possible assistance and referrals.

(d) Any meeting under this section may occur telephonically.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1)(b) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) A beneficiary's or authorized agent's loss mitigation personnel may participate by telephone during any contact required under this section.

(4) Within fourteen days after the initial contact under subsection (1) of this section, if a borrower has designated a department-certified housing counseling agency, attorney, or other advisor to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information. The beneficiary or authorized agent shall contact the designated representative for the borrower for the discussion within fourteen days after the representative is designated by the borrower. Any deed of trust modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has not contacted a borrower as required under subsection (1)(b) of this section and the failure to contact the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending a first-class letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the toll-free telephone number made available by the department to find a department-certified housing counseling agency, and the following information:

"You may contact the Department of Financial Institutions, the Washington State Bar Association, or the statewide civil legal aid hotline for possible assistance or referrals."

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in subsection (5)(e)(i) through (iv) of this section.

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet web site, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-certified housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if any of the following occurs:

(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent; or

(b) The borrower has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing enforcement of the deed of trust.

(7)(a) This section applies only to deeds of trust made from January 1, 2003, to December 31, 2007, inclusive, that are recorded against owner-occupied residential real property. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is

NINETY-NINTH DAY, APRIL 20, 2009

not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapters 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, section 1 of this act (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure").

(2) The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in section 1(5) of this act and, after waiting fourteen days after the requirements in section 1 of this act were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower(s), by certified mail, return receipt requested, the letter required under section 1 of this act.

(3) The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

(4) Under section 1 of this act, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust."

NEW SECTION. Sec. 3. A new section is added to chapter 61.24 RCW to read as follows:

If the trustee elects to foreclose the interest of any occupant of tenant-occupied property, upon posting a notice of trustee's sale under RCW 61.24.040, the trustee or its authorized agent shall post in the manner required under RCW 61.24.040(1)(e) and shall mail at the same time in an envelope addressed to the "Resident of property subject to foreclosure sale" the following notice:

"The foreclosure process has begun on this property, which may affect your right to continue to live in this property. Ninety days or more after the date of this notice, this property may be sold at foreclosure. If you are renting this property, the new property owner may either give you a new rental agreement or provide you with a sixty-day notice to vacate the property. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have."

NEW SECTION. Sec. 4. A new section is added to chapter 61.24 RCW to read as follows:

(1) A tenant or subtenant in possession of a residential real property at the time the property is sold in foreclosure must be given sixty days' written notice to vacate before the tenant or subtenant may be removed from the property as prescribed in chapter 59.12 RCW. Notwithstanding the notice requirement in this subsection, a tenant may be evicted for waste or nuisance in an unlawful detainer action under chapter 59.12 RCW.

(2) This section does not prohibit the new owner of a property purchased pursuant to a trustee's sale from negotiating a new purchase or rental agreement with a tenant or subtenant.

(3) This section does not apply if the borrower or grantor remains on the property as a tenant, subtenant, or occupant.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act apply only to the foreclosure of tenant-occupied property.

NEW SECTION. Sec. 6. A new section is added to chapter 61.24 RCW to read as follows:

(1) The failure of the borrower or grantor to bring a civil action to enjoin a foreclosure sale under this chapter may not be deemed a waiver of a claim for damages asserting:

(a) Common law fraud or misrepresentation;

(b) A violation of Title 19 RCW; or

(c) Failure of the trustee to materially comply with the provisions of this chapter.

(2) The nonwaived claims listed under subsection (1) of this section are subject to the following limitations:

(a) The claim must be asserted or brought within two years from the date of the foreclosure sale or within the applicable statute of limitations for such claim, whichever expires earlier;

(b) The claim may not seek any remedy at law or in equity other than monetary damages;

(c) The claim may not affect in any way the validity or finality of the foreclosure sale or a subsequent transfer of the property;

(d) A borrower or grantor who files such a claim is prohibited from recording a lis pendens or any other document purporting to create a similar effect, related to the real property foreclosed upon;

(e) The claim may not operate in any way to encumber or cloud the title to the property that was subject to the foreclosure sale, except to the extent that a judgment on the claim in favor of the borrower or grantor may, consistent with RCW 4.56.190, become a judgment lien on real property then owned by the judgment debtor; and

(f) The relief that may be granted for judgment upon the claim is limited to actual damages. However, if the borrower or grantor brings in the same civil action a claim for violation of chapter 19.86 RCW, arising out of the same alleged facts, relief under chapter 19.86 RCW is limited to actual damages, treble damages as provided for in RCW 19.86.090, and the costs of suit, including a reasonable attorney's fee.

(4) This section applies only to foreclosures of owner-occupied residential real property.

(5) This section does not apply to the foreclosure of a deed of trust used to secure a commercial loan.

Sec. 7. RCW 61.24.010 and 2008 c 153 s 1 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or ~~((its agents))~~ any title insurance agent licensed under chapter 48.17 RCW; or

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a trustee or a successor trustee. Only upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

~~(4) ((The trustee or successor trustee shall act impartially between the borrower, grantor, and beneficiary.))~~ The trustee or successor trustee has a duty of good faith to the borrower, beneficiary, and grantor.

Sec. 8. RCW 61.24.030 and 2008 c 153 s 2 and 2008 c 108 s 22 are each reenacted and amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address; and

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapters 64.32, 64.34, or 64.38 RCW.

~~((7))~~ (8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest

NINETY-NINTH DAY, APRIL 20, 2009

the alleged default on any proper ground; ~~((and))~~

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"You should take care to protect your interest in your home. This notice of default (your failure to pay) is the first step in a process that could result in you losing your home. You should carefully review your options. For example:

- Can you pay and stop the foreclosure process?
- Do you dispute the failure to pay?
- Can you sell your property to preserve your equity?

Are you able to refinance this loan or obligation with a new loan or obligation from another lender with payments, terms, and fees that are more affordable?

Do you qualify for any government or private homeowner assistance programs?

Do you know if filing for bankruptcy is an option? What are the pros and cons of doing so?

Do not ignore this notice; because if you do nothing, you could lose your home at a foreclosure sale. (No foreclosure sale can be held any sooner than ninety days after a notice of sale is issued and a notice of sale cannot be issued until thirty days after this notice.) Also, if you do nothing to pay what you owe, be careful of people who claim they can help you. There are many individuals and businesses that watch for the notices of sale in order to unfairly profit as a result of borrowers' distress.

You may feel you need help understanding what to do. There are a number of professional resources available, including home loan counselors and attorneys, who may assist you. Many legal services are lower-cost or even free, depending on your ability to pay. If you desire legal help in understanding your options or handling this default, you may obtain a referral (at no charge) by contacting the county bar association in the county where your home is located. These legal referral services also provide information about lower-cost or free legal services for those who qualify. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals." and:

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust.

Sec. 9. RCW 61.24.040 and 2008 c 153 s 3 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, the trustee shall:

(a) Record a notice in the form described in ~~((RCW 61.24.040(1))~~(f) of this subsection in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ~~((RCW 61.24.040(1))~~(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

- (i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ~~((RCW 61.24.040(1))~~(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ~~((RCW 61.24.040(1))~~(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ~~((RCW 61.24.040(1))~~(f) of this subsection to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of,, at the hour of o'clock M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

which is subject to that certain Deed of Trust dated,, recorded,, under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of,, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of,, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

, Trustee
ü
Address
} Phone

[Acknowledgment]

(2) In addition to providing the borrower and grantor the notice of sale described in ((RCW 61.24.040)) subsection (1)(f) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

NINETY-NINTH DAY, APRIL 20, 2009

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . day of [11 days before the sale date]. To date, these arrears and costs are as follows:

such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default Description of Action Required to Cure and Documentation Necessary to Show Cure

	Estimated amount	
	Currently due that will be due to reinstate	to reinstate on on
		(11 days before the date set for sale)
Delinquent payments from, . . ., in the amount of	\$. . . /mo.:	\$. . . \$. . .
Late charges in the total amount of:	\$	\$
		Estimated Amounts
Attorneys' fees:	\$	\$
Trustee's fee:	\$	\$
Trustee's expenses: (Itemization)		
Title report	\$	\$
Recording fees	\$	\$
Service/Posting of Notices	\$	\$
Postage/Copying expense	\$	\$
Publication	\$	\$
Telephone charges	\$	
Inspection fees	\$	\$
.	\$	\$
.	\$	\$
TOTALS	\$	\$

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:

ADDRESS:

TELEPHONE NUMBER:

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

NOTICE TO OCCUPANTS OR TENANTS

effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in ~~((RCW 61.24.040))~~ subsection (1)(f) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in ~~((RCW 61.24.040))~~ subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in ~~((RCW 61.24.040))~~ subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in ~~((RCW 61.24.040))~~ subsection (3) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under ~~((RCW 61.24.040))~~ subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X.

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants ~~((and))~~ who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants ~~((and))~~ who are not tenants by summary proceedings under ~~((the unlawful detainer act,))~~ chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with section 10 of this act;

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 10. RCW 61.24.060 and 1998 c 295 s 8 are each amended to read as follows:

(1) The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the borrower and grantor under the deed of trust and anyone having an interest junior to the deed of trust, including occupants ~~((and))~~ who are not tenants, who were given all of the notices to which they were entitled under this chapter. The purchaser shall also have a right to the summary proceedings to obtain possession of real property provided in chapter 59.12 RCW.

(2) If the trustee elected to foreclose the interest of any occupant or tenant, the purchaser of tenant-occupied property at the trustee's sale shall provide written notice to the occupants and tenants at the property purchased in substantially the following form:

"NOTICE: The property located at was purchased at a trustee's sale by on(date).

1. If you are the previous owner or an occupant who is not a tenant of the property that was purchased, pursuant to RCW 61.24.060, the purchaser at the trustee's sale is entitled to possession of the property on(date), which is the twentieth day following the sale.

2. If you are a tenant or subtenant in possession of the property that was purchased, pursuant to section 4 of this act, the purchaser at the trustee's sale may either give you a new rental agreement OR give you a written notice to vacate the property in sixty days or more before the end of the monthly rental period."

(3) The notice required in subsection (2) of this section must be given to the property's occupants and tenants by both first-class mail, and either certified or registered mail, return receipt requested.

NEW SECTION. Sec. 11. A new section is added to chapter 59.12 RCW to read as follows:

An unlawful detainer action, commenced as a result of a trustee's sale under chapter 61.24 RCW, must comply with the requirements of RCW 61.24.040 and 61.24.060.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Section 2 of this act expires December 31, 2012."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5810.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5810.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5810 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5810, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senator Tom

ENGROSSED SENATE BILL NO. 5810, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5120 with the following amendment: 5120 AMH ENGR H3085.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents.

Sec. 2. RCW 19.27.015 and 1996 c 157 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public;

(2) "City" means a city or town;

~~((2))~~ (3) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units; and

~~((3))~~ (4) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

Permitting and plan review fees under this chapter for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing detailed statements required by chapter 43.21C RCW, and performing necessary inspections under this chapter.

Sec. 4. RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended to read as follows:

Except for permitting fees for agricultural structures under section 3 of this act, nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

NEW SECTION. Sec. 5. (1) The state auditor, in accordance with RCW 43.09.470, must conduct a performance audit of the reasonableness of building and inspection fees permitted under RCW 82.02.020 that are imposed by counties. In completing the audit, the state auditor must include guidance on determining allowable costs, and methodologies for allocating costs to specific projects. The state auditor, when developing written cost allocation guidance, must consider variances in the sizes of local government entities.

(2) In completing the audit report required by this section, the state auditor must establish and consult with a county government advisory committee. The advisory committee must consist of members from county and city governments and other interested parties, as determined by the auditor.

(3) The state auditor must provide a final audit report to the appropriate committees of the house of representatives and the senate by December 1, 2009.

(4) Revenues from the performance audits of the government account created in RCW 43.09.475 must be used for the audit required by this section.

(5) This section expires July 1, 2011."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Senate Bill No. 5120.

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Senate Bill No. 5120.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5120 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5120, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Tom

SENATE BILL NO. 5120, as amended by the House, having received the constitutional majority, was declared passed. There

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5199 with the following amendments: 5199-S AMH ENVHMADS 058 & 5199-S AMH DUNS MADS 071

On page 4, at the beginning of line 29, insert "(1)"

On page 4, after line 31, insert the following:

"(2) Backflow assembly testers who maintain or repair backflow assemblies, devices, or air gaps inside a building are subject to certification under chapter 18.106 RCW."

On page 6, after line 14, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 70.119A RCW to read as follows:

A group A water system serving fewer than one hundred connections that purchases water from a water system approved by the department shall measure chlorine residuals at the same time and location of collection for a routine and repeat coliform sample."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fraser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5199.

Senators Fraser and Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5199.

The motion by Senator Fraser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5199 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5199, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5199, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5199, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5270 with the following amendment: 5270-S AMH SGTA REIL 028

On page 17, line 2, after "is" strike "~~(at least)~~" and insert "at least"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McDermott moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5270.

Senator McDermott spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McDermott that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5270.

The motion by Senator McDermott carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5270 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5270, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5286 with the following amendment: 5286-S AMH APPH H3079.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section shall not be required to participate in any activities during the first ninety days following the birth of the child. Thereafter, the parent may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime.

(6) The grant to a single-parent household claiming a good cause exemption under subsection (1)(b) of this section shall not be reduced due to sanction for failure to participate in the activities described under subsection (2) of this section. The department may, however, assign or seek out a volunteer or responsible family member to serve as a protective payee when a parent in need of mental health or substance abuse treatment refuses to engage in treatment, and shall continue its efforts to engage parents in appropriate supportive services and treatment programs.

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5286.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Jacobsen, Senator Prentice was excused.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5286.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5286 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5286, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield,

Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin and Morton

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5318 with the following amendment: 5318-S AMH H3035.1

On page 1, beginning on line 11, after "(iii)" strike all material through "(c)" on line 15 and insert "a federally designated rural health clinic during its hours of operation."

(b)"

On page 1, line 17, strike "((c)) (d)" and insert "(c)"

On page 1, line 19, after "or" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 28, after "A" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 31, after "The" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 33, after "hospital," strike "medical clinic" and insert "federally designated rural health clinic"

Beginning on page 2, line 36, after "(4)(a)" strike all material through "sign." on page 3, line 11, and insert "Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn."

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5318.

Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5318.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5318 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen,

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Delvin, Hewitt, Honeyford, McCaslin, Morton and Zarelli

Absent: Senator Pridemore

Excused: Senator Prentice

SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5346 with the following amendment: 5346-S2 AMH HCW H2869.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The health care system in the nation and in Washington state costs nearly twice as much per capita as other industrialized nations.

(2) The fragmentation and variation in administrative processes prevalent in our health care system contribute to the high cost of health care, putting it increasingly beyond the reach of small businesses and individuals in Washington.

(3) In 2006, the legislature's blue ribbon commission on health care costs and access requested the office of the insurance commissioner to conduct a study of administrative costs and recommendations to reduce those costs. Findings in the report included:

(a) In Washington state approximately thirty cents of every dollar received by hospitals and doctors' offices is consumed by the administrative expenses of public and private payors and the providers;

(b) Before the doctors and hospitals receive the funds for delivering the care, approximately fourteen percent of the insurance premium has already been consumed by payor administration. The payor's portion of expense totals approximately four hundred fifty dollars per insurance member per year in Washington state;

(c) Over thirteen percent of every dollar received by a physician's office is devoted to interactions between the provider and payor;

(d) Between 1997 and 2005, billing and insurance related costs for hospitals in Washington grew at an average pace of nineteen percent per year; and

(e) The greatest opportunity for improved efficiency and administrative cost reduction in our health care system would involve standardizing and streamlining activities between providers and payors.

(4) To address these inefficiencies, constrain health care inflation, and make health care more affordable for Washingtonians, the legislature seeks to establish streamlined and uniform procedures for payors and providers of health care services in the state. It is the intent of the legislature to foster a continuous quality improvement cycle to simplify health care administration. This process should involve leadership in the health care industry and health care purchasers, with regulatory oversight from the office of the insurance commissioner.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commissioner" means the insurance commissioner as established under chapter 48.02 RCW.

(2) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005 and, for the purposes of this act, shall include facilities licensed under chapter 70.41 RCW.

(3) "Lead organization" means a private sector organization or organizations designated by the commissioner to lead development of processes, guidelines, and standards to streamline health care administration and to be adopted by payors and providers of health care services operating in the state.

(4) "Medical management" means administrative activities established by the payor to manage the utilization of services through preservice or postservice reviews. "Medical management" includes, but is not limited to:

(a) Prior authorization or preauthorization of services;

(b) Precertification of services;

(c) Postservice review;

(d) Medical necessity review; and

(e) Benefits advisory.

(5) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(6) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(7) "Secretary" means the secretary of the department of health.

(8) "Third-party payor" has the same meaning as in RCW 70.02.010.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

The following state agencies are directed to cooperate with the insurance commissioner and, within funds appropriated specifically for this purpose, adopt the processes, guidelines, and standards to streamline health care administration pursuant to sections 2, 5, 6, and 8 through 10 of this act: The department of social and health services, the health care authority, and, to the extent permissible under Title 51 RCW, the department of labor and industries.

Sec. 4. RCW 70.47.130 and 2004 c 115 s 2 are each amended to read as follows:

(1) The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW except:

(a) Benefits as provided in RCW 70.47.070;

(b) Managed health care systems are subject to the provisions of RCW 48.43.022, 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, and 70.02.900;

(c) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection (1)(c), "solicit" does not include distributing information and applications for the basic health plan and responding to questions; ~~(and)~~

(d) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201; and

(e) Administrative simplification requirements as provided in this act.

(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously.

NEW SECTION. Sec. 5. (1) The commissioner shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to streamline health care administration and to be adopted by payors and providers of health

NINETY-NINTH DAY, APRIL 20, 2009

care services operating in the state. The lead organization designated by the commissioner for this act shall:

- (a) Be representative of providers and payors across the state;
 - (b) Have expertise and knowledge in the major disciplines related to health care administration; and
 - (c) Be able to support the costs of its work without recourse to public funding.
- (2) The lead organization shall:
- (a) In collaboration with the commissioner, identify and convene work groups, as needed, to define the processes, guidelines, and standards required in sections 6 through 10 of this act;
 - (b) In collaboration with the commissioner, promote the participation of representatives of health care providers, payors of health care services, and others whose expertise would contribute to streamlining health care administration;
 - (c) Conduct outreach and communication efforts to maximize adoption of the guidelines, standards, and processes developed by the lead organization;
 - (d) Submit regular updates to the commissioner on the progress implementing the requirements of this act; and
 - (e) With the commissioner, report to the legislature annually through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) The commissioner shall:

- (a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this act;
- (b) Adopt into rule, or submit as proposed legislation, the guidelines, standards, and processes set forth in this act if:
 - (i) The lead organization fails to timely develop or implement the guidelines, standards, and processes set forth in sections 6 through 10 of this act; or
 - (ii) It is unlikely that there will be widespread adoption of the guidelines, standards, and processes developed under this act;
- (c) Consult with the office of the attorney general to determine whether an antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and, if necessary, take steps, such as implementing rules or requesting legislation, to establish such safe harbor; and
- (d) Convene an executive level work group with broad payor and provider representation to advise the commissioner regarding the goals and progress of implementation of the requirements of this act.

NEW SECTION. Sec. 6. By December 31, 2010, the lead organization shall:

- (1) Develop a uniform electronic process for collecting and transmitting the necessary provider-supplied data to support credentialing, admitting privileges, and other related processes that:
 - (a) Reduces the administrative burden on providers;
 - (b) Improves the quality and timeliness of information for hospitals and payors;
 - (c) Is interoperable with other relevant systems;
 - (d) Enables use of the data by authorized participants for other related applications; and
 - (e) Serves as the sole source of credentialing information required by hospitals and payors from providers for data elements included in the electronic process, except this shall not prohibit:
 - (i) A hospital, payor, or other credentialing entity subject to the requirements of this section from seeking clarification of information obtained through use of the uniform electronic process, if such clarification is reasonably necessary to complete the credentialing process; or
 - (ii) A hospital, payor, other credentialing entity, or a university from using information not provided by the uniform process for the purpose of credentialing, admitting privileges, or faculty appointment of providers, including peer review and coordinated quality improvement information, that is obtained from sources other than the provider;
- (2) Promote widespread adoption of such process by payors and hospitals, their delegates, and subcontractors in the state that

credential health professionals and by such health professionals as soon as possible thereafter; and

- (3) Work with the secretary to assure that data used in the uniform electronic process can be electronically exchanged with the department of health professional licensing process under chapter 18.122 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 18.122 RCW to read as follows:

Pursuant to sections 5 and 6 of this act, the secretary or his or her designee shall participate in the work groups and, within funds appropriated specifically for this purpose, implement the standards to enable the department to transmit data to and receive data from the uniform process.

NEW SECTION. Sec. 8. The lead organization shall:

(1) Establish a uniform standard companion document and data set for electronic eligibility and coverage verification. Such a companion guide will:

- (a) Be based on nationally accepted ANSI X12 270/271 standards for eligibility inquiry and response and, wherever possible, be consistent with the standards adopted by nationally recognized organizations, such as the centers for medicare and medicaid services;
- (b) Enable providers and payors to exchange eligibility requests and responses on a system-to-system basis or using a payor supported web browser;
- (c) Provide reasonably detailed information on a consumer's eligibility for health care coverage, scope of benefits, limitations and exclusions provided under that coverage, cost-sharing requirements for specific services at the specific time of the inquiry, current deductible amounts, accumulated or limited benefits, out-of-pocket maximums, any maximum policy amounts, and other information required for the provider to collect the patient's portion of the bill; and
- (d) Reflect the necessary limitations imposed on payors by the originator of the eligibility and benefits information;

(2) Recommend a standard or common process to the commissioner to protect providers and hospitals from the costs of, and payors from claims for, services to patients who are ineligible for insurance coverage in circumstances where a payor provides eligibility verification based on best information available to the payor at the date of the request; and

(3) Complete, disseminate, and promote widespread adoption by payors of such document and data set by December 31, 2010.

NEW SECTION. Sec. 9. (1) By December 31, 2010, the lead organization shall develop implementation guidelines and promote widespread adoption of such guidelines for:

- (a) The use of the national correct coding initiative code edit policy by payors and providers in the state;
- (b) Publishing any variations from component codes, mutually exclusive codes, and status b codes by payors in a manner that makes for simple retrieval and implementation by providers;
- (c) Use of health insurance portability and accountability act standard group codes, reason codes, and remark codes by payors in electronic remittances sent to providers;
- (d) The processing of corrections to claims by providers and payors; and
- (e) A standard payor denial review process for providers when they request a reconsideration of a denial of a claim that results from differences in clinical edits where no single, common standards body or process exists and multiple conflicting sources are in use by payors and providers.

(2) By October 31, 2010, the lead organization shall develop a proposed set of goals and work plan for additional code standardization efforts for 2011 and 2012.

(3) Nothing in this section or in the guidelines developed by the lead organization shall inhibit an individual payor's ability to employ, and not disclose to providers, temporary code edits for the purpose of detecting and deterring fraudulent billing activities. Though such temporary code edits are not required to be disclosed to providers, the guidelines shall require that:

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(a) Each payor disclose to the provider its adjudication decision on a claim that was denied or adjusted based on the application of such an edit; and

(b) The provider have access to the payor's review and appeal process to challenge the payor's adjudication decision, provided that nothing in this subsection (3)(b) shall be construed to modify the rights or obligations of payors or providers with respect to procedures relating to the investigation, reporting, appeal, or prosecution under applicable law of potentially fraudulent billing activities.

NEW SECTION. Sec. 10. (1) By December 31, 2010, the lead organization shall:

(a) Develop and promote widespread adoption by payors and providers of guidelines to:

(i) Ensure payors do not automatically deny claims for services when extenuating circumstances make it impossible for the provider to: (A) Obtain a preauthorization before services are performed; or (B) notify a payor within twenty-four hours of a patient's admission; and

(ii) Require payors to use common and consistent time frames when responding to provider requests for medical management approvals. Whenever possible, such time frames shall be consistent with those established by leading national organizations and be based upon the acuity of the patient's need for care or treatment;

(b) Develop, maintain, and promote widespread adoption of a single common web site where providers can obtain payors' preauthorization, benefits advisory, and preadmission requirements;

(c) Establish guidelines for payors to develop and maintain a web site that providers can employ to:

(i) Request a preauthorization, including a prospective clinical necessity review;

(ii) Receive an authorization number; and

(iii) Transmit an admission notification.

(2) By October 31, 2010, the lead organization shall propose to the commissioner a set of goals and work plan for the development of medical management protocols, including whether to develop evidence-based medical management practices addressing specific clinical conditions and make its recommendation to the commissioner, who shall report the lead organization's findings and recommendations to the legislature.

NEW SECTION. Sec. 11. Sections 2, 5, 6, and 8 through 10 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5346.

Senators Keiser and Pflug spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Fraser, Oemig and Regala were excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5346.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5346 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5346, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5346, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brandland, Brown and Hargrove

Excused: Senators Fraser, Prentice and Regala

SECOND SUBSTITUTE SENATE BILL NO. 5346, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5401 with the following amendment: 5401-S AMH AGNR H2947.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.040 and 2000 c 11 s 3 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions;

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife

NINETY-NINTH DAY, APRIL 20, 2009

and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to problems existing within such county. The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space ~~((program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on))~~ and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined ~~((avulsing))~~ channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. ~~((Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020.))~~ For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern

Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department ~~((is directed to purchase a fee interest or, at the owner's option,))~~ must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined ~~((avulsing))~~ channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 2. RCW 84.33.140 and 2007 c 54 s 24 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	\$234
1	2	229
	3	217
	4	157
	1	198
2	2	190
	3	183
	4	132
	1	154
3	2	149
	3	148
	4	113
	1	117
4	2	114
	3	113
	4	86
	1	85
5	2	78
	3	77
	4	52
	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8	1	1

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days

of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at

NINETY-NINTH DAY, APRIL 20, 2009

forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k).

Sec. 4. RCW 76.09.020 and 2003 c 311 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that

NINETY-NINTH DAY, APRIL 20, 2009

crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(16) "Application" means the application required pursuant to RCW 76.09.050.

(17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(20) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(23) "Board" means the forest practices board created in RCW 76.09.030.

(24) "Unconfined ((~~avulsing~~)) channel migration zone" means the area within which the active channel of an unconfined ((~~avulsing~~)) stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined ((~~avulsing~~)) stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5401.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5401.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5401 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

Senate Bill No. 5401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Fraser, Prentice and Regala

SUBSTITUTE SENATE BILL NO. 5401, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5501 with the following amendment: 5501-S AMH APPH H3040.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The inability to securely share critical health information between practitioners inhibits the delivery of safe, efficient care, as evidenced by:

(a) Adverse drug events that result in an average of seven hundred seventy thousand injuries and deaths each year; and

(b) Duplicative services that add to costs and jeopardize patient well-being;

(2) Consumers are unable to act as fully informed participants in their care unless they have ready access to their own health information;

(3) The blue ribbon commission on health care costs and access found that the development of a system to provide electronic access to patient information anywhere in the state was a key to improving health care; and

(4) In 2005, the legislature established a health information infrastructure advisory board to develop a strategy for the adoption and use of health information technologies that are consistent with emerging national standards and promote interoperability of health information systems.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the state health care authority under this chapter.

(2) "Exchange" means the methods or medium by which health care information may be electronically and securely exchanged among authorized providers, payors, and patients within Washington state.

(3) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(4) "Health data provider" means an organization that is a primary source for health-related data for Washington residents, including but not limited to:

(a) The children's health immunizations linkages and development profile immunization registry provided by the department of health pursuant to chapter 43.70 RCW;

(b) Commercial laboratories providing medical laboratory testing results;

(c) Prescription drugs clearinghouses, such as the national patient health information network; and

(d) Diagnostic imaging centers.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(5) "Lead organization" means a private sector organization or organizations designated by the administrator to lead development of processes, guidelines, and standards under this act.

(6) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(7) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(8) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) By August 1, 2009, the administrator shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to:

(a) Improve patient access to and control of their own health care information and thereby enable their active participation in their own care; and

(b) Implement methods for the secure exchange of clinical data as a means to promote:

- (i) Continuity of care;
- (ii) Quality of care;
- (iii) Patient safety; and
- (iv) Efficiency in medical practices.

(2) The lead organization designated by the administrator under this section shall:

(a) Be representative of health care privacy advocates, providers, and payors across the state;

(b) Have expertise and knowledge in the major disciplines related to the secure exchange of health data;

(c) Be able to support the costs of its work without recourse to state funding. The administrator and the lead organization are authorized and encouraged to seek federal funds, including funds from the federal American recovery and reinvestment act, as well as solicit, receive, contract for, collect, and hold grants, donations, and gifts to support the implementation of this section and section 4 of this act;

(d) In collaboration with the administrator, identify and convene work groups, as needed, to accomplish the goals of this section and section 4 of this act;

(e) Conduct outreach and communication efforts to maximize the adoption of the guidelines, standards, and processes developed by the lead organization;

(f) Submit regular updates to the administrator on the progress implementing the requirements of this section and section 4 of this act; and

(g) With the administrator, report to the legislature December 1, 2009, and on December 1st of each year through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) Within available funds as specified in subsection (2)(c) of this section, the administrator shall:

(a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this section and section 4 of this act; and

(b) Consult with the office of the attorney general to determine whether:

(i) An antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and, if necessary, take steps, such as implementing rules or requesting legislation, to establish a safe harbor; and

(ii) Legislation is needed to limit provider liability if their health records are missing health information despite their participation in the exchange of health information.

(4) The lead organization or organizations shall take steps to minimize the costs that implementation of the processes, guidelines, and standards may have on participating entities, including providers.

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

By December 1, 2011, the lead organization shall, consistent with the federal health insurance portability and accountability act, develop processes, guidelines, and standards that address:

(1) Identification and prioritization of high value health data from health data providers. High value health data include:

- (a) Prescriptions;
 - (b) Immunization records;
 - (c) Laboratory results;
 - (d) Allergies; and
 - (e) Diagnostic imaging;
- (2) Processes to request, submit, and receive data;
- (3) Data security, including:

(a) Storage, access, encryption, and password protection;

(b) Secure methods for accepting and responding to requests for data;

(c) Handling unauthorized access to or disclosure of individually identifiable patient health information, including penalties for unauthorized disclosure; and

(d) Authentication of individuals, including patients and providers, when requesting access to health information, and maintenance of a permanent audit trail of such requests, including:

- (i) Identification of the party making the request;
- (ii) The data elements reported; and
- (iii) Transaction dates;

(4) Materials written in plain language that explain the exchange of health information and how patients can effectively manage such information, including the use of online tools for that purpose;

(5) Materials for health care providers that explain the exchange of health information and the secure management of such information.

NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

If any provision in sections 2 through 4 of this act conflicts with existing or new federal requirements, the administrator shall recommend modifications, as needed, to assure compliance with the aims of sections 2 through 4 of this act and federal requirements."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5501.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5501.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5501 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5501, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama,

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Fraser, Prentice and Regala

SUBSTITUTE SENATE BILL NO. 5501, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560 with the following amendment: 5560-S2.E AMH ENGR H3099.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that in chapter 14, Laws of 2008, the legislature established greenhouse gas emission reduction limits for Washington state, including a reduction of overall emissions by 2020 to emission levels in 1990, a reduction by 2035 to levels twenty-five percent below 1990 levels, and by 2050 a further reduction below 1990 levels. Based upon estimated 2006 emission levels in Washington, this will require a reduction from present emission levels of over twenty-five percent in the next eleven years. The legislature further finds that state government activities are a significant source of emissions, and that state government should meet targets for reducing emissions from its buildings, vehicles, and all operations that demonstrate that these reductions are achievable, cost-effective, and will help to promote innovative energy efficiency technologies and practices.

NEW SECTION. Sec. 2. A new section is added to chapter 70.235 RCW to read as follows:

(1) All state agencies shall meet the statewide greenhouse gas emission limits established in RCW 70.235.020 to achieve the following, using the estimates and strategy established in subsections (2) and (3) of this section:

(a) By July 1, 2020, reduce emissions by fifteen percent from 2005 emission levels;

(b) By 2035, reduce emissions to thirty-six percent below 2005 levels; and

(c) By 2050, reduce emissions to the greater reduction of fifty-seven and one-half percent below 2005 levels, or seventy percent below the expected state government emissions that year.

(2)(a) By June 30, 2010, all state agencies shall report estimates of emissions for 2005 to the department, including 2009 levels of emissions, and projected emissions through 2035.

(b) State agencies required to report under RCW 70.94.151 must estimate emissions from methodologies recommended by the department and must be based on actual operation of those agencies. Agencies not required to report under RCW 70.94.151 shall derive emissions estimates using an emissions calculator provided by the department.

(3) By June 30, 2011, each state agency shall submit to the department a strategy to meet the requirements in subsection (1) of this section. The strategy must address employee travel activities, teleconferencing alternatives, and include existing and proposed actions, a timeline for reductions, and recommendations for budgetary and other incentives to reduce emissions, especially from employee business travel.

(4) By October 1st of each even-numbered year beginning in 2012, each state agency shall report to the department the actions taken to meet the emission reduction targets under the strategy for the preceding fiscal biennium. The department may authorize the department of general administration to report on behalf of any state agency having fewer than five hundred full-time equivalent employees at any time during the reporting period. The department

shall cooperate with the department of general administration and the department of community, trade, and economic development to develop consolidated reporting methodologies that incorporate emission reduction actions taken across all or substantially all state agencies.

(5) All state agencies shall cooperate in providing information to the department, the department of general administration, and the department of community, trade, and economic development for the purposes of this section.

(6) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted within an agency, they must be shifted among current full-time equivalent allocations. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

Sec. 3. RCW 70.235.010 and 2008 c 14 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

(4) "Department" means the department of ecology.

(5) "Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

(6) "Director" means the director of the department.

(7) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(8) "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(10) "Program" means the department's climate change program.

(11) "Small-scale powered equipment" means a tool or other nonroad or marine machine powered by a gasoline, diesel, or propane spark ignition engine that has a standard manufacturer's listed horsepower rating of fifty horsepower or less. Examples of the term "small-scale powered equipment" include, but are not limited to, the following items when the components of the definition are satisfied: Lawnmowers, string trimmers, leaf blowers, air compressors, chainsaws, turf equipment, and lawn and garden tractors.

(12) "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

((+2)) (13) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 70.235 RCW to read as follows:

(1) As part of satisfying the requirements of section 2 of this act, state agencies are, except as otherwise provided in this section, prohibited from purchasing small-scale powered equipment if the market offers an alternative item that is powered by an electrical cord or rechargeable battery.

(2)(a) The top administrative official of a state agency may waive the provisions of this section on a case-by-case basis if the top administrative official of the agency publishes a finding in the

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Washington State Register explaining the details as to why the purchase or use of the small-scale powered equipment was necessary and why the use of an electric-based alternative would have been impractical.

(b) The Washington State Register publication requirements of this section may be satisfied with one annual publication summarizing all instances where the requirements of this section were waived by the top administrative official in the preceding year.

(3) As a demonstration to other state agencies as to how the requirements of this section may be achieved, the department of general administration shall suspend the use of all spark ignition push lawnmowers, string trimmers, and leaf blowers on the capitol campus by October 1, 2009. The department of general administration shall document its transition from small-scale powered equipment to electrical or manual alternatives to aid other state agencies in their implementation of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 70.235 RCW to read as follows:

(1) The department shall develop an emissions calculator to assist state agencies in estimating aggregate emissions as well as in estimating the relative emissions from different ways in carrying out activities.

(2) The department may use data such as totals of building space occupied, energy purchases and generation, motor vehicle fuel purchases and total mileage driven, and other reasonable sources of data to make these estimates. The estimates may be derived from a single methodology using these or other factors, except that for the top ten state agencies in occupied building space and vehicle miles driven, the estimates must be based upon the actual and projected operations of those agencies. The estimates may be adjusted, and reasonable estimates derived, when agencies have been created since 1990 or functions reorganized among state agencies since 1990. The estimates may incorporate projected emissions reductions that also affect state agencies under the program authorized in RCW 70.235.020 and other existing policies that will result in emissions reductions.

(3) By December 31st of each even-numbered year beginning in 2010, the department shall report to the governor and to the appropriate committees of the senate and house of representatives the total state agencies' emissions of greenhouse gases for 2005 and the preceding two years and actions taken to meet the emissions reduction targets.

Sec. 6. RCW 43.41.130 and 1982 c 163 s 13 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use. By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to reduce fuel consumption and emissions from all classes of vehicles. State agencies shall use these strategies to:

(1) Phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015;

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010.

State agencies must report annually on the progress made to achieve the goals under subsections (1) through (3) of this section beginning October 31, 2011.

The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans. The following vehicles are excluded from the agency fleet average fuel economy calculation: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, and vehicles that are driven less than two thousand miles per year. Average fuel economy calculations must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

~~((Such policies shall also include the widest possible use of gasoline and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.))~~

NEW SECTION. Sec. 7. The department of general administration must perform energy performance monitoring from July 2009 to July 2011 on each building that has completed an energy audit and installed energy conservation measures within the last five years and report to the legislature on the cost of the energy conservation measures, the projected energy savings, and the actual energy savings realized.

Sec. 8. RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read as follows:

(1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings, reducing energy consumption, and allowing flexible methods and choices in how to achieve those standards and reductions. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

(3) The legislature further finds that state agency leadership is needed in the development of preparation and adaptation actions for climate change to ensure the economic health, safety, and environmental well-being of the state and its citizens.

NEW SECTION. Sec. 9. A new section is added to chapter 70.235 RCW to read as follows:

Beginning in 2010, when distributing capital funds through competitive programs for infrastructure and economic development projects, all state agencies must consider whether the entity receiving the funds has adopted policies to reduce greenhouse gas emissions. Agencies also must consider whether the project is consistent with:

(1) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(2) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the agency shall consider whether project locations in rural counties, as defined in RCW 43.160.020, will maximize the reduction of vehicle miles traveled; and

(3) Applicable federal emissions reduction requirements.

NEW SECTION. Sec. 10. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and

NINETY-NINTH DAY, APRIL 20, 2009

wildlife, natural resources, and transportation shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change. The integrated climate change response strategy should be developed, where feasible and consistent with the direction of the strategy, in collaboration with local government agencies with climate change preparation and adaptation plans.

(2) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(3) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation in developing an integrated climate change response strategy and plans of action to prepare for and adapt to climate change impacts.

NEW SECTION. Sec. 11. (1) The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2)(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

NEW SECTION. Sec. 12. The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may consult with qualified nonpartisan experts from the scientific community as needed to assist with developing an integrated climate change response strategy. The qualified nonpartisan experts from the scientific community may assist the department of ecology on the following components:

(1) Identifying the timing and extent of impacts from climate change;

(2) Assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts;

(3) Developing forecasting models;

(4) Determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and

2009 REGULAR SESSION

(5) Identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

NEW SECTION. Sec. 13. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

NEW SECTION. Sec. 14. Sections 10 through 13 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

POINT OF ORDER

Senator Swecker: "The title of Engrossed Second Substitute Senate Bill No. 5560 is 'An act relating to state climate leadership.' The bill sets out certain standards for the state agencies to reduce their green house gas emissions by imposing the following mandates on state agencies: requiring state agencies to meet state wide green house gas emission limits beginning in 2020; requiring the General Administration and OFM to faze in state-owned vehicles with an average fuel economy standard of thirty-six miles per gallon by June of 2015. The House amendment to this bill goes beyond mandates or state agencies to deal with climate change and impose green house by gas emission reduction mandates on the private sector by changing the way the state funds capital projects. Specifically, the amendment requires state agencies, when distributing capital funds, to consider whether the entity receiving the funds has adopted policies to reduce green house gas emissions. They must consider if the project is consistent with the state's limits on green house gas emissions with goals to reduce vehicle miles traveled by 2015 and with applicable federal emissions reductions standards. Critically the bill as passed the senate had no mandates on the private sector regarding reduction of green house gas emissions or the use of fuel efficient vehicles or the reduction in vehicle miles traveled. The House amendments incorporate whether entities can receive capital funds based on their miles traveled, is a different subject from how state agencies can reduce their own green house gas emissions. Thus the amendment is beyond the scope and object of Engrossed Second Substitute Senate Bill No. 5560 and I respectfully request that you rule accordingly."

Senator Ranker spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute Senate Bill No. 5560 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649 with the following amendment: 5649-S2.E AMH ENGR H3332.E

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. (1) The legislature finds that improving energy efficiency in structures is one of the most cost-effective means to meet energy requirements, and that while there have been significant efficiency savings achieved in the state over the past quarter century, there remains enormous potential to achieve even greater savings. Increased weatherization and more extensive efficiency improvements in residential, commercial, and public buildings achieves many benefits, including reducing energy bills, avoiding the construction of new electricity generating facilities with associated climate change impacts, and creation of family-wage jobs in performing energy audits and improvements.

(2) It is the intent of the legislature that financial and technical assistance programs be expanded to direct municipal, state, and federal funds, as well as electric and natural gas utility funding, toward greater achievement of energy efficiency improvements. To this end, the legislature establishes a policy goal of assisting in weatherizing twenty thousand homes and businesses in the state in each of the next five years. The legislature also intends to attain this goal in part through supporting programs that rely on community organizations and that there be maximum family-wage job creation in fields related to energy efficiency.

PART 1

Energy Efficiency Improvement Program

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Customers" means residents, businesses, and building owners.

(2) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(3) "Energy audit" means an assessment of building energy efficiency opportunities, from measures that require very little investment and without any disruption to building operation, normally involving general building operational measures, to low or relatively higher cost investment, such as installing timers to turn off equipment, replacing light bulbs, installing insulation, replacing equipment and appliances with higher efficiency equipment and appliances, and similar measures. The term includes an assessment of alternatives for generation of heat and power from renewable energy resources, including installation of solar water heating and equipment for photovoltaic electricity generation.

(4) "Energy efficiency and conservation block grant program" means the federal program created under the energy independence and security act of 2007 (P.L. 110-140).

(5) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(6) "Low-income individual" means an individual whose annual household income does not exceed eighty percent of the area median income for the metropolitan, micropolitan, or combined statistical area in which that individual resides as determined annually by the United States department of housing and urban development.

(7) "Sponsor" means any entity or group of entities that submits a proposal under section 102 of this act, including but not limited to any nongovernmental nonprofit organization, local community action agency, tribal nation, community service agency, public service company, county, municipality, publicly owned electric, or natural gas utility.

(8) "Sponsor match" means the share, if any, of the cost of efficiency improvements to be paid by the sponsor.

(9) "Weatherization" means making energy and resource conservation and energy efficiency improvements.

NEW SECTION. Sec. 102. The Washington State University extension energy program is authorized to implement grants for pilot programs providing community-wide urban residential and commercial energy efficiency upgrades. The Washington State University extension energy program must coordinate and collaborate with the department of community, trade, and economic development on the design, administration, and implementation elements of the pilot program.

(1) There must be at least three grants for pilot programs, awarded on a competitive basis to sponsors for conducting direct outreach and delivering energy efficiency services that, to the extent feasible, ensure a balance of participation for: (a) Geographic regions in the state; (b) types of fuel used for heating; (c) owner-occupied and rental residences; (d) small commercial buildings; and (e) single-family and multifamily dwellings.

(2) The pilot programs must:

(a) Provide assistance for energy audits and energy efficiency-related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(b) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(c) Employ qualified energy auditors and energy efficiency service providers to perform the energy audits using recognized energy efficiency and weatherization services that are cost-effective;

(d) Select and provide oversight of contractors to perform energy efficiency services. Sponsors shall give preference to contractors that participate in quality control and efficiency training, use workers trained from workforce training and apprentice programs established under chapter . . . , Laws of 2009 (Engrossed Second Substitute House Bill No. 2227) if these workers are available, pay prevailing wages, hire from the community in which the program is located, and create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations; and

(e) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(3) The Washington State University extension energy program must give priority to sponsors that can secure a sponsor match of at least one dollar for each dollar awarded.

(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) A sponsor may meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(4)(a) Pilot programs receiving funding must report compliance with performance metrics for each sponsor receiving a grant award. The performance metrics include:

(i) Monetary and energy savings achieved;

(ii) Savings-to-investment ratio achieved for customers;

(iii) Wage levels of jobs created;

(iv) Utilization of preapprentice and apprenticeship programs; and

(v) Efficiency and speed of delivery of services.

(b) Pilot programs receiving funding under this section are required to report to the Washington State University energy extension program on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six months after program completion.

(c) The Washington State University extension energy program shall review the accuracy of these reports and provide a progress report on all grant pilot programs to the appropriate committees of the legislature by December 1st of each year.

NINETY-NINTH DAY, APRIL 20, 2009

(5)(a) By December 1, 2009, the Washington State University extension energy program shall provide a report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

(b) By December 1, 2010, the Washington State University extension energy program shall provide a final report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

NEW SECTION. Sec. 103. FARM ENERGY ASSESSMENTS. (1) The legislature finds that increasing energy costs put farm viability and competitiveness at risk and that energy efficiency improvements on the farm are the most cost-effective way to manage these costs. The legislature further finds that current on-farm energy efficiency programs often miss opportunities to evaluate and conserve all types of energy, including fuels and fertilizers.

(2) The Washington State University extension energy program, in consultation with the department of agriculture, shall form an interdisciplinary team of agricultural and energy extension agencies to develop and offer new methods to help agricultural producers assess their opportunities to increase energy efficiency in all aspects of their operations. The interdisciplinary team must develop and deploy:

(a) Online energy self-assessment software tools to allow agricultural producers to assess whole-farm energy use and to identify the most cost-effective efficiency opportunities;

(b) Energy auditor training curricula specific to the agricultural sector and designed for use by agricultural producers, conservation districts, agricultural extensions, and commodity groups;

(c) An effective infrastructure of trained energy auditors available to assist agricultural producers with on-farm energy audits and identify cost-share assistance for efficiency improvements; and

(d) Measurement systems for cost savings, energy savings, and carbon emission reduction benefits resulting from efficiency improvements identified by the interdisciplinary team.

(3) The Washington State University extension energy program shall seek to obtain additional resources for this section from federal and state agricultural assistance programs and from other sources.

(4) The Washington State University extension energy program shall provide technical assistance for farm energy assessment activities as specified in this section.

PART 2

Low-Income Weatherization Programs

Sec. 201. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Credit enhancement" means instruments that enhance the security for the payment of the lender's obligations and includes, but is not limited to insurance, letters of credit, lines of credit, or other similar agreements.

(2) "Department" means the department of community, trade, and economic development.

~~((2))~~ (3) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(4) "Energy ~~((assessment))~~ audit" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

~~((3))~~ (5) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(6) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, equipment leasing and project finance and the affiliates, subsidiaries, and service corporations thereof.

(7) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

~~((4))~~ (8) "Low income" means household income ~~((that is at or below one hundred twenty-five percent of the federally established poverty level))~~ as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling unit to be weatherized is located.

~~((5))~~ (9) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

~~((6))~~ (10) "Residence" means a dwelling unit as defined by the department.

~~((7))~~ (11) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, tribal nation, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

~~((8))~~ (12) "Sponsor match" means the share~~((, if any,))~~ of the cost of weatherization to be paid by the sponsor.

~~((9))~~ (13) "Sustainable residential weatherization" or "weatherization" means ~~((materials or measures, and their installation, that are used to improve the thermal efficiency of a residence))~~ activities that use funds administered by the department for one or more of the following: (a) Energy and resource conservation; (b) energy efficiency improvements; (c) repairs, indoor air quality improvements, and health and safety improvements; and (d) client education. Funds administered by the department for activities authorized under this subsection may only be used for the preservation of a dwelling unit occupied by a low-income household and must, to the extent feasible, be used to support and advance sustainable technologies.

~~((10))~~ (14) "Weatherizing agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 202. RCW 70.164.040 and 1987 c 36 s 4 are each amended to read as follows:

(1) The department shall solicit proposals for low-income weatherization programs from potential sponsors. A proposal shall state the amount of the sponsor match, the amount requested ~~((from the low-income weatherization assistance account)),~~ the name of the weatherizing agency, and any other information required by the department.

(2)(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) Moneys provided by a sponsor pursuant to requirements in this section shall be in addition to and shall not supplant any funding

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

for low-income weatherization that would otherwise have been provided by the sponsor or any other entity enumerated in (a) of this subsection.

(c) No proposal may require any contribution as a condition of weatherization from any household whose residence is weatherized under the proposal.

(d) Proposals shall provide that full levels of all cost-effective, structurally feasible, sustainable residential weatherization materials, measures, and practices, as determined by the department, shall be installed when a low-income residence is weatherized.

(3)(a) The department may in its discretion accept, accept in part, or reject proposals submitted. The department shall allocate funds appropriated from the low-income weatherization assistance account among proposals accepted or accepted in part so as to:

(i) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers ((and)) over the longest period of time;

(ii) Identify and correct, to the extent practical, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards;

(iii) Create family-wage jobs that may lead to careers in the construction trades or in the energy efficiency sectors; and

(iv) Leverage, to the extent feasible, environmentally friendly sustainable technologies, practices, and designs.

(b) The department shall, to the extent feasible, ensure a balance of participation in proportion to population among low-income households for: ~~((a))~~ (i) Geographic regions in the state; ((b)) (ii) types of fuel used for heating, except that the department shall encourage the use of energy efficient sustainable technologies; ((c)) (iii) owner-occupied and rental residences; and ((d)) (iv) single-family and multifamily dwellings.

(c) The department shall give priority to the weatherization of dwelling units occupied by low-income households with incomes at or below one hundred twenty-five percent of the federally established poverty level.

(d) The department may allocate funds to a nonutility sponsor without requiring a sponsor match if the department determines that such an allocation is necessary to provide the greatest benefits to low-income residents of the state.

(e) The department shall give preference to sponsors that employ individuals trained from workforce training and apprentice programs established under chapter . . . , Laws of 2009 (Engrossed Second Substitute House Bill No. 2227) if these workers are available, and create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations.

(4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization, or (ii) make yearly payments to the low-income weatherization assistance account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments shall not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) The department may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(5) Programs receiving funding under this section must report to the department every six months following the receipt of a grant regarding the number of dwelling units weatherized, the number of jobs created or maintained, and the number of individuals trained through workforce training and apprentice programs, with the last report submitted six months after program completion. The director of the department shall review the accuracy of these reports.

(6) The department shall adopt rules to carry out this section.

Sec. 203. RCW 70.164.050 and 1987 c 36 s 5 are each amended to read as follows:

(1) The department is responsible for ensuring that sponsors and weatherizing agencies comply with the state laws, the department's rules, and the sponsor's proposal in carrying out proposals.

(2) Before a residence is weatherized, the department shall require that an energy ~~((assessment))~~ audit be conducted.

(3) To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

Sec. 204. RCW 70.164.060 and 1987 c 36 s 6 are each amended to read as follows:

Before a leased or rented residence is weatherized, written permission shall be obtained from the owner of the residence for the weatherization. The department shall adopt rules to ensure that: (1) The benefits of weatherization assistance ~~((in connection with a leased or rented residence))~~, including utility bill reduction and preservation of affordable housing stock, accrue primarily to low-income tenants occupying a leased or rented residence; (2) as a result of weatherization provided under this chapter, the rent on the residence is not increased and the tenant is not evicted; and (3) as a result of weatherization provided under this chapter, no undue or excessive enhancement occurs in the value of the residence. This section is in the public interest and any violation by a landlord of the rules adopted under this section shall be an act in trade or commerce violating chapter 19.86 RCW, the consumer protection act.

NEW SECTION. Sec. 205. A new section is added to chapter 70.164 RCW to read as follows:

(1) The department must: (a) Establish a process to award grants on a competitive basis to provide grants to financial institutions for the purpose of creating credit enhancements, such as loan loss reserve funds as specified in sections 206 and 208 of this act, and consumer financial products and services that will be used to obtain energy efficiency services; and (b) develop criteria, in consultation with the department of financial institutions, regarding the extent to which funds will be provided for the purposes of credit enhancements and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(2) The department must:

(a) Give priority to financial institutions that provide both consumer financial products or services and direct outreach;

(b) Approve any financing mechanisms offered by local municipalities under section 208 of this act; and

(c) Require any financial institution or other entity receiving funding for credit enhancements to:

(i) Provide books, accounts, and other records in such a form and manner as the department may require;

(ii) Provide an estimate of projected loan losses; and

(iii) Provide the financial institution's plan to manage loan loss risks, including the rationale for sizing a loan loss reserve and the use of other credit enhancements, as applicable.

NEW SECTION. Sec. 206. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS--FINDINGS AND INTENT. (1) The legislature finds that the creation and use of risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family-wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing.

NEW SECTION. Sec. 207. A new section is added to chapter 70.164 RCW to read as follows:

The department may create an appliance efficiency rebate program with available funds from the energy efficient appliances

NINETY-NINTH DAY, APRIL 20, 2009

rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58).

NEW SECTION. Sec. 208. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program or state energy program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section must conform to all applicable state and federal rules and regulations.

NEW SECTION. Sec. 209. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF STATE-CHARTERED BOND AUTHORITIES IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties, and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the department on the design of the bond authorities' program.

(b) The department may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter 43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies.

PART 3

Energy Efficiency in Publicly Funded Housing

NEW SECTION. Sec. 301. A new section is added to chapter 43.185 RCW to read as follows:

ENERGY AUDITS AND RETROFITS IN PUBLICLY FUNDED HOUSING. (1) The legislature finds that growing preservation and rehabilitation needs in the housing trust fund property portfolio provide opportunities to advance energy

efficiency and weatherization efforts for low-income individuals in Washington state while protecting the state's six hundred million dollars in affordable housing investments. Preservation of existing affordable housing, when done in conjunction with weatherization activities, is a cost-effective, prudent, and environmentally friendly strategy to ensure that low-income housing remains durable, safe, and affordable. Therefore, the legislature intends that where federal funds are available for increasing and improving energy efficiency of low-income housing that these funds must be utilized, subject to federal requirements, for energy audits and implementing energy efficiency measures in the state housing trust fund real estate portfolio.

(2) The department shall review all housing properties in the housing trust fund real estate portfolio and identify those in need of major renovation or rehabilitation. In its review, the department shall survey property owners for information including, but not limited to, the age of the building and the type of heating, cooling, plumbing, and electrical systems contained in the property. The department shall prioritize all renovation or rehabilitation projects identified in the review by the department's ability to:

(a) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers over the greatest period of time;

(b) Promote the greatest possible health and safety improvements for residents of low-income households; and

(c) Leverage, to the extent feasible, technologically advanced and environmentally friendly sustainable technologies, practices, and designs.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall use the prioritization of potential energy efficiency needs and opportunities in subsection (2) of this section to make offers of energy audit services to project owners and operators. The department shall use all practicable means to achieve the completion of energy audits in at least twenty-five percent of the properties in its portfolio that exceed twenty-five years in age, by June 30, 2011. Where the energy audits identify cost-effective weatherization and other energy efficiency measures, the department shall accord a priority within appropriated funding levels to include funding for energy efficiency improvements when the department allocates funding for renovation or rehabilitation of the property.

PART 4 Miscellaneous

NEW SECTION. Sec. 401. Sections 101 through 103 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 402. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 403. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall designate an existing full-time equivalent position within state government as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate initiatives must coordinate with the person in this designated position.

NEW SECTION. Sec. 404. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 405. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5649.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President, I rise to a point of order that the house amendments to Engrossed Second Substitute Senate Bill No. 5649 are beyond the scope and object of the bill. I will briefly summarize and hand you written documentation but it goes on to amendments dealing with use of workers trained in apprenticeship programs, paying prevailing wages, hiring within communities, scope issues relating to workforce training and others. I will submit written documents immediately."

Senator Rockefeller spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute Senate Bill No. 5649 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5248 with the following amendment: 5248-S AMH ED H2935.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1.

ARTICLE I

PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of

NINETY-NINTH DAY, APRIL 20, 2009

the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. Members of the uniformed services now retired, except as provided in section A of this article;

3. Veterans of the uniformed services, except as provided in section A of this article; and

4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations – On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

2009 REGULAR SESSION

D. Kindergarten and first grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement – The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services – (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

NINETY-NINTH DAY, APRIL 20, 2009
 ELIGIBILITY

2009 REGULAR SESSION

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K- 12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE VII

GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public instruction, a

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL

OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term.

NINETY-NINTH DAY, APRIL 20, 2009

Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

- A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;
2. Establishing an executive committee, and such other committees as may be necessary;

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state

NINETY-NINTH DAY, APRIL 20, 2009

pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail

2009 REGULAR SESSION

itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. RCW 28A.225.330 and 2006 c 263 s 805 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or

behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under section 1, Article II of this act. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

~~((4))~~ (5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~((5))~~ (6) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 3. RCW 28A.225.160 and 2006 c 263 s 703 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt ~~((regulations))~~ rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

(2) A student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when attending school in the sending state as defined in section 1, Article II of this act, regardless of age or birthdate requirements.

Sec. 4. RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public

NINETY-NINTH DAY, APRIL 20, 2009

institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules (~~and regulations~~) adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

(3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

(4) The definitions in section 1, Article II of this act apply to subsection (2) of this section.

Sec. 5. RCW 28A.180.040 and 2001 1st sp.s. c 6 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

~~((+))~~ (a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction~~(-)~~;

~~((=))~~ (b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program~~(-)~~;

~~((#))~~ (c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases~~(-)~~;

~~((#))~~ (d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction~~(-)~~; and

~~((#))~~ (f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models.

(2) The definitions in section 1, Article II of this act apply to subsection (1)(d) of this section.

Sec. 6. RCW 28A.225.210 and 1990 c 33 s 235 are each amended to read as follows:

Every school district shall admit on a tuition free basis: (1) All persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this ~~((section))~~ subsection shall be construed as affecting RCW 28A.225.220 or 28A.225.250; and (2) all students who meet the definition of children of military families in transition under section 1, Article II of this act who are in the care of a noncustodial parent or other person standing in loco parentis and who lives in another state while the parent is under military orders.

Sec. 7. RCW 28A.225.225 and 2008 c 192 s 1 are each amended to read as follows:

(1) Except for students who reside out-of-state and students under section 8 of this act, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants; or

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling.

(3) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (3)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (3)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(4) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

NEW SECTION. Sec. 8. A new section is added to chapter 28A.225 RCW to read as follows:

(1) A student shall be permitted to remain enrolled in the school in which the student was enrolled while residing with the custodial parent if the student:

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(a) Meets the definition of a child of a military family in transition under section 1, Article II of this act; and

(b) Is placed in the care of a noncustodial parent or guardian when the custodial parent is required to relocate due to military orders.

(2) A nonresident school district shall not be required to provide transportation to and from the school unless otherwise required by state or federal law.

NEW SECTION. Sec. 9. By December 1, 2014, the state council, created in accordance with section 1 of this act, shall conduct a review of the implementation of the interstate compact on educational opportunity for military children and recommend to the state legislature whether Washington should continue to be a member of the compact and whether any other actions should be taken.

NEW SECTION. Sec. 10. Sections 1 and 9 of this act constitute a new chapter in Title 28A RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5248.
Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5248.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5248 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Oemig

Absent: Senator Pridemore

Excused: Senators Brandland, Fraser, Prentice and Regala

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Haugen, Jacobsen and Pridemore were excused.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5834 with the following amendment: 5834-S AMH CONW H3022.2

On page 1, after line 5, insert the following:

"Sec. 1. RCW 66.04.010 and 2008 c 94 s 4 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced ~~((anywhere))~~ by a brewery or winery in the United States outside of the state of Washington ~~((by a brewery or winery which does not hold a certificate of approval issued by the board))~~; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its ~~((exclusive))~~ authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. ~~((The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.))~~

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

NINETY-NINTH DAY, APRIL 20, 2009

(13) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(14) "Distiller" means a person engaged in the business of distilling spirits.

(15) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(16) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(17) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(18) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(19) "Employee" means any person employed by the board.

(20) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(21) "Fund" means 'liquor revolving fund.'

(22) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

(23) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(24) "Imprisonment" means confinement in the county jail.

(25) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(26) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(28) "Package" means any container or receptacle used for holding liquor.

(29) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(30) "Permit" means a permit for the purchase of liquor under this title.

(31) "Person" means an individual, copartnership, association, or corporation.

(32) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(33) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(34) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(35) "Regulations" means regulations made by the board under the powers conferred by this title.

(36) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(37) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(38) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(39) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(40) "Store" means a state liquor store established under this title.

(41) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(42) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(43)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(44) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(45) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title."

Renumber the remaining sections consecutively and correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5834.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5834.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5834 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5834, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5834, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Hargrove and Swecker

Excused: Senators Brandland, Fraser, Haugen, Jacobsen, Prentice, Pridemore and Regala

SUBSTITUTE SENATE BILL NO. 5834, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854 with the following amendment: 5854-S2.E AMH ROLF H3294.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least- cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or

NINETY-NINTH DAY, APRIL 20, 2009

natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) To the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5

of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~((No later than January 1, 1991,))~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

~~(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;~~

~~(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework((The Washington state energy code shall be designed to)); and~~

~~(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.~~

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~(require:~~

~~(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);~~

~~(ii) In zone 1, walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 @ value includes insulation only), or constructed with two by six~~

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

— (iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);

— (iv) Floors over unheated spaces insulated to a level of R-30 @ value includes insulation only);

— (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

— (vi) Double glazed windows with values not more than U-0.4;

— (vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

— (viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

— (b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

— (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);

— (ii) Walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

— (iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);

— (iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 @ value includes insulation only);

— (v) Slab on grade floors insulated to a level of R-10 at the perimeter;

— (vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

— (vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

— (viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

— (c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.

— (d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

— (5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical

glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

((6)) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, (4986) 2006 edition, or as amended by the council by rule.

((7)) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

((8)) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.)) The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for

NINETY-NINTH DAY, APRIL 20, 2009

uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) The requirements of this section apply to the department of general administration and other qualifying state agencies only to the extent that specific appropriations are provided to those agencies referencing this act or chapter number and this section.

(2) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(3) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(4) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(5) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(6) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(7) For a reporting public facility that is leased by the state with a national energy performance rating score below seventy-five, a qualifying public agency may not enter into a new lease or lease renewal on or after January 1, 2010, unless:

(a) A preliminary audit has been conducted within the last two years; and

(b) The owner or lessor agrees to perform an investment grade audit and implement any cost-effective energy conservation measures within the first two years of the lease agreement if the preliminary audit has identified potential cost-effective energy conservation measures.

(8)(a) Except as provided in (b) of this subsection, for each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(b) A reporting public facility that is leased by the state is deemed in compliance with (a) of this subsection if the qualifying public agency has already complied with the requirements of subsection (7) of this section.

(9) Schools are strongly encouraged to follow the provisions in subsections (2) through (8) of this section.

(10) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(11) General administration, in consultation with the office of financial management, shall develop a waiver process for the requirements in subsection (7) of this section. The director of the office of financial management, in consultation with general administration, may waive the requirements in subsection (7) of this section if the director determines that compliance is not cost-effective or feasible. The director of the office of financial management shall consider the review conducted by the department of general administration on the viability of relocation as established in subsection (10) of this section, if applicable, prior to waiving the requirements in subsection (7) of this section.

(12) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5854.

Senator Kilmer spoke in favor of the motion.
Senator Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5854.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5854 by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brandland, Haugen, Jacobsen and Pridemore
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5891 with the following amendment: 5891-S AMH HCW H2917.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that collaboration among public payors, private health carriers, third-party purchasers, and providers to identify appropriate reimbursement methods to align incentives in support of primary care medical homes is in the best interest of the public. The legislature therefore intends to exempt from state antitrust laws, and to provide immunity from federal antitrust laws through the state action doctrine, for activities undertaken pursuant to pilots designed

and implemented under section 2 of this act that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal antitrust laws including, but not limited to, agreements among competing health care providers or health carriers as to the price or specific level of reimbursement for health care services.

NEW SECTION. Sec. 2. A new section is added to chapter 70.54 RCW to read as follows:

The health care authority and the department of social and health services shall design, oversee implementation, and evaluate one or more primary care medical home reimbursement pilot projects in the state to include as participants public payors, private health carriers, third-party purchasers, and health care providers. Based on input from participants, the agencies shall:

(1) Determine the number and location of primary care medical home reimbursement pilots;

(2) Determine criteria to select primary care clinics to serve as pilot sites to facilitate testing of medical home reimbursement methods in a variety of primary care settings;

(3) Select pilot sites from those primary care provider clinics that currently employ a number of activities and functions typically associated with medical homes, or from sites that have been selected by the department of health to participate in a medical home collaborative under section 2, chapter 295, Laws of 2008;

(4) Determine one or more reimbursement methods to be tested by the pilots;

(5) Identify pilot performance measures for clinical quality, chronic care management, cost, and patient experience through patient self-reporting; and

(6) Appropriately coordinate during planning and operation of the pilots with the department of health medical home collaboratives and with other private and public efforts to promote adoption of medical homes within the state.

NEW SECTION. Sec. 3. A new section is added to chapter 70.54 RCW to read as follows:

The health care authority and the department of social and health services may select a pilot site that currently employs the following activities and functions associated with medical homes: Provision of preventive care, wellness counseling, primary care, coordination of primary care with specialty and hospital care, and urgent care services; availability of office appointments seven days per week and e-mail and telephone consultation; availability of telephone access for urgent care consultation on a seven-day per week, twenty-four hours per day basis; and use of a primary care provider panel size that promotes the ability of participating providers to appropriately provide the scope of services described in this section. The reimbursement method chosen for this pilot site must include a fixed monthly payment per person participating in the pilot site for the services described in this section. These services would be provided without the submission of claims for payment from any health carrier by the medical home provider. Agreements for payment made directly by a consumer or other entity paying on the consumer's behalf must comply with the provisions applicable to direct patient-provider primary care practices under chapter 48.150 RCW. In addition, the agencies may determine that the pilot should include a high deductible health plan or other health benefit plan designed to wrap around the primary care services offered under this section.

NEW SECTION. Sec. 4. This act expires July 1, 2013."
Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5891.

Senators Keiser and Pflug spoke in favor of the motion.

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Hatfield, Senators Fraser and Regala were excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5891.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5891 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5891, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Hewitt, Holmquist, Roach, Stevens and Zarelli

Excused: Senators Carrell, Haugen, Jacobsen and Pridemore

SUBSTITUTE SENATE BILL NO. 5891, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5921 with the following amendment: 5921-S AMH ENGR H3314.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that Washington is recognized as a leader in sustainability and climate change and has the foundation to become a leader in the clean energy technologies, products, and services that will be required throughout the world to provide reliable and reduced-emission energy. However, to become a leader, Washington will need policies and strategies to develop new clean energy technologies, attract federal and private investments, attract and grow clean energy companies, and create green jobs.

The legislature further finds that positioning Washington to be competitive for federal and private sector clean energy investments will require collaboration between Washington's state agencies, clean energy technology companies, research institutions, national laboratory, and workforce development system to identify our strengths and develop the requisite policies and strategies.

It is the intent of the legislature to create a clean energy leadership initiative that will set the path to leverage Washington's energy infrastructure and make Washington a hub for clean energy technology and a leader in the creation of green jobs and the development, deployment, and export of clean energy technologies and services.

NEW SECTION. Sec. 2. (1) The office of the governor, in collaboration with a statewide, public-private alliance, shall convene a clean energy leadership council to prepare a strategy for growing

the clean energy technology sector in Washington state. The clean energy leadership council shall be supported by public and private resources including, to the extent available, the resources of the energy policy division of the department of community, trade, and economic development and Washington State University's energy program. The governor, in consultation with the public-private alliance, shall appoint and convene the council by July 31, 2009.

(2) The clean energy leadership council must develop strategies and recommendations for growing Washington's clean energy sector. The clean energy leadership council must consist of the following clean energy leaders:

(a) Up to ten representatives of companies in the clean energy sector;

(b) Representatives of two organizations providing support to clean energy companies; and

(c) One representative from each of the following: A public university; the Pacific Northwest national laboratory; a venture capital firm making investments in clean energy companies; and a professional services firm serving clean energy technology.

(3) The clean energy leadership council must also include the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed by the speaker of the house of representatives and one member from each caucus of the senate appointed by the president of the senate;

(b) The director of the department of community, trade, and economic development or its successor agency;

(c) The governor's designee for energy and climate change initiatives within state government; and

(d) One representative from the economic development commission.

(4) The clean energy leadership council must be cochaired by:

(a) A representative of the clean energy sector, selected by the members of the clean energy leadership council; and (b) the director of the department of community, trade, and economic development or its successor agency.

(5) The clean energy leadership council must designate one of its members as its representative on the evergreen jobs leadership team to ensure that the efforts of the clean energy leadership council align with the work of the evergreen jobs leadership team in coordinating the state's effort to lead in the green economy.

(6) Legislators shall not receive any compensation, including reimbursement of expenses, for their participation on the clean energy leadership council.

(7) The clean energy leadership council may appoint such advisory groups as it deems necessary to carry out its work.

(8) The clean energy leadership council shall:

(a) Conduct a strategic analysis to identify the clean energy industry segments where Washington can either provide national leadership or become one of the top ten states in that segment. The council shall contract with national experts with detailed knowledge of energy markets and other states' operations to conduct the strategic analysis. The strategic analysis must:

(i) Identify where Washington has a competitive advantage or emerging strength in research, development, or deployment of clean energy solutions;

(ii) Evaluate Washington's competitiveness in its business environment, including regulatory requirements, as it relates to supporting clean energy projects and companies, compared to other states and regions; and

(iii) Evaluate Washington's ability to provide national leadership in reducing carbon emissions, developing and deploying utility-scale clean energy applications, and creating exportable products and applications;

(b) Develop a set of strategic recommendations, including implementation steps and responsible parties for carrying them out. The strategic recommendations must provide direction for positioning each clean energy segment identified to provide national leadership and must include a delineation of clear, specific outcomes for each segment to achieve. The strategic recommendations must include recommendations on:

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

(i) Consistent policy frameworks that provide stability to encourage investment through a combination of incentives, regulation, taxation, and use of government purchasing power to build viable markets;

(ii) The steps necessary for increasing Washington's ability to obtain available competitive federal funds;

(iii) The development of public-private partnerships that can help each sector grow, including partnerships to facilitate development and deployment of new technologies at scale;

(iv) Necessary investments in universities;

(v) Management, entrepreneurial, and emerging business needs;

(vi) Joint use facilities, demonstration facilities, and signature research centers that are needed for leadership;

(vii) Market access requirements;

(viii) Infrastructure needs; and

(ix) Capital and financing requirements;

(c) Recommend an institutional mechanism to foster effective implementation of its recommendations, including organizational structure, staffing, and funding;

(d) Review investments made by the energy policy division of the department of community, trade, and economic development, Washington State University's energy program, utilities, and other entities to identify ways to leverage, increase the effectiveness of, or redirect those funds to increase the state's competitiveness in clean energy technology; and

(e) Make recommendations on potential clean energy programs and projects for possible federal funding through the state energy program, consistent with federal requirements and guidelines.

(9)(a) By December 1, 2009, the clean energy leadership council shall submit an interim clean energy strategy and initial recommendations to the governor and appropriate committees of the legislature.

(b) By December 1, 2010, the clean energy leadership council shall complete and submit its final clean energy strategy and recommendations to the governor and appropriate committees of the legislature.

NEW SECTION. Sec. 3. (1) The energy policy division of the department of community, trade, and economic development, or its successor agency, must consider the clean energy leadership strategy once it is developed under section 2 of this act when preparing its application for federal state energy program funding and determining the type and number of clean energy projects to fund.

(2) The energy policy division of the department of community, trade, and economic development, or its successor agency, must consult the clean energy leadership council, once it has been convened, prior to awarding federal energy stimulus funding for clean energy projects.

NEW SECTION. Sec. 4. (1) The governor shall designate an existing full-time equivalent position within state government as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with the person in this designated position.

(2) The person designated by the governor under subsection (1) of this section shall chair the evergreen jobs leadership team established in section 3, chapter . . . (Engrossed Second Substitute House Bill No. 2227), Laws of 2009.

NEW SECTION. Sec. 5. This act expires December 31, 2011.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5921.

Senator Kastama spoke in favor of the motion.

Senator Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5921.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5921 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5921, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5921, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berke, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Excused: Senators Carrell, Haugen, Jacobsen and Pridemore

SUBSTITUTE SENATE BILL NO. 5921, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5925 with the following amendment: 5925.E AMH HE H2912.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.660 and 1993 sp.s. c 9 s 1 are each amended to read as follows:

(1) The governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsections (2) and (3) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees.

(3) A governing board of a state institution of higher education may require its students who participate in studies or research outside of the United States sponsored, arranged, or approved by the institution to purchase, as a condition of participation, insurance approved by the governing board, that will provide coverage for expenses arising from emergency evacuation, repatriation of

NINETY-NINTH DAY, APRIL 20, 2009

remains, injury, illness, or death sustained while participating in the study or research abroad. The governing board of the institution may bear all or part of the costs of the insurance. A student shall not be required to purchase insurance if the student is covered under an insurance policy that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5925.

Senators Kilmer, Becker and Shin spoke in favor of passage of the motion.

Senator Roach spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5925.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5925 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5925, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5925, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Stevens, Swecker and Zarelli

Excused: Senators Carrell, Jacobsen and Pridemore

ENGROSSED SENATE BILL NO. 5925, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:29 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 6:30 p.m.

EVENING SESSION

The Senate was called to order at 6:30 p.m. by President Owen.

MOTION

At 6:31 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:20 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, by House Committee on Ways & Means (originally sponsored by Representatives Linville and Ericks)

Eliminating or reducing the frequency of reports prepared by state agencies.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

Beginning on page 7, line 14, strike all of section 5

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 17, beginning on line 9, strike all material through "1985 c 418 s 8;" on line 13

Remember the remaining subsection consecutively.

Senator Prentice spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2327.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "13.60.110," strike "74.13.031,"

On page 1, line 8 of the title, after "43.70.518," strike "43.215.080, 43.215.435,"

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2327 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Murray was excused.

POINT OF INQUIRY

Senator Oemig: "Would Senator Tom yield to a question? I'm curious. This legislation is going to reduce or outright eliminate some reports. I'm curious if this is going to preserve the data collection and thereby keep the transparency and save money only through reducing transmission costs or if it would also eliminate some of the data collection?"

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

Senator Tom: "This legislation was introduced at the request of the Office of Financial Management to reduce the frequency of reports not to eliminate the underlying data collection activities. The agency reports included in this legislation were selected because of the overlapping content of various statutory reports or that the information could be available to the legislature and to the public by more efficient means. The Office of Financial Management has assured us that all this information will be included in other reports or available upon request. In the legislative interim, we and the Office of Financial Management will be examining methods to make access to this kind of information more efficient and more timely. Our goal is to increase information access not to diminish it."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Kastama

Absent: Senator Brown

Excused: Senator Murray

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6121, by Senators Tom, Zarelli and Keiser

Regarding the surcharge to fund biotoxin testing and monitoring.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-

Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Murray

SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senators Prentice, Tom, Hobbs and Fraser

Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Delvin, Hewitt, Holmquist, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens and Zarelli

Absent: Senator Brandland

Excused: Senator Brown

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6167, by Senators Kline, Regala and Hargrove

Concerning crimes against property.

The measure was read the second time.

MOTION

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.
Senator Carrell spoke against passage of the bill.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Marr

Excused: Senators Brandland and Brown

SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senators Tom and Prentice

Reducing costs in state elementary and secondary education programs.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6168.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Pflug and Roach

Excused: Senators Brandland and Brown

SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6172, by Senators Rockefeller and Ranker

Eliminating the oil spill advisory council. Revised for 1st Substitute: Suspending the powers and duties of the oil spill advisory council for the 2009-2011 biennium.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6172 was substituted for Senate Bill No. 6172 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brandland

SUBSTITUTE SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6179, by Senators Tom, Fairley and Prentice

Concerning chemical dependency specialist services.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6179.

ROLL CALL

NINETY-NINTH DAY, APRIL 20, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brandland

SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6181, by Senators Tom, Prentice and Fairley

Concerning the intensive resource home pilot.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6181.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brandland

SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1166,
 SUBSTITUTE HOUSE BILL NO. 1300,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1589,
 ENGROSSED HOUSE BILL NO. 1824,
 SECOND SUBSTITUTE HOUSE BILL NO. 1946,
 SUBSTITUTE HOUSE BILL NO. 2287,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 2341,
 SUBSTITUTE HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2346,
 HOUSE BILL NO. 2347,
 HOUSE BILL NO. 2349,
 SUBSTITUTE HOUSE BILL NO. 2361,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5461,
 SUBSTITUTE SENATE BILL NO. 5468,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
 SENATE BILL NO. 5482,
 SUBSTITUTE SENATE BILL NO. 5504,
 SUBSTITUTE SENATE BILL NO. 5509,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
 SUBSTITUTE SENATE BILL NO. 5531,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688,

MOTION

At 8:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Tuesday, April 21, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 21, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Fairley, Haugen, Hewitt and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Emmett West Fraser and Chloe Hatfield, presented the Colors. Pastor Dale Oquist of Evergreen Christian Community of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208,

SUBSTITUTE HOUSE BILL NO. 1778,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,

SUBSTITUTE HOUSE BILL NO. 2339,

SUBSTITUTE HOUSE BILL NO. 2362,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5045,

SUBSTITUTE SENATE BILL NO. 5273,

SUBSTITUTE SENATE BILL NO. 5539,

SENATE BILL NO. 5540,

SUBSTITUTE SENATE BILL NO. 5556,

SUBSTITUTE SENATE BILL NO. 5561,

SUBSTITUTE SENATE BILL NO. 5565,

SUBSTITUTE SENATE BILL NO. 5566,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5608,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5629,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5673,

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6186 by Senator Shin

AN ACT Relating to disclosure of notes and information compiled during traffic stops; and amending RCW 42.56.010 and 42.56.240.

Referred to Committee on Judiciary.

SHB 2341 by House Committee on Ways & Means (originally sponsored by Representatives Cody and Kelley)

AN ACT Relating to changes in the basic health plan program necessary to implement the 2009-2011 operating budget; amending RCW 70.47.010, 70.47.020, 70.47.060, 70.47.070, 70.47.100, 74.09.053, and 70.47.170; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2343 by House Committee on Ways & Means (originally sponsored by Representative Haigh)

AN ACT Relating to achieving savings in education programs by revising provisions relating to diagnostic assessments, classified staff training, conditional scholarships, certain professional development programs, coordination for career and technical student organizations, and national board certification bonuses; amending RCW 28A.655.200, 28A.415.315, 28A.660.050, 28A.415.350, 28A.415.250, and 28A.405.415; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2346 by House Committee on Ways & Means (originally sponsored by Representative Kagi)

AN ACT Relating to crisis residential centers; amending RCW 74.13.0321, 74.13.033, and 74.13.034; reenacting and amending RCW 13.32A.130; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Ways & Means.

HB 2347 by Representative Kagi

AN ACT Relating to the review of support payments; and amending RCW 74.13.118.

Referred to Committee on Ways & Means.

HB 2349 by Representative Cody

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

SHB 2361 by House Committee on Ways & Means (originally sponsored by Representative Cody)

AN ACT Relating to modifying state payments for in-home care; adding new sections to chapter 74.39A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2338 by House Committee on Ways & Means (originally sponsored by Representative Hunt)

AN ACT Relating to the administration and operations of growth management hearings boards; amending RCW 36.70A.260, 36.70A.270, and 36.70A.290; adding new sections to chapter 36.70A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2339 by House Committee on Ways & Means (originally sponsored by Representatives Kessler, Seaquist, Roberts, Williams, Simpson, Nelson, Ormsby, Dunshee, Goodman, Pedersen, Cody, Hasegawa, Kirby, Maxwell, Upthegrove, Finn, Eddy, Hunt, Orwall, Rolfes, Morrell, Kenney, Clibborn, Morris, Green, Kagi, Chase, Sells, Wood, Flannigan, Ericks, McCoy, Campbell, Appleton, Pettigrew, White, Blake, Linville, Wallace, Conway, Carlyle, Miloscia, Takko, O'Brien, Hurst and Van De Wege)

AN ACT Relating to requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation; and amending RCW 46.16.076.

Referred to Committee on Ways & Means.

SHB 2362 by House Committee on Ways & Means (originally sponsored by Representative Kessler)

AN ACT Relating to providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees; amending RCW 3.62.060, 12.40.020, and 36.18.018; reenacting and amending RCW 36.18.020; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION 8663

By Senators Ranker, Fraser, McAuliffe, and Eide

WHEREAS, Garden Raised Bounty (GRuB) was founded in 1993 as a grass roots nonprofit organization dedicated to nourishing a strong community by empowering people and growing good food; and

WHEREAS, GRuB has built over 2,200 free raised-bed vegetable gardens for low-income families in their community since 1993; and

WHEREAS, Each of these gardens produce over 600 dollars worth of produce each year; and

WHEREAS, GRuB employs and trains over thirty-five low-income teenagers every year to grow thousands of pounds of organic vegetables for the Olympia community and build free gardens for low-income families; and

WHEREAS, Upon entering the program during the years of 2001 to 2008 only forty percent of GRuB's youth were on track to graduate, but now more than eighty-eight percent of them have graduated or earned their GED; and

WHEREAS, GRuB has constructed a community and youth development facility and preserved a historic small urban farm ten minutes from downtown Olympia using, in part, Washington State Department of Community, Trade, and Economic Development capital facilities funding; and

WHEREAS, GRuB continues to meet an increasing demand on their services in the face of a struggling economy not only at home, but abroad; and

WHEREAS, GRuB's successful programs for youth development and food production models has led to partnering with other communities to replicate the program; and

WHEREAS, The GRuB pilot project in Lewis County will continue their successful efforts at the Growing Places Farm and Energy Park; and

WHEREAS, GRuB will continue its dedication to grow inspired, self-confident, and community-minded youth and help low-income families and seniors to help themselves by building them raised-bed gardens at their homes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize GRuB for its many contributions to the low-income youth and families of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Kim Gaffi and Blue Peetz, Codirectors of GRuB.

Senators Ranker, Fraser, Roach and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

The motion by Senator Ranker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced founders and representatives of the Garden Raised Bounty organization who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kastama moved that Gubernatorial Appointment No. 9165, Rogers Weed, as a Director of the Department of Community, Trade and Economic Development, be confirmed.

Senators Kastama, McCaslin, Shin and Kilmer spoke in favor of passage of the motion.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

MOTION

On motion of Senator Kauffman, Senators Brown, Fairley, Haugen, Marr and Prentice were excused.

APPOINTMENT OF ROGERS WEED

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9165, Rogers Weed as a Director of the Department of Community, Trade and Economic Development.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9165, Rogers Weed as a Director of the Department of Community, Trade and Economic Development and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Haugen, Hewitt and Prentice

Gubernatorial Appointment No. 9165, Rogers Weed, having received the constitutional majority was declared confirmed as a Director of the Department of Community, Trade and Economic Development.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rogers Weed, Director of the Department of Community, Trade and Economic Development who was seated in the gallery.

MOTION

At 10:33 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:49 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9138, Nita Rinehart, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Delvin and Parlette were excused.

MOTION

On motion of Senator Marr, Senators Brown, Fraser, Haugen, Regala and Tom were excused.

APPOINTMENT OF NITA RINEHART

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9138, Nita Rinehart as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9138, Nita Rinehart as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Jacobsen and Kauffman

Excused: Senators Delvin and Haugen

Gubernatorial Appointment No. 9138, Nita Rinehart, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5931 with the following amendment: 5931-S AMH JUDI ADAM 057

On page 1, beginning on line 4, strike all of section 1

Renumber the remaining section and correct the title and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5931.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5931.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5931 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5931, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5931, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Carrell

Absent: Senators Jacobsen and Kauffman

Excused: Senators Delvin and Haugen

SUBSTITUTE SENATE BILL NO. 5931, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5945 with the following amendment: 5945-S2 AMH ENGR H3041.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the principles for health care reform articulated by President Obama in his proposed federal fiscal year 2010 budget to the congress of the United States provide an opportunity for the state of Washington to be both a partner with, and a model for, the federal government in its health care reform efforts.

NEW SECTION. Sec. 2. (1) The following principles shall provide guidance to the state of Washington in its health care reform deliberations:

(a) Guarantee choice. Provide Americans a choice of health plans and physicians. People will be allowed to keep their own

doctor and their employer-based health plan.

(b) Make health coverage affordable. Reduce waste and fraud, high administrative costs, unnecessary tests and services, and other inefficiencies that drive up costs with no added health benefits.

(c) Protect families' financial health. Reduce the growing premiums and other costs American citizens and businesses pay for health care. People must be protected from bankruptcy due to catastrophic illness.

(d) Invest in prevention and wellness. Invest in public health measures proven to reduce cost drivers in our system, such as obesity, sedentary lifestyles, and smoking, as well as guarantee access to proven preventive treatments.

(e) Provide portability of coverage. People should not be locked into their job just to secure health coverage, and no American should be denied coverage because of preexisting conditions.

(f) Aim for universality. Building on the work of the blue ribbon commission and other state health care reform initiatives and recognizing the current economic climate, the state will partner with national health care reform efforts toward a goal of enabling all Washingtonians to have access to affordable, effective health care by 2014 as economic conditions and national reforms indicate.

(g) Improve patient safety and quality care. Ensure the implementation of proven patient safety measures and provide incentives for changes in the delivery system to reduce unnecessary variability in patient care. Support the widespread use of health information technology with rigorous privacy protections and the development of data on the effectiveness of medical interventions to improve the quality of care delivered.

(h) Maintain long-term fiscal sustainability. Any reform plan must pay for itself by reducing the level of cost growth, improving productivity, and dedicating additional sources of revenue.

(2) Over the past twenty years, both the private and public health care sectors in the state of Washington have implemented policies that are consistent with the principles in subsection (1) of this section. Most recently, the governor's blue ribbon commission on health reform agreed to recommendations that are highly consistent with those principles. Current policies in Washington state in accord with those principles include:

(a) With respect to aiming for universality and access to a choice of affordable health care plans and health care providers:

(i) The Washington basic health plan offers affordable health coverage to low-income families and individuals in Washington state through a choice of private managed health care plans and health care providers;

(ii) Apple health for kids will achieve its dual goals that every child in Washington state have health care coverage by 2010 and that the health status of children in Washington state be improved. Only four percent of children in Washington state lack health insurance, due largely to efforts to expand coverage that began in 1993;

(iii) Through the health insurance partnership program, Washington state has designed the infrastructure for a health insurance exchange for small employers that would give employers and employees a choice of private health benefit plans and health care providers, offer portability of coverage and provide a mechanism to offer premium subsidies to low-wage employees of these employers;

(iv) Purchasers, insurance carriers, and health care providers are working together to significantly reduce health care administrative costs. These efforts have already produced efficiencies, and will continue through the activities provided in Substitute House Bill No. 1647 and Second Substitute Senate Bill No. 5346, if enacted by the 2009 legislature; and

(v) Over one hundred thousand Washingtonians have enrolled in the state's discount prescription drug card program, saving

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

consumers over six million dollars in prescription drug costs since February 2007, with an average discount of twenty-two dollars or forty-three percent of the price of each prescription filled.

(b) With respect to improving patient safety and quality of care and investing in prevention and wellness, the public and private health care sectors are engaged in numerous nationally recognized efforts:

(i) The Puget Sound health alliance is a national leader in identifying evidence-based health care practices, and reporting to the public on health care provider performance with respect to these practices. Many of these practices address disease prevention and management of chronic illness;

(ii) The Washington state health technology assessment program and prescription drug program use medical evidence and independent clinical advisors to guide the purchasing of clinically and cost-effective health care services by state-purchased health care programs;

(iii) Washington state's health record bank pilot projects are testing a new model of patient controlled electronic health records in three geographic regions of the state. The state has also provided grants to a number of small provider practices to help them implement electronic health records;

(iv) Efforts are underway to ensure that the people of Washington state have a medical home, with primary care providers able to understand their needs, meet their care needs effectively, better manage their chronic illnesses, and coordinate their care across the health care system. These efforts include group health cooperative of Puget Sound's medical home projects, care collaboratives sponsored by the state department of health, state agency chronic care management pilot projects; development of apple health for kids health improvement measures as indicators of children having a medical home, and implementation of medical home reimbursement pilot projects under Substitute Senate Bill No. 5891 and Second Substitute House Bill No. 2114, if enacted by the 2009 legislature; and

(v) Health care providers, purchasers, the state, and private quality improvement organizations are partnering to undertake numerous patient safety efforts, including hospital and ambulatory surgery center adverse events reporting, with root cause analysis to identify actions to be undertaken to prevent further adverse events; reporting of hospital acquired infections and undertaking efforts to reduce the rate of these infections; developing a surgical care outcomes assessment program that includes a presurgery checklist to reduce medical errors, and developing a patient decision aid pilot to more fully inform patients of the risks and benefits of treatment alternatives, decrease unnecessary procedures and variation in care, and provide increased legal protection to physicians whose patients use a patient decision aid to provide informed consent.

NEW SECTION. Sec. 3. (1) Beginning October 1, 2009, the governor shall convene quarterly meetings of the Washington health partnership advisory group. The advisory group will review progress and provide input related to further actions that can be taken in both the public and private sectors to implement the principles stated in section 2 of this act and the findings of the governor's blue ribbon commission on health reform. The membership of the advisory group shall include:

(a) Two members of the house of representatives and two members of the senate, representing the majority and minority caucuses of each body;

(b) The insurance commissioner;

(c) The secretary of the department of social and health services, the administrator of the health care authority, the director of the department of labor and industries, and the director of the office of financial management;

(d) Members of the forum, the Puget Sound health alliance, national federation of independent business, and the healthy Washington coalition, who will ensure that the perspectives of large and small employers, providers, health carriers, labor organizations, and consumers are actively involved in the group.

(2) The advisory group shall monitor the status and outcomes of activities at the state level with respect to their impact on access to affordable health care, cost containment and quality of care including, but not limited to:

(a) The programs and efforts described in section 2(2) of this act;

(b) Medicaid waivers submitted under sections 4 and 5 of this act; and

(c) Efforts to consolidate state health purchasing and streamline administration of the purchasing.

(3) The advisory group shall monitor the progress of health care reform legislation at the federal level, with the goal of aligning state health care activities so that the state is poised to participate in federal health care reform. If federal legislation is enacted that offers states the opportunity to undertake health care reform demonstration efforts, the governor, with the advice of the group established under this section, should actively seek to participate as a demonstration site.

(4) In its deliberations, the advisory group shall consider recent reports that have analyzed various health care reform proposals in Washington state.

(5) Members of the advisory group shall not be reimbursed for travel and per diem related to activities of the advisory group.

(6) The advisory group expires June 30, 2010.

NEW SECTION. Sec. 4. (1) The department shall submit a section 1115 demonstration waiver request to the federal department of health and human services to expand and revise the medical assistance program as codified in Title XIX of the federal social security act. The waiver request should be designed to ensure the broadest federal financial participation under Title XIX and XXI of the federal social security act. To the extent permitted under federal law, the waiver request should include the following components:

(a) Establishment of a single eligibility standard for low-income persons, including expansion of categorical eligibility to include childless adults. The department shall request that the single eligibility standard be phased in such that incremental steps are taken to cover additional low-income parents and individuals over time, with the goal of offering coverage to persons with household income at or below two hundred percent of the federal poverty level;

(b) Establishment of a single seamless application and eligibility determination system for all state low-income medical programs included in the waiver. Applications may be electronic and may include an electronic signature for verification and authentication. Eligibility determinations should maximize federal financing where possible;

(c) The delivery of all low-income coverage programs as a single program, with a common core benefit package that may be similar to the basic health benefit package or an alternative benefit package approved by the secretary of the federal department of health and human services, including the option of supplemental coverage for select categorical groups, such as children, and individuals who are aged, blind, and disabled;

(d) A program design to include creative and innovative approaches such as: Coverage for preventive services with incentives to use appropriate preventive care; enhanced medical home reimbursement and bundled payment methodologies; cost-sharing options; use of care management and care coordination programs to improve coordination of medical and behavioral health services; application of an innovative predictive risk model to better

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

target care management services; and mandatory enrollment in managed care, as may be necessary;

MOTION

(e) The ability to impose enrollment limits or benefit design changes for eligibility groups that were not eligible under the Title XIX state plan in effect on the date of submission of the waiver application;

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5945.

Senator Keiser spoke in favor of passage of the motion.

(f) A premium assistance program whereby employers can participate in coverage options for employees and dependents of employees otherwise eligible under the waiver. The waiver should make every effort to maximize enrollment in employer-sponsored health insurance when it is cost-effective for the state to do so, and the purchase is consistent with the requirements of Titles XIX and XXI of the federal social security act. To the extent allowable under federal law, the department shall require enrollment in available employer-sponsored coverage as a condition of eligibility for coverage under the waiver; and

MOTION

On motion of Senator Marr, Senators Brown, Jacobsen and Kauffman were excused.

(g) The ability to share savings that might accrue to the federal medicare program, Title XVIII of the federal social security act, from improved care management for persons who are eligible for both medicare and medicaid. Through the waiver application process, the department shall determine whether the state could serve, directly or by contract, as a medicare special needs plan for persons eligible for both medicare and medicaid.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5945.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5945 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5945, as amended by the House.

Senator Pflug spoke against passage of the bill.

ROLL CALL

(2) The department shall hold ongoing stakeholder discussions as it is developing the waiver request, and provide opportunities for public review and comment as the request is being developed.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5945, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

(3) The department and the health care authority shall identify statutory changes that may be necessary to ensure successful and timely implementation of the waiver request as submitted to the federal department of health and human services as the apple health program for adults.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

(4) The legislature must authorize implementation of any waiver approved by the federal department of health and human services under this section.

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

NEW SECTION. Sec. 5. (1) The department shall continue to submit applications for the family planning waiver program.

Excused: Senators Haugen and Jacobsen

SECOND SUBSTITUTE SENATE BILL NO. 5945, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(2) The department shall submit a request to the federal department of health and human services to amend the current family planning waiver program as follows:

MESSAGE FROM THE HOUSE

(a) Provide coverage for sexually transmitted disease testing and treatment;

April 8, 2009

(b) Return to the eligibility standards used in 2005 including, but not limited to, citizenship determination based on declaration or matching with federal social security databases, insurance eligibility standards comparable to 2005, and confidential service availability for minors and survivors of domestic and sexual violence; and

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5967 with the following amendment: 5967-S.E AMH JUDI ADAM 055

(c) Within available funds, increase income eligibility to two hundred fifty percent of the federal poverty level, to correspond with income eligibility for publicly funded maternity care services.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 43.06 RCW.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to chapter 74.09 RCW."

"NEW SECTION. Sec. 1 The legislature finds and declares:

"NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

On June 23, 1972, President Richard Nixon signed into law Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act. This landmark legislation provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...." Title IX has expanded opportunities for males as well as females in educational programs and activities, including ensuring access to athletic opportunities for girls and women in educational institutions and to male and female staff to coaching and athletics administrative positions in educational institutions. The dramatic increases in participation rates at both the

(1) RCW 43.20A.560 (Development of options to expand health care options--Consideration of federal waivers and state plan amendments required) and 2007 c 259 s 23; and

(2) RCW 74.09.740 (Amendments to state plan--Federal approval required) and 2002 c 3 s 14."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

ONE-HUNDREDTH DAY, APRIL 21, 2009

high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate.

Further, ensuring equality in the state of Washington, the legislature passed an amendment to the state Constitution, ratified by the voters in November 1972, providing "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." In 1975, Washington continued to be at the forefront of this issue by adopting legislation that established our own statutory version of the federal Title IX law that prohibited "inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state."

Athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. Athletic scholarships make it possible for some young people to attend college. The Washington state legislature, recognizing the importance of full participation in athletics, has passed numerous bills directed at achieving equity and eliminating discrimination in intercollegiate athletics in the state's institutions of higher education.

Despite advances in educational settings and efforts by some local agencies to expand opportunities in community athletics programs, discrimination still exists that limits these opportunities. It is the intent of the legislature to expand and support equal participation in athletics programs, and provide all sports programs equal access to facilities administered by cities, towns, counties, metropolitan park districts, park and recreation service areas, or park and recreation districts.

Nothing in this act is intended to affect the holding in the Washington state supreme court's ruling in *Darrin v. Gould*, 85 Wn.2d 859, 540 P.2d 882 (1975) and its progeny that held it is not acceptable to discriminate in contact sports on the basis of sex.

NEW SECTION. Sec. 2 (1) No city, town, county, or district may discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. A third party receiving a lease or permit from a city, town, county, district, or a school district, for a community athletics program also may not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) The definitions in this subsection apply throughout this section.

(a) "Community athletics program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district, or school district other than those offered by the school and created solely for the students by the school.

(b) "District" means any metropolitan park district, park and recreation service area, or park and recreation district.

NEW SECTION. Sec. 3 (1) By January 1, 2010, each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities shall adopt a policy that specifically prohibits discrimination against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) It is the responsibility of each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities to publish and disseminate this policy. At a minimum, the nondiscrimination policy should be included in any publication that includes information about the entity's own athletics programs, or about obtaining a permit for operating athletics programs and on the appropriate city, town, county, or district web site.

(3) School districts issuing permission to a third party for the operation of a community athletics program on its facilities shall also follow the provisions of this section but may modify and use existing school district policies and procedures to the extent that is possible. Nothing in this section may be construed to require school districts to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

(4) Every city, town, county, or district covered by this section should also publish the name, office address, and office telephone number of the employee or employees responsible for its efforts to comply with and carry out its responsibilities under this act.

NEW SECTION. Sec. 4 A new section is added to chapter 35.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a city or town.

NEW SECTION. Sec. 5 A new section is added to chapter 35.61 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a metropolitan park district.

NEW SECTION. Sec. 6 A new section is added to chapter 35A.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a code city.

NEW SECTION. Sec. 7 A new section is added to chapter 36.01 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a county.

NEW SECTION. Sec. 8 A new section is added to chapter 36.68 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation service area.

NEW SECTION. Sec. 9 A new section is added to chapter 36.69 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation district.

NEW SECTION. Sec. 10 Sections 2 and 3 of this act are each added to chapter 49.60 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5967.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5967.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5967 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5967, as amended by the House.

ONE-HUNDREDTH DAY, APRIL 21, 2009
ROLL CALL

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5967, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Honeyford, McCaslin and Morton

Excused: Senators Haugen and Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act. are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5974 with the following amendment: 5974 AMH AGNR H2951.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.36.116 and 2007 c 71 s 3 are each amended to read as follows:

(1) Any person found transporting animals on the public roads of this state that are not accompanied by valid health certificates, permits, or other documents as required by this chapter or its rules has committed a class 1 civil infraction.

(2) Any person who knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock has committed a civil infraction and shall be assessed a monetary penalty not to exceed one thousand dollars. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation. Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot. For the purposes of this section, "nonambulatory livestock" has the same meaning as in RCW 16.52.225.

(3) The director is authorized to issue notices of and enforce civil infractions in the manner prescribed under chapter 7.80 RCW.

Sec. 2. RCW 16.52.225 and 2004 c 234 s 1 are each amended to read as follows:

(1) Unless otherwise cited for a civil infraction by the department of agriculture under RCW 16.36.116(2), a person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

(2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.

(3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

(4) For the purposes of this section, "nonambulatory livestock" means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Senate Bill No. 5974.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Senate Bill No. 5974.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5974 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5974, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5974, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kastama and McCaslin

Excused: Senators Haugen and Pflug

SENATE BILL NO. 5974, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 5649 which had been deferred on the previous day.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Schoesler as to the scope and object of House Amendment #711 to Engrossed Second Substitute Senate Bill 5649, the President finds and rules as follows:

E2SSB 5649 as it passed the Senate is a broad measure that directs several state agencies to provide financial and technical assistance to local governments, nongovernmental entities, and other

ONE-HUNDREDTH DAY, APRIL 21, 2009

entities to provide for energy efficiency audits and improvements in home, commercial building and on farms. It establishes criteria for eligible projects and provides preferences for projects that meet certain criteria. House Amendment #711 provides additional detail regarding these criteria. While the standards may differ between the Senate bill and the House amendment, they both address criteria for eligibility and preference.

For this reason, the President finds that Senator Schoesler's point is not well-taken. The House amendment is properly before the body for consideration."

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5649.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5649.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5649 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5649, as amended by the House.

Senator Honeyford spoke against final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5649, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli

Absent: Senator Hargrove

Excused: Senator Haugen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 5560 which had been deferred on the previous day.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Swecker as to the scope and object of the House Amendment to Engrossed Second Substitute Senate Bill 5560, the President finds and rules as follows:

E2SSB 5560 as it passed the Senate is a broad measure that directs all state agencies to plan and undertake actions that will help

2009 REGULAR SESSION

to achieve specified statewide limits to emissions of greenhouse gases. The House Amendment directs state agencies to apply these same considerations in their administration of capital funding programs.

The President finds that the amendment extends to state capital funding programs the same requirements of state agencies in all other state government programs.

For this reason, the President finds that Senator Swecker's point is not well-taken. The House amendment is properly before the body for consideration."

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5560.

Senator Rockefeller spoke in favor of the motion.
Senator Honeyford spoke against the motion.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5560.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5560 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Brown and Haugen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5978 with the following amendment: 5978-S.E AMH CL HELA 044

On page 2, line 7, after "offering" strike "or processing"

On page 2, after line 12, insert the following:

"(4) This section applies only to the person offering the rebate, which is the person who provides the cash, credit, or credit towards future purchases to the consumer. This section does not apply to a

ONE-HUNDREDTH DAY, APRIL 21, 2009

person who processes a rebate or who provides consumers with instructions or materials related to a rebate." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the motion.

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5978 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6009 with the following amendment: 6009-S AMH HCW H2893.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.129 RCW to read as follows:

(1) A long-term care facility must fully disclose to residents the facility's policy on accepting medicaid as a payment source. The policy shall clearly state the circumstances under which the facility provides care for medicaid eligible residents and for residents who may later become eligible for medicaid.

(2) The policy under this section must be provided to residents orally and in writing prior to admission, in a language that the resident or the resident's representative understands. The written

2009 REGULAR SESSION

policy must be in type font no smaller than fourteen point and written on a page that is separate from other documents. The policy must be signed and dated by the resident or the resident's representative, if the resident lacks capacity. The facility must retain a copy of the disclosure. Current residents must receive a copy of the policy consistent with this section by the effective date of this act."

Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6009.

Senators Keiser and Pflug spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6009.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6009 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6009, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6009, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015 with the following amendment: 6015-S2.E AMH APPG H3082.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Washington state is fortunate to have a dynamic technology industry sector that benefits from vibrant global demand for its output and that helps drive the state's economy. Washington state is uniquely positioned to shape its future success in innovation in the technology sectors of life sciences and high technology. Nearly every state in the nation is competing to develop a strong innovation economy. Washington has world-class research institutions, entrepreneurial spirit and talent, an actively collaborative community, and an existing foundational sector.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(2) To leverage its potential, the state must actively work to create and ensure a supportive environment that enables entrepreneurial people and companies to convert their innovative ideas into marketable new products and services. Providing such an environment would: Solidify Washington state as a global leader of knowledge and technology commercialization; create more highly rewarding and well-paying careers for Washington's citizens; grow more companies in new and far-reaching markets; renew traditional industries through value-added technology adaptation; and generate solid returns for Washington state.

NEW SECTION. Sec. 2. (1) By December 1, 2009, the department of community, trade, and economic development shall report to the governor and the legislature on how the state can best encourage and support the growth of innovation in the development and commercialization of proprietary technology in the life sciences and information technology industries.

(2) In consultation with life sciences trade and technology trade associations, the department shall:

(a) Investigate and recommend strategies to increase the amount of local or regional capital targeted to preseed, seed, and other early stage investments in life sciences and information technology companies;

(b) Examine state laws, rules, appropriations, and taxes related to life sciences and information technology, identify barriers, and recommend alternatives that will support growth of these industries;

(c) Evaluate the state's technology-based economic development efforts and recommend any additional infrastructure needed to assist companies at each stage of the business life cycle; and

(d) Review the status of technology transfer and commercialization efforts by the state's public research universities.

(3) The department shall provide a draft report of its findings and recommendations to the Washington state economic development commission. The commission shall compare the recommendations in the draft report to the overall direction and strategies related to life sciences and information technology adopted in the state's comprehensive economic development plan. The commission shall provide written observations to the department on areas of alignment or nonalignment between the report and the plan. The final report shall include the commission's observations and shall reflect any changes made to the report by the department in response to the commission's comments.

(4) For purposes of the report: (a) "Life sciences" must include but is not limited to: Medical devices and biotechnology as defined in RCW 82.63.010; and (b) "information technology" must include but is not limited to: Hardware, software, and internet infrastructure, that address high potential emerging and growing markets.

(5) From the funds appropriated for the purposes of this section, the money available for expenditure may not exceed the amount matched dollar-for-dollar by cash or in-kind contributions from nonstate sources.

(6) This section expires December 31, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6015.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6015.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6015 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6015, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6015, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Brown

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "It took me twenty-nine years but I finally influenced someone."

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6016 with the following amendment: 6016-S AMH ED H2938.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Dyslexia is a language-based learning disability that affects individuals throughout their lives. Washington state has a long-standing tradition of working to serve its students with dyslexia. Since 2005, the legislature has provided funding for five pilot projects to implement research-based, multisensory literacy intervention for students with dyslexia. Participating schools were required to have a three-tiered reading structure in place, provide professional development training to teachers, assess students, and collect and maintain data on student progress.

The legislature finds that the students receiving intervention support through the dyslexia pilot projects have made substantial and steady academic gains. The legislature intends to sustain this work and expand the implementation to a level of statewide support for students with dyslexia by developing and providing information and training, including a handbook to continue to improve the skills of our students with dyslexia.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Within available resources, the office of the superintendent of public instruction, in consultation with the school districts that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting efforts to provide appropriate identification of and instruction for individuals with dyslexia, shall:

(a) Develop an educator training program to enhance the reading, writing, and spelling skills of students with dyslexia. The training program must provide research-based, multisensory literacy intervention professional development in the areas of dyslexia and intervention implementation. The program shall be posted on the

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

web site of the office of the superintendent of public instruction. The training program may be regionally delivered through the educational service districts. The educational service districts may seek assistance from the international nonprofit organization to deliver the training; and

(b) Develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook shall be modeled after other state dyslexia handbooks, and shall include guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook shall provide school districts, and parents and guardians with information regarding the state's relevant statutes and their relation to federal special education laws. The handbook shall be posted on the web site of the office of the superintendent of public instruction.

(2) Beginning September 1, 2009, and annually thereafter, each educational service district shall report to the office of the superintendent of public instruction the number of individuals who participate in the training developed and offered by the educational service district. The office of the superintendent of public instruction shall report that information to the legislative education committees."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6016.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6016.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6016 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6016, as amended by the House.

Senator Benton spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6016, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6016, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6033 with the following amendment: 6033.E AMH FII H2929.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.320.160 and 2008 c 322 s 1 are each amended to read as follows:

(1) The ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program is created in the department to assist ~~((low-income and moderate-income households, as defined in RCW 84.14.010;))~~ borrowers facing foreclosure in achieving work-outs, loan modifications, or other results that keep them in their homes. The borrowers are households, families, and individuals who are residents of Washington state, with an emphasis on borrowers with incomes up to one hundred forty percent of median income level of the county in which the borrower resides.

(2) The department shall enter into an interagency agreement with the Washington state housing finance commission to implement and administer this program with moneys from the account created in RCW 43.320.165. The Washington state housing finance commission will request funds from the department as needed to implement and operate the program.

(3) The commission shall, under terms and conditions to be determined by the commission, in consultation with the department, assist homeowners who are ~~((delinquent on their mortgage payments to bring their mortgage payments current in order to refinance into a different loan product))~~ facing foreclosure in achieving work-outs, loan modifications, or other results that keep them in their homes. ~~((Financial assistance received by homeowners under this chapter shall be repaid at the time of refinancing into a different loan product. Homeowners receiving financial assistance shall also agree to partake in a residential mortgage counseling program.))~~ Moneys may also be used for outreach activities to raise awareness of this program; creating and maintaining a pool of volunteers consisting of attorneys, accountants, banking professionals, mortgage brokers, housing counselors, and other relevant professionals who participate in the program as needed and without compensation to provide advice and representation to the borrower in achieving work-outs, loan modifications, or other results that keep them in their homes; and administering assignments of volunteers to borrowers in the most productive manner. Not more than four percent of the total appropriation for this program may be used for administrative expenses of the department and the commission.

(4) The commission must provide an annual report to the legislature at the end of each fiscal year of program operation. The report must include information ~~((including the total number of households seeking help to resolve mortgage delinquency, the number of program participants that successfully avoided foreclosure, and the number of program participants who refinanced a home, including information on the terms of both the new loan product and the product out of which the homeowner refinanced))~~ determined by the prevent or reduce owner-occupied foreclosure oversight committee established under section 4 of this act to be useful in assessing the success of the program. The commission shall establish and report upon performance measures, including measures to gauge program efficiency and effectiveness and customer satisfaction.

(5) For the purposes of this section, "work-out" means an agreement made between the borrower and the mortgagee or beneficiary under a deed of trust, or with the authorized agent of the mortgagee or beneficiary, that results in the borrower's continued residence in the mortgaged residential property.

Sec. 2. RCW 43.320.165 and 2008 c 322 s 2 are each amended to read as follows:

The ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program account is created in the custody of the state treasurer. All receipts from the appropriation in section 4, chapter 322, Laws of 2008 as well as receipts from private contributions and all other sources that are specifically designated for the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program must be deposited into the account. Expenditures from the account may be used solely for the purpose of

ONE-HUNDREDTH DAY, APRIL 21, 2009

preventing or reducing owner-occupied foreclosures through the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program as described in RCW 43.320.160. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 43.320.170 and 2008 c 322 s 3 are each amended to read as follows:

The Washington state housing finance commission shall ~~((only))~~ serve ~~((low-income))~~ households, ~~((as defined in RCW 84.14.010,))~~ families, and individuals who are residents of Washington state, with an emphasis on borrowers with incomes up to one hundred forty percent of the median income level of the county in which the borrower resides, through the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program described in RCW 43.320.160 using state appropriated general funds in the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program account created in RCW 43.320.165~~((:))~~ and contributions from private and other sources ~~((to the account may be used to serve both low-income and moderate-income households, as defined in RCW 84.14.010, through the smart homeownership choices program)).~~

NEW SECTION. Sec. 4. A new section is added to chapter 43.320 RCW to read as follows:

(1) The housing finance commission shall establish a prevent or reduce owner-occupied foreclosure oversight committee to consist of:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
- (c) The director of the department of financial institutions as an ex officio member;
- (d) The executive director of the housing finance commission as an ex officio member;
- (e) A representative of the Washington state bar association;
- (f) A representative of the office of civil legal aid;
- (g) A representative of a banker's association;
- (h) A representative of the Washington state board of accountancy;
- (i) A representative of community banks;
- (j) A representative of mortgage brokers;
- (k) A representative of housing counselors; and
- (l) A representative of credit unions.

(2) The members of the prevent or reduce owner-occupied foreclosure oversight committee shall serve without compensation.

(3) The prevent or reduce owner-occupied foreclosure oversight committee shall serve as the housing finance commission's principal advisory body on the prevent or reduce owner-occupied foreclosure program, and must:

(a) Develop criteria for success of the program that may include: Number of borrowers served; number of work-outs achieved; amount of homeowner funds received for homeowner stabilization; and number of volunteer professionals participating;

(b) Periodically evaluate the effectiveness of the program according to the criteria developed under (a) of this subsection;

(c) Develop and maintain an inventory of state and federal housing assistance programs directed to stabilize owner-occupied homes; and

(d) Coordinate all state efforts related to prevention or reduction of owner-occupied foreclosures.

(4) Any of the duties under subsection (3) of this section may be delegated to the executive director of the housing finance commission.

(5) The prevent or reduce owner-occupied foreclosure oversight committee shall meet regularly.

(6) The housing finance commission must provide information and assistance as requested for the prevent or reduce owner-

2009 REGULAR SESSION

occupied foreclosure oversight committee to carry out its duties under this section.

(7) Staff support for the committee must be provided by the housing finance commission.

NEW SECTION. Sec. 5. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

5.1.1.1. RCW 43.320.160 (Smart homeownership choices program--Report) and section 1 of this act & 2008 c 322 s 1;

5.1.1.2. RCW 43.320.165 (Smart homeownership choices program account) and section 2 of this act & 2008 c 322 s 2;

5.1.1.3. RCW 43.320.170 (Smart homeownership choices program-- Expenditures--Low-income households--Moderate-income households) and section 3 of this act & 2008 c 322 s 3; and

(4) Section 4 of this act."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6033.

Senator Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6033.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6033 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6033, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

ENGROSSED SENATE BILL NO. 6033, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6036 with the following amendment: 6036-S AMH AGNR H2952.5

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

The department shall amend the state water quality standards to authorize compliance schedules in excess of ten years for discharge permits issued under this chapter that implement allocations contained in a total maximum daily load under certain circumstances. Any such amendment must be submitted to the United States environmental protection agency under the clean water act. Compliance schedules for the permits may exceed ten years if the department determines that:

- (1) The permittee is meeting its requirements under the total maximum daily load as soon as possible;
 - (2) The actions proposed in the compliance schedule are sufficient to achieve water quality standards as soon as possible;
 - (3) A compliance schedule is appropriate; and
 - (4) The permittee is not able to meet its waste load allocation solely by controlling and treating its own effluent."
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6036.
Senator Rockefeller spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6036.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6036 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6036, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6036, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6036, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6070 with the following amendment: 6070 AMH ENGR H3027.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.140 RCW under the subchapter heading "special provisions and leases" to read as follows:

(1)(a) The legislature finds and declares that an extraordinary volume of material washed down onto beds of navigable waters and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river following the eruption of Mount St. Helens in 1980.

(b) The legislature further finds that the owners of private lands located near the impacted rivers were authorized to sell, transfer, or otherwise dispose of any dredge spoils removed from the river between the years of 1980 and 1995 without the necessity of any charge by the department.

(c) The legislature further finds that the dredging activities following the eruption of Mount St. Helens are no longer adequate to protect engineered structures on the affected rivers or the public health and safety of the communities located in proximity to the affected rivers. Future river dredging will be necessary as part of managing the post-eruption state of the rivers, and with the commencement of new dredging activities, the underlying conditions leading to the previous authority for private landowners to dispose of the dredged materials without the necessity of any charge by the department are replicated.

(d) The legislature further finds that just as between the years of 1980 and 1995, the dredge spoils placed upon adjacent publicly and privately owned property in the affected areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

(2)(a) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands prior to January 1, 2009, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department.

(b) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands after January 1, 2009, but before December 31, 2017, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department if the land in question was not used as a source for commercially sold materials prior to January 1, 2009. If the land in question was used as a source for commercially sold materials prior to January 1, 2009, the dredge spoils may be used without the necessity of any charge by the department. However, any sale of the materials would not be exempt from charges by the department consistent with this title.

(3)(a) Prior to selling or otherwise using any materials under this section for commercial purposes, written notification must be provided by the owners of the lands to the department outlining the type and amount of material that is planned to be sold or otherwise used.

(b) The department shall report to the appropriate committees of the legislature each biennium through the end of the 2015-2017 biennium a summary of any notifications received under (a) of this subsection. The report must include a determination of whether any revenue that would otherwise accrue to the state has been diverted by the provisions of this section and a summation of the diverted amount for the previous biennium. The initial report is due by January 2, 2012, with subsequent reports due by January 2nd of each even-numbered year.

NEW SECTION. Sec. 2. RCW 79.140.120 is decodified."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6070.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 6070.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6070 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6070, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6070, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Regala

SENATE BILL NO. 6070, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6088 with the following amendment: 6088-S AMH CB H3118.1

On page 1, line 13, after "agencies" insert "as defined in RCW 40.06.010"

On page 2, line 23, after "interagency board" insert "or other interested parties"

On page 2, line 26, after "70.94.531" insert "or developed under the joint comprehensive commute trip reduction plan described in this section"

On page 2, line 27, after "transportation," insert "general administration,"

On page 3, line 15, after "transportation shall" insert "work with applicable state agencies, including institutions of higher education, and shall"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6088.

Senator Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6088.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6088 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton and Hatfield

Absent: Senator Oemig

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6095 with the following amendment: 6095-S AMH TR H2941.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.16.035 and 2008 c 128 s 2 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) Annually fix the pilotage tariffs for pilotage services ~~((performed aboard vessels as required by))~~ provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6095.

Senator Jarrett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6095.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6095 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095, as amended by the House, and the bill passed

the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, Honeyford, Morton, Pflug and Stevens

SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:16 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 21, 2009

SB 6122 Prime Sponsor, Senator Prentice: Reducing costs of the elections division of the office of the secretary of state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6122 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pflug; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 21, 2009

SB 6129 Prime Sponsor, Senator Prentice: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

Passed to Committee on Rules for second reading.

April 21, 2009

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

ESHB 2211 Prime Sponsor, Committee on Transportation: Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor. Reported by Committee on Transportation

MESSAGE FROM THE HOUSE

April 21, 2009

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Jarrett; Kastama; Kilmer; King and Ranker.

MR. PRESIDENT:
The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 2363,
and the same is herewith transmitted.

Passed to Committee on Rules for second reading.

BARBARA BAKER, Chief Clerk

April 21, 2009

HB 2359 Prime Sponsor, Representative Cody: Concerning delaying the implementation date for peer mentoring for long-term care workers. Reported by Committee on Ways & Means

SIGNED BY THE PRESIDENT

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hobbs; Honeyford; Kohl-Welles; McDermott; Oemig; Parlette; Pflug; Pridemore; Regala and Schoesler.

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5270,
SUBSTITUTE SENATE BILL NO. 5286,
SUBSTITUTE SENATE BILL NO. 5318,
SECOND SUBSTITUTE SENATE BILL NO. 5346,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5501,
SENATE BILL NO. 5547,
SUBSTITUTE SENATE BILL NO. 5719,
SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5724,
SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5738,
ENGROSSED SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5834,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5891,
SUBSTITUTE SENATE BILL NO. 5921,
ENGROSSED SENATE BILL NO. 5925,

Passed to Committee on Rules for second reading.

April 21, 2009

HB 2360 Prime Sponsor, Representative Darneille: Concerning consolidation of administrative services for AIDS grants in the department of health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; Oemig; Pridemore; Regala and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Pflug.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

SECOND READING

SENATE BILL NO. 5915, by Senators Prentice and Fairley

Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent.

The measure was read the second time.

MESSAGE FROM THE HOUSE

MOTION

April 21, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 34.05.350 and 1994 c 249 s 3 are each amended to read as follows:

(1) If an agency for good cause finds:

(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; ((or))

ENGROSSED HOUSE BILL NO. 1385,
SECOND SUBSTITUTE HOUSE BILL NO. 1484,
SECOND SUBSTITUTE HOUSE BILL NO. 2106,
HOUSE BILL NO. 2146,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule; or

(c) In order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency,

the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.

(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.

(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.

~~((4) In adopting an emergency rule, the agency shall comply with section 4 of this act or provide a written explanation for its failure to do so.))~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Fairley spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fairley to Senate Bill No. 5915.

The motion by Senator Fairley carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "when," strike the remainder of the title and insert "necessary to implement budget appropriations and reductions; amending RCW 34.05.350; and declaring an emergency."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5915.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5915 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Roach, Stevens and Swecker

Excused: Senators Brown and Hatfield

ENGROSSED SENATE BILL NO. 5915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5557, by Senator Pridemore

Adopting the recommendations of the citizen commission for performance measurement of tax preferences.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 1, line 2 of the title, after "preferences", strike all material through "exemptions" on line 3 and insert "concerning calculation of the business and occupation tax deduction for radio and television broadcasting, reporting data on the community benefits of nonprofit nursing homes and hospitals, and a property tax exemption for airports belonging to municipalities of adjoining states"

Senators Schoesler and Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 2 to Substitute Senate Bill No. 5557.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

Senator Pridemore moved that the following amendment by Senator Pridemore be adopted.

On page 5, beginning on line 19, strike "consistent reporting standards for"

On page 6, line 10, after "84.36.040(1)" strike "(c) and (d)" and insert "(d) and (e)"

On page 6, line 13, after "year," insert "Community benefits include, but are not limited to: Community health improvement services; health professions education; subsidized health services; research; financial and in-kind contributions; community-building activities; community benefit operations; and charity care, including unreimbursed costs of indigent government sponsored programs and Medicaid shortfall."

On page 6, line 28, after "removed," insert "However, the department must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein."

Senator Pridemore spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 5, line 19 to Substitute Senate Bill No. 5557.

The motion by Senator Pridemore carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, McCaslin, Morton and Sheldon

Excused: Senators Brown and Hatfield

ENGROSSED SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Honeyford as to the application of Initiative Number 960 to Engrossed Substitute House Bill 2075, the President finds and rules as follows:

While the bill does many things, the subject matter at issue is the tax treatment of what are commonly known as 'digital goods.' The President believes it is appropriate to begin by taking note of the history of this matter. It is fair to say that the application of certain

taxes to digital goods has been unclear over the years, largely because of the effects that the ever-changing technology continues to have on the marketplace. In 2007, as part of the adopted budget, the Legislature mandated, and I quote, 'a study of the taxation of electronically delivered products'—that is, digital goods. In late 2008, that study was completed and submitted, and it contained numerous findings and recommendations. It is fair to characterize the bill before us as implementing some of those recommendations and setting forth definitions and parameters relating to digital goods taxation.

The President does not necessarily agree, as some have argued, that the super-majority provisions of I-960 can be avoided simply by offsetting or depleting the same account or fund into which new revenue is to be deposited. Put another way, the President believes it is appropriate to look at both the individual provisions within a bill as well as the total effect of the bill as a whole. The President would therefore caution the body to be mindful of this with respect to bills which attempt to balance out one set of revenue increases against another set of revenue decreases or exemptions which act to offset one another, because the President also finds that the initiative's language on this matter clearly unclear; however, he is bound to implement its provisions just as with any other law.

In this particular case, this bill contains provisions that clearly raise revenue and others that clearly lower expected revenue. In sum, however, the President believes that this bill is most properly viewed as a clarification of the law with respect to the taxation of digital goods. Whatever the intent and limitations of I-960, the President believes the Legislature must, as a branch of government charged with law-making authority, retain its inherent powers and duties to clarify its own mandates and its prior policies. This power is not unlimited, of course, and there may be situations where legislative action may go beyond clarification and come to be a tax increase in its own right, but such is not the situation presented today. A genuine dispute existed as to the application of taxes to digital goods; the Legislature chose to study the matter for the purpose of clarifying the issue, and, based on that study, make the reasonable definitions and clarifications embodied in this bill.

For these reasons, the President believes this measure will take only a simple majority vote on final passage."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Zarelli as to the application of Initiative Number 960 to House Bill 1088, the President finds and rules as follows:

The President believes it is appropriate to begin by taking note of the history of this matter. The RCW being amended was last acted upon by the Legislature in 1957. Recently, however, a trial court ruled that the Department of Revenue's past interpretation of this law was erroneous, holding that the law did not include all 'recurring charges billed to consumers' within the definition of 'gross revenue' for purposes of collecting public utility district privilege taxes. This bill is sought by the Department as a clarification of the law, and it is fair to say that this measure would restore the definition of "gross revenue" to the Department's long-standing interpretation of this term.

The President agrees that this bill could be deemed a clarification, and would respectfully take issue with the court's interpretation of the law as it has existed since 1957. Nonetheless, under long-standing comity and separation of powers principles, the President is obligated to defer to another branch of government acting in its duly-constituted role in interpreting law. As recently as 2006, for example, the President took note of a court decision which declared Initiative Number 872 unconstitutional. In that ruling, the President acknowledged that a trial court's ruling may or may not

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

prove to be the final word on a legal matter, and that subsequent appeals or other legal actions could dramatically alter the earlier decision. In this sense, the action could be viewed as unsettled or uncertain, at least until another court has acted. In resolving this problem, the President noted then—as he does now—that, ‘It is precisely because of this uncertainty, however, that the President cannot engage in speculative analysis, but must instead confine himself to the state of the law as it exists at the time of his ruling.’ Such is also the case with the matter before the body today, as the President must again take note of a proper court interpretation affecting the measure before us.

Applying this same precedent to the matter before us, it may be that a later court will revisit or change the trial court’s decision, but the President notes that this decision is, presently, the law of the case and binding on the Department, at least with respect to those litigants. The Department quite reasonably is seeking this legislation to clarify that its interpretation was correct all along. This may well be a clarification of the law, but, viewed with the court’s decision, it is one which amounts to a state action which raises revenue considered a tax under I-960—a tax which could not otherwise be collected without this bill. If this measure is not passed, the litigants—and perhaps other groups similarly situated—will not pay this PUD privilege tax on as broad of a definition of gross revenue, at least until a higher court changes the trial court’s ruling. Such subsequent court action is speculative. By contrast, the proposed re-imposition of this tax by legislative action is not speculative, it is in the plain language of the measure before the body.

For these reasons, the President believes this is a measure which triggers the super-majority provisions of I-960. This measure will take a two-thirds vote on final passage.”

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1088 was deferred and the bill held its place on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Eide: “Is the Engrossed Substitute House Bill No. 2075 currently on third reading?”

REPLY BY THE PRESIDENT

President Owen: “Yes, it is.”

The Senate resumed consideration of Engrossed Substitute House Bill No. 2075 which had been deferred on the previous day.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, by House Committee on Finance (originally sponsored by Representative Hunter).

Concerning the excise taxation of certain products and services provided or furnished electronically.

The bill was read on Third Reading.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2075.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed

Substitute House Bill No. 2075 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Oemig, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Hatfield

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1597, by House Committee on Finance (originally sponsored by Representatives Springer and Hunter)

Concerning the administration of state and local tax programs.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Murray be adopted.

On page 23, at the beginning of line 26, strike "~~((10))~~ (8) This section expires January 1, 2015." and insert "~~((10) This section expires January 1, 2015.))~~"

Senators Zarelli and Murray spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Murray on page 23, line 26 to Substitute House Bill No. 1597.

The motion by Senator Zarelli failed and the amendment was not adopted by a rising vote.

MOTION

Senator Tom moved that the following amendment by Senators Tom and Pridemore be adopted.

On page 109, after line 10, insert the following:

"NEW SECTION. Sec. 318. The legislature reaffirms its intent that the statutes authorizing the local taxation of brokered natural gas and manufactured gas as provided by chapter 384, Laws of 1989 and RCW 82.12.010(5) result in the fair and equitable taxation of all natural and manufactured gas users, from large industrial consumers to small residential users, and it is the legislature's intent that the taxation of such gas by local jurisdictions be at the place of consumption.

Sec. 319. RCW 82.12.010 and 2006 c 301 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010.

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to

ONE-HUNDREDTH DAY, APRIL 21, 2009

the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used shall be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used shall be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under

this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used shall be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean:

(a) With respect to tangible personal property, except for natural gas and manufactured gas, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; ~~(and)~~

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; and

(d) With respect to natural gas or manufactured gas, the use of which is taxable under RCW 82.12.022, including gas that is also taxable under the authority of RCW 82.14.230, the first act within this state by which the taxpayer consumes the gas by burning the gas or storing the gas in the taxpayer's own facilities for later consumption by the taxpayer;

(6) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(7)(a)(i) Except as provided in (a)(ii) of this subsection (7), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, or a sale of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(8) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(9) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (9), the use of the property shall be deemed to be by such consumer.

Sec. 320. RCW 82.14.230 and 1989 c 384 s 2 are each amended to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax shall be imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The "value of the article used," does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There shall be a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another ((state)) municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another ((state)) municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection.

(5) The use tax hereby imposed shall be paid by the consumer. The administration and collection of the tax hereby imposed shall be pursuant to RCW 82.14.050."

On page 1, line 18 of the title, before "29A.36.210" insert "82.12.010, 82.14.230,"

Senator Tom spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator King: "Mr. President, I believe that the amendment offered is beyond the scope and object of the underlying bill and I have some arguments to offer on this Mr. President. Thank you Mr. President. Substitute House Bill No. 1597 is primarily a technical cleanup bill, making technical updates to the property, excise and the state tax laws. It requires uniformity in the paperwork that is required for tax incentives as well as making changes in clarifications regarding whom the Department of Revenue may share information with. The bill specifically states in the title that it does not impact tax collections. The amendment is an attempt to hang House Bill No. 1422 on this bill. The amendment responds to a recent division to court of appeals decision by allowing the jurisdiction where broker natural gases burned or stored to impose a use tax. The amendment deals, primarily deals with local taxes. It also includes the intent section from Senate Bill No. 6096 regarding bunker fuel. The underlying bill makes no substantive changes to tax provisions while the amendment imposes a use tax on broker natural gas. For these reasons I believe the amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter. Thank you Mr. President."

POINT OF ORDER

Senator Tom: "Thank you Mr. President. The other part of this amendment clarifies the location where local taxes due for broker natural gas Broker natural gas is a deregulated gas directly purchased by users. Many cities impose their tax on this gas when it is used within their cities. These sections of the amendment deal only with the location of where the tax on the broker natural gas is due for the purposes of the local tax. A recent court of appeals decision has held that the taxes due when the owner takes control of the gas rather than the place where the gas is consumed. The Washington State Supreme Court has accepted review of this decision. This amendment makes clear for the future that the taxes due at the location where the natural gas is consumed. These parts of the amendment only impact local taxes. There is not state impact."

MOTION

Senator Tom moved that the following amendment by Senator Tom and others be adopted.

On page 133, after line 35, insert the following:

"NEW SECTION. Sec. 502. (1) Through sections 503 and 504 of this act the legislature intends to address the taxation of persons manufacturing and/or selling bunker fuel. Bunker fuel is fuel intended for consumption outside the waters of the United States by vessels in foreign commerce. Although the state has historically collected tax from bunker fuel manufacturers, recently questions have arisen whether the manufacture of bunker fuel is subject to business and occupation tax under RCW 82.04.240. Pursuant to sections 503 and 504 of this act, the activity is taxable under RCW 82.04.240.

(2) The legislature finds that at the time the deduction allowed under RCW 82.04.433 was enacted in 1985, it was intended to apply only to the wholesaling or retailing of bunker fuel. In 1987 the legislature enacted the multiple activities tax credit in RCW 82.04.440. Enactment of the multiple activities tax credit resulted in changed tax liability for certain taxpayers. In particular, some taxpayers that engaged in activities that had been exempt under the prior multiple activities exemption became subject to tax on manufacturing activities upon enactment of the multiple activities tax credit in its place. The manufacturing of bunker fuel is one such activity.

Sec. 503. RCW 82.04.433 and 1985 c 471 s 16 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax imposed under RCW 82.04.250 and 82.04.270 amounts derived from sales of fuel for consumption outside the territorial waters of the United States, by vessels used primarily in foreign commerce.

(2) ~~((Nothing in this section shall be construed to imply that amounts which may be deducted under this section were taxable under Title 82 RCW prior to the enactment of this section.))~~ The deduction in subsection (1) of this section does not apply with respect to the tax imposed under RCW 82.04.240, whether the value of the fuel under that tax is measured by the gross proceeds derived from the sale thereof or otherwise under RCW 82.04.450.

NEW SECTION. Sec. 504. The department of revenue must take any actions that are necessary to ensure that its rules and other interpretive statements are consistent with sections 502 and 503 of this act."

Remember the remaining sections consecutively.

On page 134, after line 23, insert the following:

"NEW SECTION. Sec. 505. Sections 502 through 504 of this act apply both prospectively and retroactively.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 506. Sections 502 through 504 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Renumber the remaining section consecutively.

On page 1, line 21 of the title, after "87.03.265," strike "and 87.03.270" and insert "87.03.270, and 82.04.433"

On page 2, line 8 of the title, after "date;" strike "and providing expiration dates" and insert "providing expiration dates; and declaring an emergency"

Senator Tom spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Brandland: "Thank you Mr. President, I believe that the amendment offered is beyond the scope and object of the underlying bill and I have some arguments to offer on this Mr. President. Substitute House Bill No. 1597 is primarily a technical clean up bill making technical updates to property excise and state tax laws that requires uniformity in the paperwork that is required for tax incentives as well as making changes and clarifications regarding whom the Department of Revenue may share information with. The amendment is an attempt to hang Senate Bill No. 6096 on this bill, while the bill is a technical cleanup bill that doesn't affect tax collection. The amendment is far from technical. It is substantive and addresses a case that is currently in litigation. The bill specifically states in the title that it does not affect tax collections. The amendment provides that the manufacturing of bunker fuel is taxable under the B&O tax and makes this change retroactive. This amendment would change the state of the law by allowing the imposition and collection of that tax. For these reasons I believe this amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter."

POINT OF ORDER

Senator Tom: "Thank you Mr. President. You're as good a reader as I am, we will bring this to the bar."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1597 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6002, by Senators Keiser and Pridemore

Abolishing the Washington state quality forum.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6002 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Absent: Senators Hobbs and Swecker

Excused: Senator Hatfield

SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators Fairley and Shin

Addressing the structure and authority of the liquor control board.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

Senators Sheldon and King spoke against passage of the bill.

MOTION

On motion of Senator Holmquist, Senator Swecker was excused.

MOTION

On motion of Senator Marr, Senators Hobbs and Ranker were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Kohl-Welles, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Hatfield, Ranker and Swecker

SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6126, by Senators Prentice and Tom

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

Concerning boxing, martial arts, and wrestling events.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist, Kilmer and Stevens

Excused: Senators Hatfield, Ranker and Swecker

SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5285 with the following amendment: 5285-S AMH JUDI TANG 052

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 26.44.030 and 2008 c 211 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or

she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2 RCW 13.34.100 and 2000 c 124 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background ~~((file))~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian~~((s))~~ ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((f))~~ (f) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ~~((and~~

~~((f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~((report))~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program ~~((the))~~ a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem, the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background

information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately))~~. The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

(9) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3 RCW 26.12.175 and 2000 c 124 s 6 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. ~~((The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.))~~

(b) ~~((Unless otherwise ordered.))~~ The guardian ad litem's role is to investigate and report factual information regarding the issues

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

ordered to be reported or investigated to the court (~~concerning parenting arrangements for the child, and to represent the child's best interests~~). The guardian ad litem shall always represent the best interests of the child. Guardians ad litem and investigators under this title may make recommendations based upon (~~an independent investigation regarding the best interests of the child~~) his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services that are not inconsistent with this section.

(3) Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem in the program. The background (~~file~~) information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian(~~s~~) ad litem's duties;

(c) Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

(~~(f)~~) (f) Number of appointments as a guardian ad litem and county or counties of appointment;

(~~(g)~~) (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; (~~and~~ ~~(h)~~) (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through

43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information (~~report~~) record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a (~~statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment~~) copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background (~~statement~~) information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends (~~and the appointment shall be effective immediately~~). The court shall immediately appoint the person recommended by the program.

(5) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 4 RCW 26.12.177 and 2007 c 496 s 305 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under RCW 2.53.040, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem ~~((lacks the necessary expertise for the proceeding))~~ is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who ~~((misrepresents))~~ has been found to have misrepresented his or her qualifications ~~((pursuant to a grievance procedure established by the court))~~.

(3) The rotational registry system shall not apply to court-appointed special advocate programs." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5285 and ask the House to recede therefrom.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5285 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5285 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5321 with the following amendment: 5321-S.E AMH ENGR H2982.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.415 and 2006 c 361 s 1 are each amended to read as follows:

(1) The legislative authority of any city ~~((with a population less than four hundred thousand and which))~~ that is located in a county with a population greater than six hundred thousand that annexes an area consistent with its comprehensive plan required by chapter 36.70A RCW, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes

authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city. The tax may only be imposed by a city if:

(a) The city has commenced annexation of an area ~~((under chapter 35.13 or 35A.14 RCW))~~ having a population of at least ten thousand people prior to January 1, ~~((2010))~~ 2015; and

(b) The city legislative authority determines by resolution or ordinance that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis.

(2) The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the city at no cost to the city and shall remit the tax to the city as provided in RCW 82.14.060.

~~((3))~~ (3) ~~((a))~~ Except as provided in ~~((b))~~ (b) of this subsection, the maximum rate of tax any city may impose under this section ~~((shall be 0.2 percent for the total number of annexed areas the city may annex. The rate of the tax imposed under this section))~~ is:

~~((i))~~ (i) 0.1 percent for each annexed area in which the population ~~((that))~~ is greater than ten thousand and less than twenty thousand ~~((The rate of the tax imposed under this section shall be)); and~~

~~((ii))~~ (ii) 0.2 percent for an annexed area in which the population is greater than twenty thousand.

~~((b))~~ (b) Beginning July 1, 2011, the maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than eighteen thousand if the annexed area was, prior to November 1, 2008, officially designated as a potential annexation area by more than one city, one of which has a population greater than four hundred thousand.

~~((4))~~ (4) ~~((a))~~ Except as provided in (b) and (c) of this subsection, the maximum cumulative rate of tax a city may impose under subsection ~~((3))~~ (3) ~~((a))~~ of this section is 0.2 percent for the total number of annexed areas the city may annex.

~~((b))~~ (b) The maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.3 percent, beginning July 1, 2011, if the city commenced annexation of an area, prior to January 1, 2010, that would have otherwise allowed the city to increase the rate of tax imposed under this section absent the rate limit imposed in (a) of this subsection.

~~((c))~~ (c) The maximum cumulative rate of tax a city may impose under subsection (3)(b) of this section is 0.85 percent for the single annexed area the city may annex and the amount of tax distributed to a city under subsection (3)(b) of this section shall not exceed five million dollars per fiscal year.

(5) The tax imposed by this section shall only be imposed at the beginning of a fiscal year and shall continue for no more than ten years from the date that each increment of the tax is first imposed. Tax rate increases due to additional annexed areas shall be effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred, provided that notice is given to the department as set forth in subsection ~~((8))~~ (9) of this section.

~~((5))~~ (6) All revenue collected under this section shall be used solely to provide, maintain, and operate municipal services for the annexation area.

~~((6))~~ (7) The revenues from the tax authorized in this section may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the annexation area and the general revenues that the cities would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this section and the revenues from the annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city shall notify the department and the tax distributions authorized in this section shall be suspended for the remainder of the year.

~~((7))~~ (8) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the legislative

ONE-HUNDREDTH DAY, APRIL 21, 2009

authority of a city shall adopt an ordinance that includes the following:

(a) A certification that the amount needed to provide municipal services to the annexed area reflects the city's true and actual costs;

(b) The rate of tax under this section that shall be imposed within the city; and

~~((b))~~ (c) The threshold amount for the first fiscal year following the annexation and passage of the ordinance.

~~((8))~~ (9) The tax shall cease to be distributed to the city for the remainder of the fiscal year once the threshold amount has been reached. No later than March 1st of each year, the city shall provide the department with a certification of the city's true and actual costs to provide municipal services to the annexed area, a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. Distributions of tax under this section shall begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount shall belong to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, shall not be carried forward to the next fiscal year.

(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section for the remainder of the fiscal year, if the total distributions to the city imposing the tax exceed five million dollars for the fiscal year.

~~((9))~~ (11) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Annexation area" means an area that has been annexed to a city under chapter 35.13 or 35A.14 RCW. "Annexation area" includes all territory described in the city resolution.

(b) "Commenced annexation" means the initiation of annexation proceedings has taken place under the direct petition method or the election method under chapter 35.13 or 35A.14 RCW.

(c) "Department" means the department of revenue.

~~((e))~~ (d) "Municipal services" means those services customarily provided to the public by city government.

~~((d))~~ (e) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(f) "Potential annexation area" means one or more geographic areas that a city has officially designated for potential future annexation, as part of its comprehensive plan adoption process under the state growth management act, chapter 36.70A RCW.

~~((e))~~ (g) "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with subsection ~~((6))~~ (7) of this section that the department shall distribute to the city generated from the tax imposed under this section in a fiscal year.

Sec. 2. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2) A city or town with a prohibition or limitation on house-banked social card game licenses that annexes an area that is within a county that permits house-banked social card games may allow a house-banked social card game business that existed on the effective date of this act to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7). A city or town that allows a house-banked social card game business in an annexed area to continue operating is not required to allow additional house-banked social card game businesses.

Correct the title.

2009 REGULAR SESSION

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5321 and ask the House to recede therefrom.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuses to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5321 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5321 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5431 with the following amendments: 5431-S AMH ELCS H2835.2 & 5431-S AMH H3142.1

On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060 and 13.34.130, placement of the child with a relative is the preferred option."

Beginning on page 1, line 14, after "care," strike all material through "and the" on page 2, line 3, and insert "and the department cannot locate an appropriate and available relative, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:"

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The"

On page 2, after line 3, insert the following:

"(3) In selecting the placement for a child being returned to foster care, the department shall give weight to the child's length of stay and attachment to the caregivers in the previous placements in determining what is in the best interest of the child.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) To provide stability for children in out-of-home care, placement selection shall be made with a view toward the fewest possible placements for each child. If possible, the initial placement shall be viewed as the only placement for the child. The use of short-term interim placements of thirty days or less to protect the child's health or safety while the placement of choice is being arranged is not a violation of this principle.

(2) If a child has been previously placed in out-of-home care and is subsequently returned to out-of-home care, and the department cannot locate an appropriate and available relative, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The placement is in the best interest of the child.

(3) In selecting the placement for a child being returned to foster care, the court shall give weight to the child's length of stay and attachment to the caregivers in the previous placements in determining what is in the best interest of the child."

Correct the title.

and the same are herewith transmitted.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5431 and ask the House to recede therefrom.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5431 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5431 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5453 with the following amendment: 5453 AMH JUDI TANG 077

On page 2, after line 1, insert the following:

"Sec. 2. RCW 26.09.520 and 2000 c 21 s 14 are each amended to read as follows:

(1) The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. Except as provided in subsection (2) of this section, there is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

((+)) (a) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

((2)) (b) Prior agreements of the parties;

((3)) (c) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

((4)) (d) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

((5)) (e) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

((6)) (f) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

((7)) (g) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

((8)) (h) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

((9)) (i) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

((+)) (j) The financial impact and logistics of the relocation or

its prevention; and

((++)) (k) For a temporary order, the amount of time before a final decision can be made at trial.

(2) The rebuttable presumption under subsection (1) of this section does not apply when the child, under a court order, has substantially equal residential time with the person proposing to relocate the child and another person entitled to residential time with the child."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5453 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5453 and ask the House to recede therefrom

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5453 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5510 with the following amendment: 5510-S AMH ENGR H2848.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that when children have been found dependent and placed in out-of-home care, the likelihood of reunification with their parents diminishes significantly after fifteen months. The legislature also finds that early and consistent parental engagement in services and participation in appropriate parent-child contact and visitation increases the likelihood of successful reunifications. The legislature intends to promote greater awareness among parents in dependency cases of the importance of active participation in services, visitation, and case planning for the child, and the risks created by failure to participate in their child's case over the long term.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty- four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the

ONE-HUNDREDTH DAY, APRIL 21, 2009

initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE"

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) .

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of social and health services or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement

2009 REGULAR SESSION

goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or ~~(legal)~~ custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

(1) After entry of a dispositional order pursuant to RCW 13.34.130 ordering placement of a child in out-of-home care, the department shall continue to encourage the parent, guardian, or custodian of the child to engage in services and maintain contact with the child, which shall be accomplished by attaching a standard notice to the services and safety plan to be provided in advance of hearings conducted pursuant to RCW 13.34.138.

(2) The notice shall be photocopied on contrasting paper to distinguish it from the services and safety plan to which it is attached, and shall be in substantially the following form:

"NOTICE"

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

If you have not been maintaining consistent contact with your child in out-of-home care, your ability to reunify with your child may be jeopardized. If this is your situation, you need to be aware that you have important legal rights and must take steps to protect your interests.

1. The department of social and health services (or other supervising agency) and the court have created a permanency plan for your child, including a primary placement plan and a secondary placement plan, and recommending services needed before your child can be placed in the primary or secondary placement. If you want the court to order that your child be reunified with you, you should notify your lawyer and the department, and you should carefully comply with court orders for services and participate regularly in visitation with your child. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your rights as a parent.

2. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department, and the court if you want to be the secondary placement option, and you should comply with any court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

3. Dependency review hearings, and all other dependency case hearings, are legal proceedings with potentially serious consequences. Failure to participate, respond, or comply with court orders may lead to the loss of your parental rights."

Sec. 4. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the

court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to

ONE-HUNDREDTH DAY, APRIL 21, 2009

reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

- (A) Being returned safely to his or her home;
- (B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;
- (C) Being placed for adoption;
- (D) Being placed with a guardian;
- (E) Being placed in the home of a fit and willing relative of the child; or
- (F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall enter one of the following orders for a child. The court shall utilize a developmentally appropriate child-centered perspective to consider the child's history and attachment status, how separation from primary caregivers has affected the child, and how an additional separation and change in placement may affect the child's attachment system or create a risk of psychological harm with potentially lifelong consequences:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 6. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable

ONE-HUNDREDTH DAY, APRIL 21, 2009

future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; ((or))

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child due to mitigating circumstances including, but not limited to, a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact:

(explain local procedure)

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

2009 REGULAR SESSION

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

POINT OF ORDER

Senator Stevens: "Thank you Mr. President. I believe that House amendment to Substitute Senate Bill No. 5510 is beyond the scope and object of the bill as it left the senate and I have some arguments to offer to you Mr. President. Thank you Mr. President. The underlying bill as it left the senate did one thing: It added two items to the notice to the Department of Social & Health Services is currently required to send to parents at the shelter care stage of the dependency case. It was a four page bill when it left, when it left the senate and with the additions of the House amendments it is now a nineteen page bill, certainly beyond what we have sent over to them. The bill as amended by the House includes a new notice to be provided to parents at the dispositional stage of the dependency proceeding. The amendments also require the court at the shelter care stage of the dependency proceeding when making a placement decision to weigh a number of factors affecting the child. The amendment further requires the court at all permanency planning hearings and dependency matters to use a developmentally appropriate child centered perspective to consider the impact to the child in the system of multiple placements and lastly, at the termination of the parental rights stage of the dependency process, the amendment as an additional requirement the court must consider when deciding whether to terminate parental rights. For these reasons I believe the House amendment is outside the scope and object of underlying bill as it left the senate and I respectfully request a ruling on this matter."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5510 was deferred and the bill held its place on the concurring calendar.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5528 with the following amendment: 5528-S AMH JUDI TANG 059

On page 3, line 19, after "marital partners" insert "and domestic partners"

On page 3, line 20, after "during a marriage" insert "or domestic partnership"

On page 3, line 20, after "of marriage" insert "or domestic partnership"

On page 4, line 1, after "prenuptial" insert "or pre-domestic partnership"

On page 4, line 3, after "marital relationship" insert "or domestic partnership"

On page 4, line 6, after "marriage" insert "or domestic partnership"

On page 4, line 11, after "postmarital" insert "or pre-domestic partnership and post-domestic partnership"

On page 4, line 12, after "on" strike "spousal" and insert "((spousal))"

and the same are herewith transmitted.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

POINT OF ORDER

Senator Hargrove: "Yes Mr. President. I believe that the House amendments to Substitute Senate Bill No. 5528 are beyond the scope and object of the bill. Mr. President, I have something written for you, would that be... permissive?"

REPLY BY THE PRESIDENT

President Owen: "If you'd just submit it, that would be fine."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5528 was deferred and the bill held its place on the concurring calendar.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5811 with the following amendment: 5811-S.E AMH ENGR H2974.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and

voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall make an express finding regarding the department's efforts;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), ~~((unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered))~~ if the court determines that placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 2. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) ~~((in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii)))~~ in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child, or (iii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. ~~((Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such))~~ The court shall consider the child's existing relationships and attachments in order to minimize disruption when determining whether the child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (B) a suitable person as described in this subsection (1)(b); and ~~((B))~~ (C) willing, appropriate, and available to care for the child.

(2) Placement of the child with a relative ~~((under this subsection))~~ or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent- child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 3. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) (~~Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW~~) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the

initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall ~~((also))~~;

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096; and

(ii) In the situation in which the department or supervising agency is recommending a placement other than the current placement with a foster parent, relative, or other suitable person, make an express finding of the reasons the department or agency is recommending that the child be moved.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed

order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

(a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(c) Parent-child visits;

(d) Statutory preference for placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), if appropriate; and

(e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 7. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to

ONE-HUNDREDTH DAY, APRIL 21, 2009

the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)~~((a))~~ Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

~~((b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.~~

~~—(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.~~

~~—(iii)) (11) Within amounts appropriated for this specific purpose, have authority to provide continued foster care or group care and necessary support and transition services to youth ages eighteen to twenty-one years who are enrolled and participating in a posthigh school academic or vocational program. A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. ((Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.~~

~~—(H)) (12) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.~~

~~((H2)) (13) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.~~

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((H3)) (14) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.~~

~~((H4)) (15) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.~~

~~((H5)) (16) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.~~

~~(17)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:~~

~~(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;~~

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide a dependent child, age twelve years or older with a document containing the information contained in RCW 74.13.031(17). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 9. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

((+)) (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

((2)) (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

((3)) (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

((+)) (d) The foster parent has advocated for services on behalf of the foster child;

((5)) (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

((6)) (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) Pursuant to chapter 43.06A RCW, the ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents.

Sec. 10. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

((+)) (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

((2)) (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

((3)) (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

((+)) (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) At least six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to a prospective adoptive parent written information describing the limits of the adoption support program, including the following information:

(a) The limits on monthly cash payments to adoptive families;

(b) The limits on the availability of children's mental health services and the funds with which to pay for these services;

(c) The process for accessing mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children; and

(e) That payment for residential or group care is not available under the adoption support program."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5889 with the following amendment: 5889-S.E AMH ED H2855.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

((By July 1st of each year.)) (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year.)) The program

ONE-HUNDREDTH DAY, APRIL 21, 2009

plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1)))~~ (a) through ~~((8))~~ (h) of this ~~((section))~~ subsection. The school district plan shall include the following:

~~((1))~~ (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((4))~~ (i) Achievement goals for the students;

~~((5))~~ (ii) Roles of the student, parents, or guardians and teachers in the plan;

~~((6))~~ (iii) Communication procedures regarding student accomplishment; and

~~((7))~~ (iv) Plan reviews and adjustments processes;

~~((8))~~ (d) How state level and classroom assessments are used to inform instruction;

~~((9))~~ (e) How focused and intentional instructional strategies have been identified and implemented;

~~((10))~~ (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((11))~~ (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((12))~~ (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ~~((annually))~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~((and regulations))~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to,

2009 REGULAR SESSION

contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ~~((and regulations))~~ shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~((print and distribute the))~~ provide to appropriate school officials and personnel, access and notice of these rules ~~((and regulations))~~ of the state board of health ~~((above provided to appropriate school officials and personnel))~~. Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ~~((print and distribute))~~ provide access to appropriate school officials the rules ~~((and regulations))~~ adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 6. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 7. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ~~((booklet))~~ outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 8. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 9. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09

school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade]))~~ the seventh or eighth ~~((grades [grade]))~~ grade, and the eleventh or twelfth ~~((grades [grade]))~~ grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 10. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

Sec. 11. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be

ONE-HUNDREDTH DAY, APRIL 21, 2009

~~((provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system))~~ made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ~~((all other))~~ public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 12. RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the ~~((2000-01))~~ 2011-12 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the ~~((2000-01))~~ 2011-12 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local

2009 REGULAR SESSION

area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

Sec. 13. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 15. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ~~((school-to-work transition,))~~ tech prep, ~~((vocational-technical))~~ career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 17. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning,

ONE-HUNDREDDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall

pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~(scholastic assessment test -)~~ SAT(9) or the ~~(American college test -)~~ ACT(9) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~(preliminary scholastic assessment test -)~~ PSAT(9) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).~~

~~(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the~~

ONE-HUNDREDTH DAY, APRIL 21, 2009

previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

~~(i) The student's results on the Washington assessment of student learning;~~

~~(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;~~

~~(iii) Any credit deficiencies;~~

~~(iv) The student's attendance rates over the previous two years;~~

~~(v) The student's progress toward meeting state and local graduation requirements;~~

~~(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;~~

~~(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;~~

~~(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;~~

~~(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and~~

~~(x) Available programs offered through skill centers or community and technical colleges.~~

~~(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan:~~

~~(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)~~

Sec. 18. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning

requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 19. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification (~~annually or upon enrollment~~), upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

(a) The product name of the pesticide to be applied;

(b) The intended date and time of application;

(c) The location to which the pesticide is to be applied;

(d) The pest to be controlled; and

(e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

(i) The product name of the pesticide applied;

(ii) The date and time of application;

(iii) The location to which the pesticide was applied;

(iv) The pest to be controlled; and

(v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater

ONE-HUNDREDTH DAY, APRIL 21, 2009

2009 REGULAR SESSION

than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 20. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 21. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer

such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts.

NEW SECTION. Sec. 22. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

22.1.1.1. RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;

22.1.1.2. RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;

22.1.1.3. RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4;

22.1.1.4. RCW 28A.230.092 (Washington state history and government-- Course content) and 2008 c 190 s 2;

22.1.1.5. RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;

22.1.1.6. RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;

22.1.1.7. RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;

22.1.1.8. RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;

22.1.1.9. RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

22.1.1.10. RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

22.1.1.11. RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;

22.1.1.12. RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

22.1.1.13. RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

22.1.1.14. RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

22.1.1.15. RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

22.1.1.16. RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

22.1.1.17. RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

22.1.1.18. RCW 28A.625.900 (Severability--1990 1st ex.s. c 10 s 10) and 1990 1st ex.s. c 10 s 10;

22.1.1.19. RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

22.1.1.20. RCW 28A.630.881 (School-to-work transition project--Findings-- Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 23. Sections 13, 15, and 18 of this act expire July 1, 2011."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889 and ask the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889 and asked the House to recede therefrom by voice vote.

MOTION

At 6:38 p.m., on motion of Senator Eide, the Senate adjourned

1722

ONE-HUNDREDTH DAY, APRIL 21, 2009
until 10:00 a.m. Wednesday, April 22, 2009.

JOURNAL OF THE SENATE

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MORNING SESSION

April 21, 2009

Senate Chamber, Olympia, Wednesday, April 22, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen, Pflug, Prentice and Tom.

The Sergeant at Arms Color Guard consisting of Pages Anthony Hill and Rachel Garner, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 21, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LENSA ETANA, appointed April 9, 2009, for the term ending December 5, 2012, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

April 21, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DAVID TROUTT, reappointed July 16, 2006, for the term ending July 15, 2010, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointees listed on the Gubernatorial Appointment report was referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5173,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5286,
SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5531,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5008,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5011,
SENATE BILL NO. 5038,
SUBSTITUTE SENATE BILL NO. 5040,
SUBSTITUTE SENATE BILL NO. 5042,
SUBSTITUTE SENATE BILL NO. 5056,
SENATE BILL NO. 5060,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5120,
SENATE BILL NO. 5153,
SUBSTITUTE SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5171,
SUBSTITUTE SENATE BILL NO. 5172,
SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5229,
SUBSTITUTE SENATE BILL NO. 5248,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5268,
SUBSTITUTE SENATE BILL NO. 5270,
SENATE BILL NO. 5277,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SECOND SUBSTITUTE SENATE BILL NO. 5045,
SUBSTITUTE SENATE BILL NO. 5273,
SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5461,
SUBSTITUTE SENATE BILL NO. 5468,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
SENATE BILL NO. 5482,
SUBSTITUTE SENATE BILL NO. 5504,
SUBSTITUTE SENATE BILL NO. 5509,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
SUBSTITUTE SENATE BILL NO. 5539,
SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5566,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5608,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5616,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

SENATE BILL NO. 5629,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,
 SUBSTITUTE SENATE BILL NO. 5665,
 SENATE BILL NO. 5673,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5688,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 SUBSTITUTE SENATE BILL NO. 5318,
 SUBSTITUTE SENATE BILL NO. 5340,
 SECOND SUBSTITUTE SENATE BILL NO. 5346,
 SENATE BILL NO. 5355,
 SUBSTITUTE SENATE BILL NO. 5360,
 SUBSTITUTE SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5368,
 SUBSTITUTE SENATE BILL NO. 5401,
 SUBSTITUTE SENATE BILL NO. 5402,
 SUBSTITUTE SENATE BILL NO. 5410,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5414,
 SUBSTITUTE SENATE BILL NO. 5501,
 SENATE BILL NO. 5547,
 SENATE BILL NO. 5568,
 SUBSTITUTE SENATE BILL NO. 5719,
 SENATE BILL NO. 5720,
 SUBSTITUTE SENATE BILL NO. 5724,
 SENATE BILL NO. 5731,
 SUBSTITUTE SENATE BILL NO. 5738,
 ENGROSSED SENATE BILL NO. 5810,
 SUBSTITUTE SENATE BILL NO. 5834,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

5854,
 SUBSTITUTE SENATE BILL NO. 5891,
 SUBSTITUTE SENATE BILL NO. 5921,
 ENGROSSED SENATE BILL NO. 5925,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2318,
 HOUSE BILL NO. 2331,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 2356,
 ENGROSSED HOUSE BILL NO. 2358,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed the following:
 SECOND SUBSTITUTE HOUSE BILL NO. 1021,
 SUBSTITUTE HOUSE BILL NO. 1036,
 ENGROSSED HOUSE BILL NO. 1087,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,
 HOUSE BILL NO. 1127,
 HOUSE BILL NO. 1137,
 HOUSE BILL NO. 1166,
 ENGROSSED HOUSE BILL NO. 1167,
 SUBSTITUTE HOUSE BILL NO. 1201,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1208,
 SUBSTITUTE HOUSE BILL NO. 1215,
 SUBSTITUTE HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1295,
 SUBSTITUTE HOUSE BILL NO. 1300,
 SUBSTITUTE HOUSE BILL NO. 1309,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,
 SECOND SUBSTITUTE HOUSE BILL NO. 1373,
 ENGROSSED HOUSE BILL NO. 1385,
 HOUSE BILL NO. 1395,
 SUBSTITUTE HOUSE BILL NO. 1402,
 HOUSE BILL NO. 1433,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
 HOUSE BILL NO. 1448,
 SECOND SUBSTITUTE HOUSE BILL NO. 1484,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker has signed the following:
 25. HOUSE BILL NO. 1158,
 HOUSE BILL NO. 1184,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
 SUBSTITUTE HOUSE BILL NO. 1529,
 ENGROSSED HOUSE BILL NO. 1530,
 SUBSTITUTE HOUSE BILL NO. 1552,
 ENGROSSED HOUSE BILL NO. 1566,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
 SUBSTITUTE HOUSE BILL NO. 1583,
 HOUSE BILL NO. 1589,
 HOUSE BILL NO. 1640,
 HOUSE BILL NO. 1717,
 SUBSTITUTE HOUSE BILL NO. 1740,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
 SUBSTITUTE HOUSE BILL NO. 1749,
 SUBSTITUTE HOUSE BILL NO. 1769,
 SUBSTITUTE HOUSE BILL NO. 1778,
 HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1790,
 SUBSTITUTE HOUSE BILL NO. 1791,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
 SUBSTITUTE HOUSE BILL NO. 1793,
 SUBSTITUTE HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1816,
 ENGROSSED HOUSE BILL NO. 1824,
 HOUSE BILL NO. 1835,
 SUBSTITUTE HOUSE BILL NO. 1856,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1879,
 SECOND SUBSTITUTE HOUSE BILL NO. 1899,
 and the same are herewith transmitted.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker has signed the following:

- SUBSTITUTE HOUSE BILL NO. 1943,
- SECOND SUBSTITUTE HOUSE BILL NO. 1946,
- SECOND SUBSTITUTE HOUSE BILL NO. 1951,
- SUBSTITUTE HOUSE BILL NO. 1957,
- ENGROSSED HOUSE BILL NO. 1967,
- SUBSTITUTE HOUSE BILL NO. 2003,
- HOUSE BILL NO. 2014,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021,
- HOUSE BILL NO. 2025,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078,
- SUBSTITUTE HOUSE BILL NO. 2079,
- SECOND SUBSTITUTE HOUSE BILL NO. 2106,
- SECOND SUBSTITUTE HOUSE BILL NO. 2119,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
- HOUSE BILL NO. 2129,
- HOUSE BILL NO. 2146,
- SUBSTITUTE HOUSE BILL NO. 2157,
- SUBSTITUTE HOUSE BILL NO. 2160,
- HOUSE BILL NO. 2199,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,
- SUBSTITUTE HOUSE BILL NO. 2223,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,
- SUBSTITUTE HOUSE BILL NO. 2287,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,
- HOUSE BILL NO. 2313,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1347,
- SUBSTITUTE HOUSE BILL NO. 1919,
- ENGROSSED HOUSE BILL NO. 1986,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6187 by Senator McCaslin

AN ACT Relating to criminal statute of limitations; and reenacting and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2363 by House Committee on Ways & Means (originally sponsored by Representative Linville)

AN ACT Relating to temporary suspension of cost-of-living increases for educational employees; amending RCW 28A.400.205, 28B.50.465, and 28B.50.468; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9150, Ted Baseler, as a member of the Board of Regents, Washington State University, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

MOTION

On motion of Senator Marr, Senators Brown, Haugen, Prentice and Tom were excused.

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I understand that Rule 46 has been suspended and, which states, that no committee shall sit during the daily session of the Senate unless by special leave. No committee shall sit during any scheduled caucus, so I understand that rule has been suspended. My question to you and parliamentary inquiry is: the appropriateness of members missing votes. I think there's two separate issues here. We have members that are performing their official duties as members of the committee which precludes them from being here on the floor to actually cast a vote on behalf of their constituents. So, we may have relieved them of the rule, rule number 46, I think it's inappropriate and I'd like to have it duly noted in the record that we have members that cannot be here to vote because they are performing official duties in committee which is the reason for rule 46 in the first place."

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Mr. President. Just for the information of the good gentleman. In fact they have adjourned and are in the chambers as we speak."

APPOINTMENT OF TED BASELER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9150, Ted Baseler as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9150, Ted Baseler as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Haugen, Pflug, Prentice and Tom

Gubernatorial Appointment No. 9150, Ted Baseler, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9064, Keith L. Kessler, as a member of the Board of Trustees, the Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF KEITH L. KESSLER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9064, Keith L. Kessler as a member of the Board of Trustees, the Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9064, Keith L. Kessler as a member of the Board of Trustees, the Evergreen State College and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Haugen and Tom

Gubernatorial Appointment No. 9064, Keith L. Kessler, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, the Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9156, Jeffrey D. Goltz, as a member of the Utilities and Transportation Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Brown was excused.

APPOINTMENT OF JEFFREY D. GOLTZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9156, Jeffrey D. Goltz as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9156, Jeffrey D. Goltz as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Haugen and Tom

Gubernatorial Appointment No. 9156, Jeffrey D. Goltz, having received the constitutional majority was declared confirmed as a member of the Utilities and Transportation Commission.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1081 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate recede from its position on Second Substitute House Bill No. 1081 and pass the bill without the Senate amendment(s).

Senators Jarrett and Swecker spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Jarrett that the Senate recede from its position on Second Substitute House Bill No. 1081 and pass the bill without Senate amendment(s).

The motion by Senator Jarrett carried and the Senate receded from its position on Second Substitute House Bill No. 1081 and pass the bill without the Senate amendment(s).

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1081 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1081, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Voting nay: Senators Benton, Holmquist, Honeyford and Stevens

SECOND SUBSTITUTE HOUSE BILL NO. 1081, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1119 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1119.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1119.

The motion by Senator Kline carried and the Senate receded from its amendments to Substitute House Bill No. 1119 by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 1119 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1119, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Goodman and Kelley)

Concerning the management of funds held by nonprofit institutions.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and cited as the uniform prudent management of institutional funds act.

NEW SECTION. **Sec. 2.** DEFINITIONS. In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(a) A person, other than an individual, organized and operated exclusively for charitable purposes;

(b) A government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(c) A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. "Institutional fund" does not include:

(a) Program-related assets;

(b) A fund held for an institution by a trustee that is not an institution; or

(c) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

NEW SECTION. Sec. 3. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND. (1) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(2) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(3) In managing and investing an institutional fund, an institution:

(a) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(b) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(4) An institution may pool two or more institutional funds for purposes of management and investment.

(5) Except as otherwise provided by a gift instrument, the following rules apply:

(a) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions or strategies;

(iv) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(v) The expected total return from income and the appreciation of investments;

(vi) Other resources of the institution;

(vii) The needs of the institution and the institutional fund to make distributions and to preserve capital; and

(viii) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(b) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the institutional fund and to the institution.

(c) Except as otherwise provided by law, an institution may invest in any kind of property or type of investment consistent with this section.

(d) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

because of special circumstances, the purposes of the fund are better served without diversification.

(e) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(f) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

NEW SECTION. Sec. 4. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND--RULES OF CONSTRUCTION. (1) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

- (a) The duration and preservation of the endowment fund;
- (b) The purposes of the institution and the endowment fund;
- (c) General economic conditions;
- (d) The possible effect of inflation or deflation;
- (e) The expected total return from income and the appreciation of investments;
- (f) Other resources of the institution; and
- (g) The investment policy of the institution.

(2) To limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section, a gift instrument must specifically state the limitation.

(3) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

(a) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and

(b) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section.

NEW SECTION. Sec. 5. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS. (1) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

- (a) Selecting an agent;
- (b) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(2) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(3) An institution that complies with subsection (1) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(4) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(5) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law.

NEW SECTION. Sec. 6. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE. (1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(2) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(3) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(4) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, sixty days after notification to the attorney general, may release or modify the restriction, in whole or part, if:

(a) The institutional fund subject to the restriction has a total value of less than seventy-five thousand dollars. On the first day of July of each year, beginning on July 1, 2011, the dollar limit provided in this subsection (4)(a) shall increase by an amount of two thousand five hundred dollars;

(b) More than twenty years have elapsed since the fund was established; and

(c) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

NEW SECTION. Sec. 7. REVIEWING COMPLIANCE. Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

NEW SECTION. Sec. 8. APPLICATION TO EXISTING INSTITUTIONAL FUNDS. (1) Before July 1, 2009, this chapter applies to an institutional fund existing on the effective date of this act only if the institution's governing body elects to apply this chapter to the institutional fund before July 1, 2009.

(2) On and after July 1, 2009, this chapter applies to all institutional funds.

(3) As applied to institutional funds existing on the effective date of this act, this chapter governs only decisions made or actions taken on or after July 1, 2009, except that in the case of an institution that makes the election under subsection (1) of this section this chapter governs decisions made or actions taken on or after the date the institution elects to be covered by this chapter.

NEW SECTION. Sec. 9. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. Sec. 13 The following acts or parts of acts are each repealed, effective July 1, 2009:

1. RCW 24.44.010 (Definitions) and 1973 c 17 s 1;
2. RCW 24.44.020 (Appropriation of appreciation) and 1973 c 17 s 2;
3. RCW 24.44.030 (Investment authority) and 1973 c 17 s 3;
4. RCW 24.44.040 (Delegation of investment management) and 1973 c 17 s 4;
5. RCW 24.44.050 (Standard of conduct) and 1973 c 17 s 5;
6. RCW 24.44.060 (Release of restrictions on use or investments) and 1973 c 17 s 6;
7. RCW 24.44.070 (Uniformity of application and construction) and 1973 c 17 s 8;
8. RCW 24.44.080 (Short title) and 1973 c 17 s 9;
9. RCW 24.44.090 (Section headings) and 1973 c 17 s 10; and
10. RCW 24.44.900 (Severability--1973 c 17) and 1973 c 17 s 7.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Kohl-Welles to Substitute House Bill No. 1119.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding a new chapter to Title 24 RCW; repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1119 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1119 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1119 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 1119 as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1131.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1131.

The motion by Senator Kastama carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1131 by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended and Engrossed Substitute House Bill No. 1131 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Pettigrew, Haler, Ericks, Bailey, Liias, Hasegawa, Hudgins, Darneille, Chase, Dunshee, Kelley, Sullivan and Nelson)

Concerning the Washington state economic development commission.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.010 and 2007 c 232 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established ~~((to oversee the economic development strategies and policies of the department of community, trade, and economic development))~~ as an independent agency of the state to provide the governor and legislature with policy analysis, strategic planning, program evaluation, and monitoring of the state's economic development system.

(2)(a) The Washington state economic development commission shall consist of eleven voting members appointed by the governor as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of four-year state public higher education, one representative for state community or technical colleges, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Private sector members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for not more than two consecutive three-year terms, except that, as determined by the governor, the terms of four of the appointees on the commission on the effective date of this section will expire in 2010, the terms of four of the appointees on the commission on the effective date of this section will expire in 2011, and the terms of three of the appointees on the commission on the effective date of this section will expire in 2012. Thereafter all terms shall be for three years. Vacancies shall be filled in the same manner as the original appointments.

(4) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The salary of the executive director shall be set by the governor with the consent of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.

(6) The commission may adopt rules for its own governance.

(7) Members are eligible to receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(8) A majority of members currently appointed constitutes a quorum for the purpose of conducting business.

Sec. 2. RCW 43.162.020 and 2007 c 232 s 4 are each amended to read as follows:

(1) The Washington state economic development commission shall:

~~((+))~~ (a) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

~~((2))~~ (b) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial

management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

~~((3))~~ (c) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; ~~(and~~

~~((4))~~ (d) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination;

(e) Consult, collaborate, and coordinate with other state agencies and local organizations when developing plans, inventories, and assessments so as to avoid duplication of effort; and

(f) Have the authority to accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source and expend the same for any purpose consistent with the provisions of this chapter.

(2) The commission may delegate to the executive director any of the functions of this section.

(3) The executive director must present a fiscal report to the commission quarterly for its review and approval.

(4) To maintain its leadership and concentration on strategic planning, coordination, and assessment of the economic development system as a whole, the commission shall not take an administrative role in the delivery of services.

Sec. 3. 2007 c 232 s 6 (uncodified) is amended to read as follows:

(1) ~~((The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.~~

~~((2))~~ Using the information from ~~((the))~~ its initial inventory of economic development programs, public input, and such other information as it deems appropriate, the commission shall, by ~~((September 1, 2008))~~ November 1, 2009, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

~~((3))~~ (2) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

Sec. 4. RCW 43.330.280 and 2009 c 72 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an annual innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to be updated annually to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2009, and by December 31st of each year thereafter. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ~~((ten))~~ one significant entrepreneurial researcher ~~((s over the next ten years))~~ per year to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by June 30, 2009, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

NEW SECTION. Sec. 5. A new section is added to chapter 43.162 RCW to read as follows:

(1) The Washington state economic development commission fund is created in the state treasury. All receipts from gifts, grants, donations, sponsorships, or contributions under RCW 43.162.020 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the Washington state economic development commission only for purposes related to carrying out the mission, roles, and responsibilities of the commission.

(2) Whenever any money, from the federal government or from other sources, that was not anticipated in the budget approved by the legislature, has actually been received and is designated to be spent for a specific purpose, the executive director shall use the unanticipated receipts process as provided in RCW 43.79.270 to request authority to spend the money.

(3) The commission shall use the small agency client services within the office of financial management for accounting, budgeting, and payroll services.

(4) The commission is subject to audits by the state auditor as provided under chapter 43.09 RCW."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Zarelli to Engrossed Substitute House Bill No. 1131.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 43.162.010, 43.162.020, and 43.330.280; amending 2007 c 232 s 6 (uncodified); and adding a new section to chapter 43.162 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1131 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Absent, 0; Excused, 0.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nays: Senators McCaslin and Morton

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1021,
 SUBSTITUTE HOUSE BILL NO. 1036,
 ENGROSSED HOUSE BILL NO. 1087,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,
 HOUSE BILL NO. 1127,
 HOUSE BILL NO. 1137,
 HOUSE BILL NO. 1166,
 ENGROSSED HOUSE BILL NO. 1167,
 SUBSTITUTE HOUSE BILL NO. 1201,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208,
 SUBSTITUTE HOUSE BILL NO. 1215,
 SUBSTITUTE HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1295,
 SUBSTITUTE HOUSE BILL NO. 1300,
 SUBSTITUTE HOUSE BILL NO. 1309,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,
 SECOND SUBSTITUTE HOUSE BILL NO. 1373,
 ENGROSSED HOUSE BILL NO. 1385,
 HOUSE BILL NO. 1395,
 SUBSTITUTE HOUSE BILL NO. 1402,
 HOUSE BILL NO. 1433,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
 HOUSE BILL NO. 1448,
 SECOND SUBSTITUTE HOUSE BILL NO. 1484,

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1158,
 HOUSE BILL NO. 1184,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
 SUBSTITUTE HOUSE BILL NO. 1529,
 ENGROSSED HOUSE BILL NO. 1530,
 SUBSTITUTE HOUSE BILL NO. 1552,
 ENGROSSED HOUSE BILL NO. 1566,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
 SUBSTITUTE HOUSE BILL NO. 1583,
 HOUSE BILL NO. 1589,
 HOUSE BILL NO. 1640,
 HOUSE BILL NO. 1717,
 SUBSTITUTE HOUSE BILL NO. 1740,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
 SUBSTITUTE HOUSE BILL NO. 1749,
 SUBSTITUTE HOUSE BILL NO. 1769,
 SUBSTITUTE HOUSE BILL NO. 1778,
 HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1790,
 SUBSTITUTE HOUSE BILL NO. 1791,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
 SUBSTITUTE HOUSE BILL NO. 1793,
 SUBSTITUTE HOUSE BILL NO. 1812,
 SUBSTITUTE HOUSE BILL NO. 1816,

ENGROSSED HOUSE BILL NO. 1824,
 HOUSE BILL NO. 1835,
 SUBSTITUTE HOUSE BILL NO. 1856,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879,
 SECOND SUBSTITUTE HOUSE BILL NO. 1899,

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1170 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1170.

The President declared the question before the Senate to be motion by Senator Regala that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1170.

The motion by Senator Regala carried and the Senate receded from its amendments to Substitute House Bill No. 1170 by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended and Substitute House Bill No. 1170 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Judiciary (originally sponsored by Representatives McCoy, Rodne, Kelley, Warnick, Seaquist, Angel, Green, Shea, Sells, McCune, Kagi, Ormsby and Smith)

Modifying parenting plans based on the military service of a parent.

The measure was read the second time.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala, Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

Sec. 2. RCW 26.09.010 and 2008 c 6 s 1004 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage or domestic partnership, legal separation or a declaration concerning the validity of a marriage or domestic partnership shall be entitled "In re the marriage of and" or "In re the domestic partnership of and" Such proceedings may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital or domestic partnership status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of"

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage or domestic partnership shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

(7) In order to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent serving in the armed forces receives temporary duty, deployment, activation, or mobilization orders from the military, the court shall, upon motion of such a parent:

(a) For good cause shown, hold an expedited hearing in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing; and

(b) Upon reasonable advance notice to the affected parties and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters

instituted under this chapter when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the internet.

Sec. 3. RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary

delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

Senators Regala and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala, Hargrove and Stevens to Substitute House Bill No. 1170.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "parent;" strike the remainder of the title and insert "and amending RCW 26.09.004, 26.09.010, and 26.09.260."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1170 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1170 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1170 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 1170 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1239 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1239.

The President declared the question before the Senate to be motion by Senator Regala that the Senate recede from its position on

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

the Senate amendments to Substitute House Bill No. 1239.

The motion by Senator Regala carried and the Senate receded from its amendments to Substitute House Bill No. 1239 by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended and Substitute House Bill No. 1239 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1239, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney)

Addressing parenting plans and residential schedules in dependency proceedings.

The measure was read the second time.

MOTION

Senator Regala moved that the following striking amendment by Senators Regala, Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~(13.34.170)~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~PROVIDED, That~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~PROVIDED FURTHER, That~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~PROVIDED FURTHER, That~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

((3)) (4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapter 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding."

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Regala, Hargrove and Stevens to Substitute House Bill No. 1239.

The motion by Senator Regala carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.155; and reenacting and amending RCW 13.04.030."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1239 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

MOTION

On motion of Senator Marr, Senators Brown and Hargrove were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1239 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1239 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin and Hargrove

SUBSTITUTE HOUSE BILL NO. 1239 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1292 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Senator Oemig moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1292.

The President declared the question before the Senate to be motion by Senator Oemig that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1292.

The motion by Senator Oemig carried and the Senate receded from its amendments to Substitute House Bill No. 1292 by voice vote.

MOTION

On motion of Senator Oemig, the rules were suspended and Substitute House Bill No. 1292 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1292, by House Committee on Education (originally sponsored by Representatives Newhouse, Chandler and Simpson)

Authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks.

The measure was read the second time.

MOTION

Senator Oemig moved that the following striking amendment by Senators McAuliffe, Rockefeller and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day- to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four- day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and 28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the five waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

(5) This section expires August 31, 2014.

Sec. 3. RCW 28A.655.180 and 1995 c 208 s 1 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 (~~or 28A.300.138~~) to apply for the waivers under ~~(subsection (1) of)~~ this section.

~~((3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997.))~~

NEW SECTION. Sec. 4. RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

Senator Oemig spoke in favor of adoption of the striking amendment.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Rockefeller and Honeyford to Substitute House Bill No. 1292.

The motion by Senator Oemig carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "year;" strike the remainder of the title and insert "amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date."

MOTION

On motion of Senator Oemig, the rules were suspended, Substitute House Bill No. 1292 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was passed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1292 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1292 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, King, Kline, Kohl-Welles, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Regala, Rockefeller, Schoesler, Shin, Swecker and Zarelli

Voting nay: Senators Becker, Brandland, Kauffman, Kilmer, Marr, Murray, Parlette, Pridemore, Ranker, Roach, Sheldon, Stevens and Tom

Absent: Senator McAuliffe

Excused: Senators Brown, Delvin and Hargrove

SUBSTITUTE HOUSE BILL NO. 1292 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The Speaker ruled the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 to be beyond scope & object of the bill. House refuses to concur in said amendment and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fraser moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1379.

Senator Fraser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1379 by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended and Engrossed Substitute House Bill No. 1379 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, by House Committee on Local Government & Housing (originally sponsored by Representatives Seaquist, Angel and Liias)

Regarding moratoria and other interim official controls adopted under the shoreline management act.

The measure was read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senator Fraser and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the state, cities, and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

The legislature finds that temporary moratoria on the processing of less than comprehensive shoreline amendments to the shoreline master program are occasionally necessary along "shorelines of the state."

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 90.58 RCW to read as follows:

(1) A temporary moratorium on the processing of less than comprehensive amendments to the shoreline master program is created along the Puget Sound, Deschutes Waterway, and Capitol Lake "shorelines of the state" in Olympia.

(2)(a) The moratorium takes effect under the following conditions:

(i) The city submits less than comprehensive amendments to its shoreline master program; and

(ii) The submittal is made either after the effective date of a state grant awarded to the city for the purpose of updating its comprehensive shoreline master program, or after work has commenced to implement the plans funded by the grant.

(b) Development proposals shall not be segmented while the moratorium is in effect.

(3) The moratorium shall not end until the comprehensive amendment to the comprehensive shoreline master program is submitted to and approved by the department.

(4) This section does not apply to any "critical area" amendments submitted solely for the purpose of incorporating critical area ordinance standards into a shoreline master program.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser and others to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act," strike the remainder of the title and insert "adding new sections to chapter 90.58 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1379 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Honeyford spoke against passage of the bill.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin,

Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. Just to lighten the atmosphere a bit I wanted to mention to the members that when my family emigrated to this country they spelled their name z-w-e-c-k-e-r. I thought about changing it back to the original spelling just so I could be the last guy on the roll call, I don't think I'll do it."

MESSAGE FROM THE HOUSE

April 10, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 with the following amendment:5352-S.E AMH ENGR H3031.E

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation. \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation \$705,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation. \$3,369,000
Puget Sound Ferry Operations Account--State Appropriation. \$100,000
TOTAL APPROPRIATION. \$3,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation. \$446,000

NEW SECTION. Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation. \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation. \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation. \$502,000

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction

industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation. \$2,542,000
Highway Safety Account--Federal Appropriation. \$16,540,000
School Zone Safety Account--State Appropriation. \$3,340,000
TOTAL APPROPRIATION. \$22,422,000

The appropriations in this section are subject to the following conditions and limitations: \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation. \$920,000
Motor Vehicle Account--State Appropriation. \$2,129,000
County Arterial Preservation Account--State Appropriation. \$1,423,000
TOTAL APPROPRIATION. \$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation. \$1,824,000
Transportation Improvement Account--State Appropriation. \$1,827,000
TOTAL APPROPRIATION. \$3,651,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation. \$1,851,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reapportionment from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$350,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by September 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation.	\$1,887,000
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION.	\$1,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall consider selling the naming rights and shall make recommendations to the legislature regarding this option.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation.	\$695,000
---	-----------

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation.	\$232,147,000
State Patrol Highway Account--Federal Appropriation.	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation.	\$859,000
TOTAL APPROPRIATION.	\$243,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) \$2,125,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201 of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation.	\$1,557,000
--	-------------

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation	\$104,137,000
State Patrol Highway Account--Private/Local Appropriation.	\$2,008,000
TOTAL APPROPRIATION.	\$106,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$8,638,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology-related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$800,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation.	\$32,000
Motorcycle Safety Education Account--State	

Appropriation.	\$4,373,000
Wildlife Account--State Appropriation.	\$837,000
Highway Safety Account--State Appropriation.	\$145,403,000
Highway Safety Account--Federal Appropriation.	\$8,000
Motor Vehicle Account--State Appropriation.	\$78,671,000
Motor Vehicle Account--Private/Local Appropriation	
	\$1,372,000
Motor Vehicle Account--Federal Appropriation.	\$242,000
Department of Licensing Services Account--State Appropriation.	\$4,718,000
Washington State Patrol Highway Account--State Appropriation.	\$738,000
Ignition Interlock Device Revolving Account--State Appropriation.	\$2,490,000
TOTAL APPROPRIATION.	\$238,884,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

- (A) Taxpayer reporting and payment processes;
- (B) The international fuel tax agreement;
- (C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
- (D) Computer systems;
- (E) Best management practices and efficiencies;
- (F) Costs; and
- (G) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. The department shall not close any licensing service offices other than the following anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver; (i) Yakima; and (j) the driver/vehicle licensing service office in the highway-licensing building in Olympia. The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (a) Lease costs; (b) salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number of transactions completed, by type of transaction; and (f) office hours.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross-border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) \$2,490,000 of the ignition interlock device revolving account--state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of

the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation.	\$2,867,000
Motor Vehicle Account--State Appropriation.	\$585,000
Tacoma Narrows Toll Bridge Account--State Appropriation.	\$27,358,000
State Route Number 520 Corridor Account--State Appropriation.	\$60,260,000
TOTAL APPROPRIATION.	\$91,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review the Tacoma Narrows bridge insurance coverage, deductibles, and limitations to assure that the asset is well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) \$60,260,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State Appropriation.	\$2,675,000
Motor Vehicle Account--State Appropriation.	\$67,811,000
Motor Vehicle Account--Federal Appropriation.	\$240,000
Multimodal Transportation Account--State Appropriation.	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$2,676,000
TOTAL APPROPRIATION.	\$73,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(4) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation. \$25,501,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation. \$6,009,000

Aeronautics Account--Federal Appropriation. \$2,150,000

TOTAL APPROPRIATION. \$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation. \$49,142,000

Motor Vehicle Account--Federal Appropriation. \$500,000

Multimodal Transportation Account--State Appropriation. \$250,000

Water Pollution Account--State Appropriation. \$2,000,000

TOTAL APPROPRIATION. \$51,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request. If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of

condemnation is no longer necessary for a public purpose and should be sold, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the date of notice that the former owner intends to repurchase the property, that right shall be extinguished.

(2) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of \$600,000, the proceeds of which must be deposited in the motor vehicle fund.

(3) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

(4) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation. \$565,000

Multimodal Transportation Account--State Appropriation \$200,000

TOTAL APPROPRIATION. \$765,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation. \$346,887,000

Motor Vehicle Account--Federal Appropriation. \$2,000,000

Motor Vehicle Account--Private/Local Appropriation \$5,797,000

Water Pollution Account--State Appropriation. \$12,500,000

TOTAL APPROPRIATION. \$367,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

(b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.

(9) The department shall provide a cost-benefit analysis to the house and senate transportation committees by January 15, 2010, on replacing all illuminated guide signs in the state with a super high efficiency, retroflective sheeting for optimal performance and sign illumination to be completed by June 30, 2014. The report shall include an update on replacements from illuminated guide signs with a super high efficiency, retroflective sheeting that have occurred since January 15, 2010.

(10) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation.	\$51,353,000
Motor Vehicle Account--Federal Appropriation.	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation.	\$127,000
State Route Number 520 Corridor Account--State Appropriation.	\$88,000
TOTAL APPROPRIATION.	\$53,618,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue

infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$88,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation.	\$29,389,000
Motor Vehicle Account--Federal Appropriation.	\$30,000
Multimodal Transportation Account--State Appropriation.	\$973,000
State Route Number 520 Corridor Account--State Appropriation.	\$801,000
TOTAL APPROPRIATION.	\$31,193,000

The appropriations in this section are subject to the following conditions and limitations: \$801,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation.	\$26,470,000
Motor Vehicle Account--Federal Appropriation.	\$19,116,000
Multimodal Transportation Account--State Appropriation.	\$696,000
Multimodal Transportation Account--Federal Appropriation.	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation.	\$100,000
TOTAL APPROPRIATION.	\$49,191,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) The department shall, to the greatest extent practicable, maximize the use of recycled concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2010, regarding the use of recycled concrete and asphalt. The report must include, at a minimum, how much recycled concrete and asphalt was used and the resulting cost savings to the state.

(3) \$600,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(4) \$400,000 of the motor vehicle account--state appropriation is provided solely for a state route number 2 development plan as described in Substitute House Bill No. 1575.

(5) \$400,000 of the motor vehicle account--state appropriation is provided solely for a study of the use of tolls to help fund future capacity and connection improvements on state route number 167 and state route number 509. A report on the study must be submitted to the house of representatives and senate transportation committees by September 30, 2010.

(6) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation.	\$87,331,000
Motor Vehicle Account--Federal Appropriation.	\$400,000
Multimodal Transportation Account--State Appropriation.	\$561,000
TOTAL APPROPRIATION.	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES. \$1,639,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR. \$937,000

(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION. \$6,060,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL. \$6,347,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION. \$44,418,000

(f) FOR ARCHIVES AND RECORDS MANAGEMENT \$623,000

(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES. \$1,008,000

(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT. \$1,143,000

(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES. . . \$1,477,000

(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE. \$8,526,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION. \$672,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State Appropriation. \$36,208,000

Multimodal Transportation Account--State Appropriation. \$78,845,000

Multimodal Transportation Account--Federal Appropriation. \$2,582,000

Multimodal Transportation Account--Private/Local Appropriation. \$1,027,000

TOTAL APPROPRIATION. \$118,662,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$26,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$6,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$20,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(c) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for vanpool grants to rural transit agencies to cover the capital cost of adding vans. The grants must be administered under the same rules and criteria as the statewide vanpool grant program.

(3) \$11,600,000 of the multimodal transportation account--state appropriation is provided solely for a statewide vanpool grant program for public transit agencies to cover the capital costs of vans. At least \$3,600,000 of this amount must be used for vanpool grants in congested corridors in King, Pierce, Snohomish, Thurston, Clark, and Spokane counties.

(4) \$500,000 of the multimodal transportation account--state appropriation is provided solely to expand park and ride lot capacity through short-term lease agreements and relocation incentives for carpools and vanpools.

(5)(a) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to cities and counties to expand the commute trip reduction program established in RCW 70.94.521 through 70.94.555 to: (i) Increase voluntary participation by medium-sized employers (fifty to one hundred employees) in affected urban growth areas; and (ii) provide state technical support for the expanded program. The commute trip reduction board shall establish criteria for grants and statewide trip reduction goals for medium-sized employers, and report biennially on achievement of the goals as part of the board's legislative report.

(b) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for: (i) Grants to local governments primarily for small employers (under fifty employees) pursuant to the provisions for growth and transportation efficiency centers established under RCW 70.94.521 through 70.94.555; (ii) state technical support; and (iii) the measurement of the effectiveness of the program.

(6) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(7) \$3,317,808 of the multimodal transportation account--state appropriation and \$21,248,089 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed April 20, 2007; LEAP Transportation Document 2006-D, as developed March 8, 2006; or as selected by the legislature from the priority list to be submitted by the department in January 2009. Any project that has been awarded funds but has not reported activity within one year of the grant award must be reviewed by the department to determine whether the grant award should be terminated. If the grant award is terminated, the funds lapse. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(8) \$14,959,600 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the

office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(9) \$80,000 of the multimodal transportation account--state appropriation is provided solely to the department of transportation to distribute for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009 (special needs transportation). If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this section shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State
Appropriation. \$404,720,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$52,463,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. Any expenditures for fuel hedging payments may be considered vessel operating fuel payments.

(2) To protect the waters of Puget Sound, the Washington state ferries shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If the Washington state ferries considers implementing a fuel surcharge, they must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The analysis must include an evaluation of other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia. The Washington state ferries may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The Washington state ferries shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report their analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in the recast of the ferry budget, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) \$8,000,000 of the Puget Sound ferry operations account--state appropriation is to be placed in unallotted status until the office of financial management, after consultation with the house of representatives and senate transportation committees, has approved the rates and conditions of commercial insurance purchased for ferry assets.

(9) As a priority task, the Washington state ferries is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

- (a) The definition of an incident and an accident and the type of investigation that is required by both types of events;
- (b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:
 - (i) Have the appropriate training and experience as determined by the policy;
 - (ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;
 - (iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;
 - (iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and
 - (v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;
- (c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;
- (d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;
- (e) The process for review, approval, and implementation of any approved recommendations within the department; and
- (f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State

Appropriation. \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.
- (2) Amtrak Cascade runs may not be eliminated.
- (3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation. \$8,739,000
Motor Vehicle Account--Federal Appropriation. \$2,567,000
TOTAL APPROPRIATION. \$11,306,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation. . . \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.

(2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation. . . . \$51,000,000
Motor Vehicle Account--State Appropriation. \$1,048,000
County Arterial Preservation Account--State
Appropriation. \$31,400,000
TOTAL APPROPRIATION. \$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).
- (2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State
Appropriation. \$5,779,000
Urban Arterial Trust Account--State Appropriation
. \$122,400,000
Transportation Improvement Account--State
Appropriation. \$85,643,000
TOTAL APPROPRIATION. \$213,822,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.
- (2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

- (1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;
- (2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;
- (3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;
- (4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and
- (5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation. \$3,757,000
The appropriation in this section is subject to the following conditions and limitations: \$290,000 of the motor vehicle account--state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State
Appropriation. \$1,000

Transportation Partnership Account--State
 Appropriation. \$1,599,350,000
 Motor Vehicle Account--State Appropriation. \$107,339,000
 Motor Vehicle Account--Federal Appropriation. \$404,530,000
 Motor Vehicle Account--Private/Local
 Appropriation. \$65,494,000
 Special Category C Account--State Appropriation. \$24,549,000
 Transportation 2003 Account (Nickel Account)--State
 Appropriation. \$750,085,000
 Freight Mobility Multimodal Account--State
 Appropriation. \$4,422,000
 Tacoma Narrows Toll Bridge Account--State Appropriation
 \$788,000
 State Route Number 520 Corridor Account--State
 Appropriation. \$270,000,000
TOTAL APPROPRIATION. \$3,226,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Improvement Program (I), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by fifty million dollars in each biennium. The appropriations provided in this section for the projects in those biennia are fifty million dollars less than the aggregate total of project costs listed. It is the intent of the legislature that the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document, provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-11 and 2011-13 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council.

(3) \$62,874,000 of the transportation partnership account--state appropriation and \$270,000,000 of the state route number 520 corridor account--state appropriation are provided solely for replacement of the state route number 520 bridge for projects for which the designs are agreed upon. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. If federal stimulus funds are received, an equivalent amount of the funds already identified for this project must be earmarked for the construction of the projects on the west side of the state route number 520 corridor. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and

P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$704,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,261,656,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$55,900,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views; and

(iii) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Skykomish and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a new interchange between state route number 195 and Cheney-Spokane Road. It is the intent of the legislature that an additional \$6,500,000 will be provided in the 2011-13 omnibus transportation appropriations act to complete this project. As a first priority, the department shall add a right turn lane to improve visibility and traffic flow at the intersection of state route number 195 and Cheney-Spokane Road.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation is provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$30,003,473 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite

components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23) The state route number 520 corridor account--state appropriation includes up to \$270,000,000 in proceeds from the sale of bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(24) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514 A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed March 30, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

(25) \$62,069,026 of the transportation partnership account--state appropriation, \$113,044,224 of the transportation 2003 account (nickel account)--state appropriation, \$1,411 of the freight mobility multimodal account--state appropriation, \$181,524 of the motor vehicle account--private/local appropriation, and \$62,318,460 of the motor vehicle account--federal appropriation are provided solely for project 300504A, the I-5/Tacoma HOV Improvements project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(26) \$2,297,110 of the transportation partnership account--state appropriation is provided solely for project 330215A, the SR 302/Creviston to Purdy Vicinity project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(27) \$1,500,000 of the transportation 2003 account (nickel account)--state appropriation and \$590,737 of the motor vehicle account--federal appropriation are provided solely for project 370401A, the state route number 704/cross base highway--new alignment project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(28) \$13,977,496 of the transportation partnership account--state appropriation is a reappropriation provided solely for project 850901F, as identified in the LEAP transportation document in subsection (1) of this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief. However, this appropriation shall be reduced to reflect expenditures previously made during the 2007-09 fiscal biennium.

(29) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for the Interstate 90 Two Way Transit and HOV Improvement--Stage 2 and 3 project. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.

(30) Eastside state route number 520 improvements shall be designed and constructed to accommodate a future eastbound slip ramp in the vicinity of state route number 520 and the 148th Avenue Northeast interchange. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design and analysis of an eastbound slip ramp in the vicinity of state route number 520 eastbound and 148th Avenue Northeast.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State	
Appropriation.	\$107,377,000
Motor Vehicle Account--State Appropriation.	\$111,009,000
Motor Vehicle Account--Federal Appropriation.	\$514,767,000
Motor Vehicle Account--Private/Local Appropriation	
.	\$6,417,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.	\$7,237,000
Puyallup Tribal Settlement Account--State	
Appropriation.	\$6,500,000
TOTAL APPROPRIATION.	\$753,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation

Document 2009-1, Highway Preservation Program (P), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$280,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - replace ferry boat. The Keller ferry boat replacement must consist of a tug and barge.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) Within existing funds and resources, the department shall conduct an analysis and produce a report on state highway pavement replacement needs, level of investment, timing, and strategies for the next ten years. The department shall include the following in the report:

(a) For asphalt and chip seal: (i) The current backlog of "black" pavement preservation projects; (ii) the level of investment needed and schedule to reduce or eliminate the backlog and resume the lowest life-cycle cost to replace the highway lane miles; and (iii) strategies for addressing the recent rapid escalation of asphalt prices and using alternatives to hot mix asphalt;

(b) For concrete or "white" pavement: (i) Identification of concrete rehabilitation and replacement needs in the next ten years; and (ii) the level of investment, schedule, and strategies for rehabilitation and replacement, including dowel-bar retrofit, selected panel replacement, and full replacement; and

(c) For all types of pavement: Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile.

The department shall submit the report to the office of financial management and the transportation committees of the legislature by

December 31, 2009, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(8) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation.	\$6,394,000
Motor Vehicle Account--Federal Appropriation.	\$9,262,000
TOTAL APPROPRIATION.	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation.	\$125,775,000
Puget Sound Capital Construction Account--Federal Appropriation.	\$38,675,000
Puget Sound Capital Construction Account--Local Appropriation.	\$8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$57,336,350
Transportation Partnership Account--State Appropriation.	\$64,784,000
Multimodal Transportation Account--State Appropriation	\$170,000
TOTAL APPROPRIATION.	\$297,232,350

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,566,000 of the Puget Sound capital construction account--state appropriation, \$38,675,000 of the Puget Sound capital construction account--federal appropriation, \$64,784,000 of the transportation partnership account--state appropriation, \$67,931,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed March 30, 2009.

(2) \$46,436,350 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Homes class ferry vessels subject to the conditions and limitations in RCW 47.56.780, the first two of which shall be used to restore service on the Port Townsend-Keystone route. The department may add additional passenger capacity to one of these vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(3) \$12,900,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the acquisition of two new 144-auto capacity ferry vessels. Cost savings from the following initiatives are included in the funding of these vessels: Washington state ferries' review and update of their vessel life-cycle cost model as required by this section, and the department of transportation's implementation of technology efficiencies as required by section 602 of this act.

(4) It is the intent of the legislature that the ferry vessel construction and future preservation costs associated with the newly constructed vessels and according to the procurement schedule as outlined in this subsection be funded with a total of \$537,255,595 over sixteen years, beginning with the 2009-11 fiscal biennium.

(5) \$6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(6) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(7) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to update the vessel life-cycle cost model by December 31, 2009.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(8) \$3,965,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(9) The Washington state ferries shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(10) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(11) The Washington state ferries shall review and adjust their capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(12) \$3,763,000 of this appropriation is provided solely for the Washington state ferries to develop a reservation system. Of this amount, \$3,118,000 shall be placed in unallotted status until the Washington state ferries develops a plan for a reservation system pilot program and the plan is reviewed by the office of financial management and either the joint transportation committee or the transportation committees of the legislature. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card.

(13) The Washington state ferries shall review and update their vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009.

(14) The Washington state ferries shall review and update their vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$675,000
Transportation Infrastructure Account--State Appropriation	\$13,100,000
Multimodal Transportation Account--State Appropriation	\$97,610,000
Multimodal Transportation Account--Federal Appropriation	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation	\$81,000
TOTAL APPROPRIATION	\$127,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop.

(c)(i) Within the amounts provided in this section, \$1,679,350 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$337,978; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) \$8,100,000 of the transportation infrastructure account--state appropriation is provided solely for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$43,616,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation.	\$207,000
Highway Infrastructure Account--Federal Appropriation.	\$1,602,000
Freight Mobility Investment Account--State Appropriation.	\$13,048,000
Transportation Partnership Account--State Appropriation.	\$8,363,000
Motor Vehicle Account--State Appropriation.	\$11,745,000
Motor Vehicle Account--Federal Appropriation.	\$37,569,000
Freight Mobility Multimodal Account--State Appropriation.	\$13,918,000
Freight Mobility Multimodal Account--Local Appropriation.	\$3,135,000
Multimodal Transportation Account--Federal Appropriation.	\$2,098,000
Multimodal Transportation Account--State Appropriation.	\$23,340,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$709,000
Passenger Ferry Account--State Appropriation.	\$2,879,000
TOTAL APPROPRIATION.	\$118,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,729,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.

(4) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(7) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(8) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(9) \$14,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools projects, as developed March 30, 2009,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as developed March 30, 2009.

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation. . .	\$693,602,000
Ferry Bond Retirement Account Appropriation.	\$33,770,000
Transportation Improvement Board Bond Retirement Account--State Appropriation.	\$23,205,000
Nondebt-Limit Reimbursable Account Appropriation	\$17,282,000
Transportation Partnership Account--State Appropriation.	\$4,656,000
Motor Vehicle Account--State Appropriation.	\$658,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$2,605,000
Special Category C Account--State Appropriation.	\$82,000
Urban Arterial Trust Account--State Appropriation.	\$56,000
Transportation Improvement Account--State Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$161,000
TOTAL APPROPRIATION.	\$776,103,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	\$629,000
Motor Vehicle Account--State Appropriation.	\$89,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$352,000
Special Category C Account--State Appropriation.	\$11,000

Urban Arterial Trust Account--State Appropriation.	\$8,000
Transportation Improvement Account--State Appropriation	\$4,000
Multimodal Transportation Account--State Appropriation	\$22,000
TOTAL APPROPRIATION.	\$1,115,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account. \$122,000,000

The department of transportation is authorized to sell up to \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties. \$488,843,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. \$1,310,279,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. \$129,178,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$5,288,000

(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State. \$12,000,000

(3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$1,645,000

(4) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$2,750,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State. \$20,000,000

(6) Waste Tire Removal Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$5,000,000

(7) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State. \$15,000,000

(8) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$1,500,000

(9) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$10,000,000

(10) Motor Vehicle Account--State Appropriation: For transfer to the High Occupancy Toll Lanes Operations Account. \$1,000,000

(11) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State. \$14,000,000

(12) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State. \$30,000,000

(13) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State. \$1,500,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll

bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT--REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State.	(\$34,000)
Grade Crossing Protective Account--State.	(\$2,000)
State Patrol Highway Account--State.	(\$12,723,000)
Motorcycle Safety Education Account--State.	(\$14,000)
High Occupancy Toll Lanes Operations Account--State	(\$16,000)
Rural Arterial Trust Account--State.	(\$16,000)
Wildlife Account--State.	(\$12,000)
Highway Safety Account--State.	(\$1,543,000)
Highway Safety Account--Federal.	(\$46,000)
Motor Vehicle Account--State.	(\$8,240,000)
Puget Sound Ferry Operations Account--State.	(\$4,147,000)
Urban Arterial Trust Account--State.	(\$22,000)
Transportation Improvement Account--State.	(\$22,000)
County Arterial Preservation Account--State.	(\$18,000)
Department of Licensing Services Account--State.	(\$30,000)
Multimodal Transportation Account--State.	(\$138,000)
Tacoma Narrows Toll Bridge Account--State.	(\$24,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document Z9-2009.

NEW SECTION. Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State.	\$14,000
State Patrol Highway Account--State.	\$2,409,000
Motorcycle Safety Education Account--State.	\$9,000
Puget Sound Capital Construction--State.	\$134,000
High Occupancy Toll Lanes Operations Account--State.	\$8,000
Rural Arterial Trust Account--State.	\$6,000
Wildlife Account--State.	\$6,000
Highway Safety Account--State.	\$1,011,000
Highway Safety Account--Federal.	\$22,000
Motor Vehicle Account--State.	\$7,783,000
Puget Sound Ferry Operations Account--State.	\$2,054,000
Urban Arterial Trust Account--State.	\$8,000
Transportation Improvement Account--State.	\$8,000
County Arterial Preservation Account--State.	\$6,000
Department of Licensing Services Account--State.	\$12,000
Multimodal Transportation Account--State.	\$68,000
Tacoma Narrows Toll Bridge Account--State.	\$12,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document 6M-2009.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. Due to the state of the economy affecting state budgets, the state is reviewing agency spending plans to identify areas in which new technologies can be applied to achieve greater efficiencies, economies of scale, and save the state money. Information technology and communications is an area where the state can save millions of dollars, if managed well. If information technology and communications are managed poorly, by not planning effectively and taking advantage of new capabilities, this can also cost the state millions of dollars.

By July 1, 2009, each transportation agency is required to begin implementing a holistic virtualization strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs at the server, desktop, network, data storage, business continuance, and disaster recovery levels. This includes a disaster recovery strategy and roadmap, a unified storage strategy, a network infrastructure plan, and a centralized management plan for servers and applications. The business needs, business strategy, and mission of each agency must be tied to the technical strategy, including the completion of an impact analysis showing a quantifiable return on investment analysis for cost savings/avoidance.

By July 1, 2009, due to the large increase in networks to move an increasingly large amount of data, transportation agencies are to begin implementing wide area network optimization technologies to improve application performance while decreasing continuing requests for additional bandwidth and save the state money.

By January 1, 2010, each transportation agency shall have a plan and begin its implementation for moving from legacy communication systems that are outdated and costly and implement new voice over internet protocol communications systems. Each agency is required to begin implementing a holistic communications and collaboration strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs, decrease statewide communication costs, and increase communications and collaboration capabilities.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-09 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list, except for those projects that were expected to be completed in the 2007-09 fiscal biennium; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

NEW SECTION. Sec. 605. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the (~~2005-2007 and~~) 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2009))~~ 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the license plate technology account to the multimodal transportation account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the

preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

(4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot

shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this subsection may be increased ~~((in excess of the fiscal growth factor as provided in RCW 43.135.055))~~ through the fiscal year ending June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

~~((4))~~ During the ~~((2007-09))~~ 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 70.95.521 and 2007 c 518 s 708 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

Sec. 711. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2009))~~ 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 712. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 713. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

INDEX PAGE #
COUNTY ROAD ADMINISTRATION BOARD 5, 31
DEPARTMENT OF AGRICULTURE 3

DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION 2
DEPARTMENT OF LICENSING 10
TRANSFERS 55
DEPARTMENT OF TRANSPORTATION 32
AVIATION--PROGRAM F 14
CHARGES FROM OTHER AGENCIES--PROGRAM U 23
ECONOMIC PARTNERSHIPS--PROGRAM K 17
FACILITIES--PROGRAM D--OPERATING 14
HIGHWAY MAINTENANCE--PROGRAM M 17
IMPROVEMENTS--PROGRAM I 33
INFORMATION TECHNOLOGY--PROGRAM C 13
LOCAL PROGRAMS--PROGRAM Z--CAPITAL 50
LOCAL PROGRAMS--PROGRAM Z--OPERATING 30
MARINE--PROGRAM X 27
PRESERVATION--PROGRAM P 40
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL 33
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H 15
PUBLIC TRANSPORTATION--PROGRAM V 24
RAIL--PROGRAM Y--OPERATING 30
RAIL--PROGRAM Y--CAPITAL 46
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B 12
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL 43
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING 19
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S 21
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T 21
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W 43
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD 7
INFORMATION SYSTEMS PROJECTS 58
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE 3
JOINT TRANSPORTATION COMMITTEE 5
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE 3
MARINE EMPLOYEES COMMISSION 2
OFFICE FINANCIAL MANAGEMENT
REVISED EMPLOYER HEALTH BENEFIT RATES 57
REVISED PENSION CONTRIBUTION RATES 57
OFFICE OF FINANCIAL MANAGEMENT 2
STATE PARKS AND RECREATION COMMISSION 3
STATE TREASURER
ADMINISTRATIVE TRANSFERS 55
BOND RETIREMENT AND INTEREST 53, 54
STATE REVENUES FOR DISTRIBUTION 54
TRANSFERS 55
STATUTORY APPROPRIATIONS 56
TRANSPORTATION COMMISSION 6
TRANSPORTATION IMPROVEMENT BOARD 5, 32
UTILITIES AND TRANSPORTATION COMMISSION 2
WASHINGTON STATE PATROL 30
FIELD OPERATIONS BUREAU 7
TECHNICAL SERVICES BUREAU 9
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU 9
WASHINGTON TRAFFIC SAFETY COMMISSION 4"
Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Marr moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5352 and request of the House a conference thereon.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be motion by Senator Marr that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5352 and request conference thereon.

The motion by Senator Marr carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5352 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and the House amendment(s) thereto: Senators Senators Haugen, Marr and Swecker.

MOTION

On motion of Senator Marr, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5166 with the following amendments:

On page 10, beginning on line 1, strike all of section 6

Re-number the remaining section and correct the title.

On page 4, line 10, after "hunting license," insert "occupational licenses, such as a"

On page 4, line 12, after "possess" insert ", and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5166.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5166.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5166 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5166, as amended by the House.

MOTION

On motion of Senator Marr, Senators Kohl-Welles, McDermott and Murray were excused.

Senator Stevens spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett,

Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Delvin

SUBSTITUTE SENATE BILL NO. 5166, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8655

By Senators Shin, Honeyford, King, Kastama, Keiser, Hobbs, Berkey, Swecker, Delvin, Kilmer, Hargrove, Franklin, Rockefeller, Schoesler, Eide, Kauffman, Regala, Murray, Brown, Kline, Oemig, and Marr

WHEREAS, Pacific Northwest University of Health Sciences was founded in 2005 by visionary community leaders seeking innovative solutions to the growing physician shortage; and

WHEREAS, Pacific Northwest University of Health Sciences has flourished under the leadership of its president, Dr. Stanley Flemming; and

WHEREAS, Pacific Northwest University of Health Sciences is the first medical school to be established in the Pacific Northwest in nearly sixty years; and

WHEREAS, Pacific Northwest University of Health Sciences trains, educates, and encourages scientific research for health professionals who will provide quality care to all communities of the Pacific Northwest, particularly underserved populations; and

WHEREAS, Pacific Northwest University of Health Sciences welcomed its inaugural class of seventy-five students into its first college, the College of Osteopathic Medicine on August 4, 2008; and

WHEREAS, Pacific Northwest University of Health Sciences was founded to address critical shortages of health care professionals and places graduates in communities where they train; and

WHEREAS, Pacific Northwest University of Health Sciences strives to be a world-class medical school staffed by top caliber academic instructors and practicing physicians from both the osteopathic and allopathic professions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the outstanding accomplishments of the faculty, administration, board, students, and community of Pacific Northwest University of Health Sciences; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the president and members of the board of trustees of Pacific Northwest University of Health Sciences.

Senators Shin, King, Kauffman, Franklin and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Representatives of the Pacific Northwest University, Dr. Stan Flemming, University

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

President; Gretchen Eikmier, Vice President for Advancement & Development; Dr. Timothy Morris, Vice President Chief Operating Officer; Karen Hyatt, Chair Board of Trustees and former Representative Bill Fromhold and Marsha Fromhold who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1138.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1138.

The motion by Senator Kline carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1138 by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended and Engrossed Substitute House Bill No. 1138 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, by House Committee on Judiciary (originally sponsored by Representatives Lias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen)

Concerning access to employee restrooms in retail stores.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means:

(i) Crohn's disease, ulcerative colitis, or any other inflammatory bowel disease;

(ii) Irritable bowel syndrome;

(iii) Any condition requiring use of an ostomy device; or

(iv) Any permanent or temporary medical condition that requires immediate access to a restroom.

(c) "Employee restroom" means a restroom intended for employees only in a retail facility and not intended for customers.

(d) "Health care provider" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, an osteopathic physicians assistant licensed under chapter 18.57A RCW, a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(e) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom located within that structure.

(2) A retail establishment that has an employee restroom must allow a customer with an eligible medical condition to use that employee restroom during normal business hours if:

(a) The customer requesting the use of the employee restroom provides in writing either:

(i) A signed statement by the customer's health care provider on a form that has been prepared by the department of health under subsection (4) of this section; or

(ii) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition; and

(b) One of the following conditions are met:

(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(3) A retail establishment that has an employee restroom must allow a customer to use that employee restroom during normal business hours if:

(a)(i) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom; and

(ii) The retail establishment does not normally make a restroom available to the public; and

(b)(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

(4) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition as required by subsection (2) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(5) Fraudulent use of a form as evidence of the existence of an eligible medical condition is a misdemeanor punishable under RCW 9A.20.010.

(6) For a first violation of this section, the city or county attorney shall issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to an employee restroom in violation of this section, informing the owner or operator of the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(7) A retail establishment is not required to make any physical changes to an employee restroom under this section and may require

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

that an employee accompany a customer or a customer with an eligible medical condition to the employee restroom.

MOTION

(8) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer or a customer with an eligible medical condition to use an employee restroom if the act or omission meets all of the following:

On motion of Senator Brandland, Senator Swecker was excused.

(a) It is not willful or grossly negligent;

Senator Hargrove spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1138 as amended by the Senate.

(c) It results in an injury to or death of the customer or the customer with an eligible medical condition or any individual other than an employee accompanying the customer or the customer with an eligible medical condition."

ROLL CALL

Senator Kline spoke in favor of adoption of the striking amendment.

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1138 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

POINT OF INQUIRY

Senator Roach: "Would Senator Hargrove yield to a question? Just again when these striking amendments come across the desks so quickly it's kind of hard to get everything down. The original bill before the striker would have given a misdemeanor to a store if they in fact did not allow someone to use the restroom. I'm wondering if this still has it in there? Senator, could you yield to this question, someone that has the answer to that?"

Voting yea: Senators Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Hewitt, Holmquist, Honeyford, King, Pflug, Roach, Sheldon, Stevens and Zarelli

Senator Hargrove: "No, Senator Roach, the misdemeanor would of have applied to somebody that was fraudulently using one of those ID cards that said that they had the medical condition. It's still is only a civil infraction for a store if they don't let somebody under these conditions use a restroom."

Excused: Senators Brown, McDermott, Murray and Swecker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline and others to Engrossed Substitute House Bill No. 1138.

At 11:54 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 1:30 p.m.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

AFTERNOON SESSION

MOTION

The Senate was called to order at 1:30 p.m. by President Owen.

There being no objection, the following title amendment was adopted:

MOTION

On page 1, line 2 of the title, after "establishment;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

MOTION

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Eide, Senators McDermott, Murray and Oemig were excused.

MOTION

MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9148, Fawn Sharp-Malvini, as a member of the Board of Trustees, Grays Harbor Community College District No. 2, be confirmed.

Senator Hargrove spoke in favor of the motion.

On motion of Senator Marr, Senators Brown, Ranker and Sheldon were excused.

MOTION

MOTION

On motion of Senator Carrell, Senator Roach was excused.

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist, Parlette and Roach were excused.

MOTION

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute House Bill No. 1138 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Marr, Senators Brown and Prentice were excused.

APPOINTMENT OF FAWN SHARP-MALVINI

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9148, Fawn Sharp-Malvini as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9148, Fawn Sharp-Malvini as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Fraser, Jacobsen and Oemig

Excused: Senators Benton and Brown

Gubernatorial Appointment No. 9148, Fawn Sharp-Malvini, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

MOTION

At 1:41 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:50 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1943,
 SECOND SUBSTITUTE HOUSE BILL NO. 1946,
 SECOND SUBSTITUTE HOUSE BILL NO. 1951,
 SUBSTITUTE HOUSE BILL NO. 1957,
 ENGROSSED HOUSE BILL NO. 1967,
 SUBSTITUTE HOUSE BILL NO. 2003,
 HOUSE BILL NO. 2014,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021,
 HOUSE BILL NO. 2025,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078,
 SUBSTITUTE HOUSE BILL NO. 2079,
 SECOND SUBSTITUTE HOUSE BILL NO. 2106,
 SECOND SUBSTITUTE HOUSE BILL NO. 2119,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
 HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2146,
 SUBSTITUTE HOUSE BILL NO. 2157,
 SUBSTITUTE HOUSE BILL NO. 2160,
 HOUSE BILL NO. 2199,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,
 SUBSTITUTE HOUSE BILL NO. 2223,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,

SUBSTITUTE HOUSE BILL NO. 2287,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2313,

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5252 with the following amendment:
 5252-S AMH HS MERE 084

On page 1, beginning on line 16, after "shall" strike "consult with" and insert "include"

On page 2, line 9, after "2009." Insert "Any minority position related to the substance of the final model policy shall be presented as an addendum to the policy."

On page 6, line 25, after "procedures" insert "and monitor their compliance with the procedures"

On page 6, at the beginning of line 27, strike "seek input from" and insert "consult with"

On page 6, line 27, after "pharmacists," strike "licensed physicians, or nurses" and insert "and one or more licensed physicians or nurses,"

On page 7, after line 23, insert the following:

"NEW SECTION. Sec. 5. The department of health shall annually review the medication practices of five jails that provide for the delivery and administration of medications to inmates in their custody by nonpractitioner jail personnel. The review shall assess whether the jails are in compliance with sections 3 and 4 of this act. To the extent that a jail is found not in compliance, the department shall provide technical assistance to assist the jail in resolving any areas of noncompliance."

Renumber the remaining section.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5252.

Senator Brandland spoke in favor of the motion.

MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5252.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5252 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5252, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5252, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Tom

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5252, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5391 with the following amendment: 5391-S AMH WAYS H3095.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the practices of body piercing, tattooing, and other forms of body art involve an invasive procedure with the use of needles, sharps, instruments, and jewelry. These practices may be dangerous when improper sterilization techniques are used, presenting a risk of infecting the client with bloodborne pathogens including, but not limited to, HIV, hepatitis B, and hepatitis C. It is in the interests of the public health, safety, and welfare to establish requirements in the commercial practice of these activities in this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter and RCW 5.40.050 and 70.54.340 unless the context clearly requires otherwise.

(1) "Body art" means the practice of invasive cosmetic adornment including the use of branding and scarification. "Body art" also includes the intentional production of scars upon the body. "Body art" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice.

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Individual license" means a body art, body piercing, or tattoo practitioner license issued under this chapter.

(5) "Location license" means a license issued under this chapter for a shop or business.

(6) "Shop or business" means a body art, body piercing, or tattooing shop or business.

(7) "Tattoo artist" means a person who pierces or punctures the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin for a fee.

(8) "Tattooing" means to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin.

NEW SECTION. Sec. 3. In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director has the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing;

(4) To establish minimum safety and sanitation standards for practitioners of body art, body piercing, or tattooing as determined by the department of health;

(5) To maintain the official department record of applicants and licensees;

(6) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(7) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(8) To make information available to the department of revenue to assist in collecting taxes from persons and businesses required to be licensed under this chapter.

NEW SECTION. Sec. 4. (1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter is considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with section 6 of this act;

(b) The license has been denied, revoked, or suspended under section 12 or 14 of this act, and has not been reinstated; or

(c) The license is held by a person who has not fully complied with an order of the director issued under section 12 of this act requiring the licensee to pay restitution or a fine, or to acquire additional training.

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Engages in the practice of body art, body piercing, or tattooing; or

(b) Operates a shop or business.

NEW SECTION. Sec. 5. Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate location license to any person who completes an application approved by the department, provides certification of insurance, and provides payment of the proper fee.

NEW SECTION. Sec. 6. (1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter. The director has the authority to set appropriate licensing fees for body art, body piercing, and tattooing shops and businesses and body art, body piercing, and tattooing individual practitioners. Licensing fees for individual practitioners must be set in an amount less than licensing fees for shops and businesses.

(2) Failure to renew a license by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate.

(3) A person whose license has not been renewed within one year after its expiration date must have his or her license canceled and must be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(4) Nothing in this section authorizes a person whose license has expired to engage in a practice prohibited under section 4 of this act until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

NEW SECTION. Sec. 7. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A body art, body piercing, or tattooing shop or business location license expires one year from issuance or when the insurance required by section 8(1)(g) of this act expires, whichever occurs first; and

(b) Body art, body piercing, or tattooing practitioner individual licenses expire one year from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

NEW SECTION. Sec. 8. (1) A body art, body piercing, or tattooing shop or business shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the shop or business;

(c) Any room used wholly or in part as a shop or business may not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of equipment and substances used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the shop or business is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of shops or businesses. The director may consult with the state board of health and the department of labor and industries in establishing minimum shop and business safety requirements.

(3) Upon receipt of a written complaint that a shop or business has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing shop or business, the director or the director's designee shall inspect each shop or business. If the director determines that any shop or business is not in compliance with this chapter, the director shall send written notice to the shop or business. A shop or business which fails to correct the conditions to the satisfaction of the director within a reasonable time is, upon due notice, subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any shop or business during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(4) A shop or business shall obtain a certificate of registration from the department of revenue.

(5) Shop or business location licenses issued by the department must be posted in the shop or business's reception area.

(6) Body art, body piercing, and tattooing practitioner individual licenses issued by the department must be posted at the licensed person's work station.

2009 REGULAR SESSION

NEW SECTION. Sec. 9. The director shall prepare and provide to all licensed shops or businesses a notice to consumers. At a minimum, the notice must state that body art, body piercing, and tattooing shops or businesses are required to be licensed, that shops or businesses are required to maintain minimum safety and sanitation standards, that customer complaints regarding shops or businesses may be reported to the department, and a telephone number and address where complaints may be made.

NEW SECTION. Sec. 10. It is a violation of this chapter for any person to engage in the commercial practice of body art, body piercing, or tattooing except in a licensed shop or business with the appropriate individual body art, body piercing, or tattooing license.

NEW SECTION. Sec. 11. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under section 4 of this act without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has failed to display licenses required in this chapter; or

(4) Has violated any provision of this chapter or any rule adopted under it.

NEW SECTION. Sec. 12. If, following a hearing, the director finds that any person or an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

(1) Denial of a license or renewal;

(2) Revocation or suspension of a license;

(3) A fine of not more than five hundred dollars per violation;

(4) Issuance of a reprimand or letter of censure;

(5) Placement of the licensee on probation for a fixed period of time;

(6) Restriction of the licensee's authorized scope of practice;

(7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or

(8) Requiring the licensee to obtain additional training or instruction.

NEW SECTION. Sec. 13. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under section 12 of this act has the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. The appeal must be filed within thirty days of the director's decision.

NEW SECTION. Sec. 14. The department shall immediately suspend the license of a person who has been certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 15. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 16. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 17. This act shall be known and may be cited as the "Washington body art, body piercing, and tattooing act."

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 19. RCW 70.54.340 and 2001 c 194 s 3 are each amended to read as follows:

The secretary of health shall adopt by rule requirements, in accordance with nationally recognized professional standards, for precautions against the spread of disease, including the sterilization of needles and other instruments, including sharps and jewelry, employed by electrologists, persons engaged in the practice of body art, body piercing, and tattoo artists ((in accordance with nationally recognized professional standards)). The secretary shall consider the ((universal)) standard precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by ((the national environmental health association and the alliance of professional tattooists;)) national industry standards in the adoption of these sterilization requirements.

Sec. 20. RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW 70.54.350, or (4) driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

Sec. 21. RCW 43.24.150 and 2008 c 119 s 22 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.96 RCW, landscape architects;
- (d) Chapter 18.145 RCW, court reporters;
- (e) Chapter 18.165 RCW, private investigators;
- (f) Chapter 18.170 RCW, security guards;
- (g) Chapter 18.185 RCW, bail bond agents;
- (h) Chapter 18.280 RCW, home inspectors;
- (i) Chapter 19.16 RCW, collection agencies;
- (j) Chapter 19.31 RCW, employment agencies;
- (k) Chapter 19.105 RCW, camping resorts;
- (l) Chapter 19.138 RCW, sellers of travel;
- (m) Chapter 42.44 RCW, notaries public; ~~(and)~~
- (n) Chapter 64.36 RCW, timeshares; and
- (o) Chapter 18.-- RCW (the new chapter created in section 24 of this act).

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing

activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

Sec. 22. RCW 18.235.020 and 2008 c 119 s 21 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
 - (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
 - (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
 - (iv) Commercial telephone solicitors under chapter 19.158 RCW;
 - (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
 - (vi) Court reporters under chapter 18.145 RCW;
 - (vii) Driver training schools and instructors under chapter 46.82 RCW;
 - (viii) Employment agencies under chapter 19.31 RCW;
 - (ix) For hire vehicle operators under chapter 46.72 RCW;
 - (x) Limousines under chapter 46.72A RCW;
 - (xi) Notaries public under chapter 42.44 RCW;
 - (xii) Private investigators under chapter 18.165 RCW;
 - (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
 - (xiv) Real estate appraisers under chapter 18.140 RCW;
 - (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
 - (xvi) Security guards under chapter 18.170 RCW;
 - (xvii) Sellers of travel under chapter 19.138 RCW;
 - (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;
 - (xix) Whitewater river outfitters under chapter 79A.60 RCW; and
 - (xx) Home inspectors under chapter 18.280 RCW; and
 - (xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.-- RCW (the new chapter created in section 24 of this act).
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The state board of registration for architects established in chapter 18.08 RCW;
 - (ii) The cemetery board established in chapter 68.05 RCW;
 - (iii) The Washington state collection agency board established in chapter 19.16 RCW;
 - (iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;
 - (v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;
 - (vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and
 - (vii) The state geologist licensing board established in chapter 18.220 RCW.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

NEW SECTION. Sec. 23. The director of licensing and the department of health, beginning on the effective date of this section, may take such steps as are necessary to ensure that this act is implemented July 1, 2010.

NEW SECTION. Sec. 24. Sections 1 through 18 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act take effect July 1, 2010."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5391.

Senators Kastama and Keiser spoke in favor of passage of the motion.

POINT OF INQUIRY

Senator Keiser: "Would the Senator from the Twenty-Fifth District yield to a question? Senator, I'm wondering once this bill becomes law whether you would feel comfortable getting a tattoo yourself?"

Senator Kastama: "Mr. President, I really, I guess absent a court order, I won't answer that."

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5391.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5391 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5391, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5391, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Holmquist and Ranker

Absent: Senator Tom

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5391, as amended by the House, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Tom was excused.

MESSAGE FROM THE HOUSE

April 1, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5718 with the following amendment: 5718-S AMH PSEP H2768.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.020 and 2006 c 303 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Personality disorder" means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

(10) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

((+0)) (11) "Prosecuting agency" means the prosecuting attorney of the county where the person was convicted or charged or

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

the attorney general if requested by the prosecuting attorney, as provided in RCW 71.09.030.

~~(12)~~ "Recent overt act" means any act, threat, or combination thereof that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors.

~~((11))~~ (13) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

~~((12))~~ (14) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((13))~~ (15) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

~~((14))~~ (16) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

~~((15))~~ (17) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((16))~~ (18) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

~~((17))~~ (19) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

Sec. 2. RCW 71.09.025 and 2008 c 213 s 11 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020 (16), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county ~~(where that person was charged))~~ in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(4); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the ~~(prosecutor)~~ prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(3), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

~~(2) ((This section applies to acts committed before, on, or after March 26, 1992:~~

~~(3))~~ The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

~~((1))~~ (3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 3. RCW 71.09.030 and 2008 c 213 s 12 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

when it appears that: ~~((1))~~ (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement ~~((on, before, or after July 1, 1990))~~; ~~((2))~~ (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement ~~((on, before, or after July 1, 1990))~~; ~~((3))~~ (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released ~~((on, before, or after July 1, 1990))~~, pursuant to RCW 10.77.086(4); ~~((4))~~ (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released ~~((on, before, or after July 1, 1990))~~, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or ~~((5))~~ (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act ~~(; and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation).~~

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case.

Sec. 4. RCW 71.09.040 and 2001 c 286 s 6 are each amended to read as follows:

(1) Upon the filing of a petition under RCW 71.09.030, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody.

(2) Within seventy-two hours after a person is taken into custody pursuant to subsection (1) of this section, the court shall provide the person with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the person is a sexually violent predator. In order to assist the person at the hearing, within twenty-four hours of service of the petition, the prosecuting agency shall provide to the person or his or her counsel a copy of all materials provided to the prosecuting agency by the referring agency pursuant to RCW 71.09.025, or obtained by the prosecuting agency pursuant to RCW 71.09.025(1) (c) and (d). At this hearing, the court shall (a) verify the person's identity, and (b) determine whether probable cause exists to believe that the person is a sexually violent predator. At the probable cause hearing, the state may rely upon the petition and certification for determination of probable cause filed pursuant to RCW 71.09.030. The state may supplement this with additional documentary evidence or live testimony. The person may be held in total confinement at the county jail until the trial court renders a decision after the conclusion of the seventy- two hour probable cause hearing. The county shall

be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary.

(3) At the probable cause hearing, the person shall have the following rights in addition to the rights previously specified: (a) To be represented by counsel; (b) to present evidence on his or her behalf; (c) to cross-examine witnesses who testify against him or her; (d) to view and copy all petitions and reports in the court file. The court must permit a witness called by either party to testify by telephone. Because this is a special proceeding, discovery pursuant to the civil rules shall not occur until after the hearing has been held and the court has issued its decision.

(4) If the probable cause determination is made, the judge shall direct that the person be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections. In no event shall the person be released from confinement prior to trial. A witness called by either party shall be permitted to testify by telephone.

Sec. 5. RCW 71.09.050 and 1995 c 216 s 5 are each amended to read as follows:

(1) Within forty-five days after the completion of any hearing held pursuant to RCW 71.09.040, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. The person shall be confined in a secure facility for the duration of the trial.

(2) Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

(3) The person, the prosecuting ~~((attorney or attorney general))~~ agency, or the judge shall have the right to demand that the trial be before a twelve-person jury. If no demand is made, the trial shall be before the court.

Sec. 6. RCW 71.09.060 and 2008 c 213 s 13 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to ~~((be))~~ be or has been released pursuant to RCW 10.77.086(4), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(4) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person ((pursuant to this chapter, except that)). During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility

on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

Sec. 7. RCW 71.09.080 and 1995 c 216 s 8 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(3) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

(4) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

(5) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

(6) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

Sec. 8. RCW 71.09.090 and 2005 c 344 s 2 are each amended to read as follows:

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for

conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting attorney or attorney general shall present prima facie evidence establishing that the committed person continues to meet the definition of a sexually violent predator and that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community. In making this showing, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c) If the court at the show cause hearing determines that either: (i) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community; or (ii) probable cause exists to believe that the person's condition has so changed that: (A) The person no longer meets the definition of a sexually violent predator; or (B) release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community, then the court shall set a hearing on either or both issues.

(d) If the court has not previously considered the issue of release to a less restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency (~~or the attorney general if requested by the county~~) shall represent the state and shall have a right to a jury trial and to have

the committed person evaluated by experts chosen by the state. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommendation proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(c) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the committed person; or (ii) does not include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

Sec. 9. RCW 71.09.092 and 1995 c 216 s 10 are each amended to read as follows:

Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists in Washington

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and (5) the person will be under the supervision of the department of corrections and is willing to comply with supervision requirements imposed by the department of corrections.

Sec. 10. RCW 71.09.096 and 2001 c 286 s 12 are each amended to read as follows:

(1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and includes conditions that would adequately protect the community, and the court determines that the minimum conditions set forth in RCW 71.09.092 and in this section are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated by the court to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment, monitoring, or supervision in accord with this section. Any person providing or agreeing to provide treatment, monitoring, or supervision services pursuant to this chapter may be compelled to testify and any privilege with regard to such person's testimony is deemed waived.

(4) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. The court shall order the department of corrections to investigate the less restrictive alternative and recommend any additional conditions to the court. These conditions shall include, but are not limited to the following: Specification of residence, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, monitoring through the use of global positioning satellite technology, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(5) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the ~~((prosecutor of the county in which the person was found to be a sexually violent predator))~~ prosecuting agency, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

(6) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting ~~((attorney))~~ agency so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released to a less restrictive alternative. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection (5) of this section and the opinions of the secretary and other experts or professional persons.

Sec. 11. RCW 71.09.098 and 2006 c 282 s 1 are each amended to read as follows:

~~((1) Any service provider submitting reports pursuant to RCW 71.09.096(6), the supervising community corrections officer, the prosecuting attorney, or the attorney general may petition the court, or the court on its own motion may schedule an immediate hearing, for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner or the court believes the released person is not complying with the terms and conditions of his or her release or is in need of additional care, monitoring, supervision, or treatment.~~

~~—(2) If the prosecuting attorney, the supervising community corrections officer, or the court, based upon information received by them, reasonably believes that a conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative, the court or community corrections officer may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified. A law enforcement officer, who has responded to a request for assistance from a department employee, may apprehend and take into custody the conditionally released person if the law enforcement officer reasonably believes that the conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative. The conditionally released person may be detained in the county jail or returned to the secure community transition facility. The court shall be notified before the close of the next judicial day of the person's apprehension. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.~~

~~—(3) The court, upon receiving notification of the person's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the state has proven by a preponderance of the evidence that the conditionally released person did not comply with the terms and conditions of his or her release. Hearsay evidence is admissible if the court finds it otherwise reliable. At the hearing, the court shall determine whether the person shall continue to be conditionally released on the same or modified conditions or whether his or her conditional release shall be revoked and he or she shall be committed to total confinement, subject to release only in accordance with provisions of this chapter.)~~

(1) Any service provider submitting reports pursuant to RCW 71.09.096(6), the supervising community corrections officer, the prosecuting agency, or the secretary's designee may petition the court for an immediate hearing for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner believes the released person:
(a) Violated or is in violation of the terms and conditions of the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

court's conditional release order; or (b) is in need of additional care, monitoring, supervision, or treatment.

(2) The community corrections officer or the secretary's designee may restrict the person's movement in the community until the petition is determined by the court. The person may be taken into custody if:

(a) The supervising community corrections officer, the secretary's designee, or a law enforcement officer reasonably believes the person has violated or is in violation of the court's conditional release order; or

(b) The supervising community corrections officer or the secretary's designee reasonably believes that the person is in need of additional care, monitoring, supervision, or treatment because the person presents a danger to himself or herself or others if his or her conditional release under the conditions imposed by the court's release order continues.

(3)(a) Persons taken into custody pursuant to subsection (2) of this section shall:

(i) Not be released until such time as a hearing is held to determine whether to revoke or modify the person's conditional release order and the court has issued its decision; and

(ii) Be held in the county jail, at a secure community transition facility, or at the total confinement facility, at the discretion of the secretary's designee.

(b) The court shall be notified before the close of the next judicial day that the person has been taken into custody and shall promptly schedule a hearing.

(4) Before any hearing to revoke or modify the person's conditional release order, both the prosecuting agency and the released person shall have the right to request an immediate mental examination of the released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(5) At any hearing to revoke or modify the conditional release order:

(a) The prosecuting agency shall represent the state, including determining whether to proceed with revocation or modification of the conditional release order;

(b) Hearsay evidence is admissible if the court finds that it is otherwise reliable; and

(c) The state shall bear the burden of proving by a preponderance of the evidence that the person has violated or is in violation of the court's conditional release order or that the person is in need of additional care, monitoring, supervision, or treatment.

(6)(a) If the court determines that the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is revocation of the court's conditional release order, the court shall consider the evidence presented by the parties and the following factors relevant to whether continuing the person's conditional release is in the person's best interests or adequate to protect the community:

(i) The nature of the condition that was violated by the person or that the person was in violation of in the context of the person's criminal history and underlying mental conditions;

(ii) The degree to which the violation was intentional or grossly negligent;

(iii) The ability and willingness of the released person to strictly comply with the conditional release order;

(iv) The degree of progress made by the person in community-based treatment; and

(v) The risk to the public or particular persons if the conditional release continues under the conditional release order that was violated.

(b) Any factor alone, or in combination, shall support the court's determination to revoke the conditional release order.

(7) If the court determines the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is modification of the court's conditional release order, the court shall modify the conditional release order by adding conditions if the court determines that the person is in need of additional care, monitoring, supervision, or treatment. The court has authority to modify its conditional release order by substituting a new treatment provider, requiring new housing for the person, or imposing such additional supervision conditions as the court deems appropriate.

(8) A person whose conditional release has been revoked shall be remanded to the custody of the secretary for control, care, and treatment in a total confinement facility as designated in RCW 71.09.060(1). The person is thereafter eligible for conditional release only in accord with the provisions of RCW 71.09.090 and related statutes.

NEW SECTION. Sec. 12. A new section is added to chapter 71.09 RCW to read as follows:

The department of social and health services shall provide to the prosecuting agency a copy of all reports made by the department to law enforcement in which a person detained or committed under this chapter is named or listed as a suspect, witness, or victim, as well as a copy of all reports received from law enforcement.

Sec. 13. RCW 71.09.112 and 2002 c 19 s 1 are each amended to read as follows:

A person subject to court order under the provisions of this chapter who is thereafter convicted of a criminal offense remains under the jurisdiction of the department and shall be returned to the custody of the department following: (1) Completion of the criminal sentence; or (2) release from confinement in a state, federal, or local correctional facility(~~(, and shall be returned to the custody of the department)~~). Any conditional release order shall be immediately revoked upon conviction for a criminal offense.

This section does not apply to persons subject to a court order under the provisions of this chapter who are thereafter sentenced to life without the possibility of release.

Sec. 14. RCW 71.09.350 and 2004 c 38 s 14 are each amended to read as follows:

(1) Examinations and treatment of sexually violent predators who are conditionally released to a less restrictive alternative under this chapter shall be conducted only by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court or the department of social and health services finds that: (a) The ~~((court-ordered less restrictive alternative placement is located in another state; (b) the))~~ treatment provider is employed by the department; or ~~((e))~~ (b)(i) all certified sex offender treatment providers or certified affiliate sex offender treatment providers become unavailable to provide treatment within a reasonable geographic distance of the person's home, as determined in rules adopted by the department of social and health services; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of social and health services.

A treatment provider approved by the department of social and health services under ~~((e))~~ (b) of this subsection, who is not certified by the department of health, shall consult with a certified sex offender treatment provider during the person's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified sex offender treatment provider.

(2) A treatment provider, whether or not he or she is employed or approved by the department of social and health services under subsection (1) of this section or otherwise certified, may not perform

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

or provide treatment of sexually violent predators under this section if the treatment provider has been:

MESSAGE FROM THE HOUSE

April 14, 2009

- (a) Convicted of a sex offense, as defined in RCW 9.94A.030;
- (b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or
- (c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(3) Nothing in this section prohibits a qualified expert from examining or evaluating a sexually violent predator who has been conditionally released for purposes of presenting an opinion in court proceedings.

NEW SECTION. Sec. 15. This act applies to all persons currently committed or awaiting commitment under chapter 71.09 RCW either on, before, or after the effective date of this act, whether confined in a secure facility or on conditional release.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5718.

Senators Regala and Stevens spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5718.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5718 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5718, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5723 with the following amendment: 5723-S AMH WAYS H3094.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.30.530 and 1984 c 77 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with ~~((public and private community development and economic assistance agencies and shall work towards the goal of coordinating activities with such agencies to avoid duplication of services))~~ the department of community, trade, and economic development, the state board for community and technical colleges, the higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business ~~((and))~~ development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in section 3 of this act, the center must first use the funds to make increased management and technical assistance available to small and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) The legislature directs the small business development center to request United States small business administration approval of a special emphasis initiative, as permitted under 13 CFR 130.340(c) as of April 1, 2009, to target assistance to Washington state's smaller businesses. This initiative would be negotiated and included in the first cooperative agreement application process that occurs after the effective date of this section.

(6) By December 1, 2009, and December 1, 2010, respectively, the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsections (2) and (5) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.30 RCW to read as follows:

The business assistance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the expansion of business assistance services delivered by the small business development center created in RCW 28B.30.530. Only the administrator of the center or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 30.60.010 and 2008 c 240 s 1 are each amended to read as follows:

(1) In conducting an examination of a bank chartered under Title 30 RCW, the director shall investigate and assess the record of performance of the bank in meeting the credit needs of the bank's entire community, including low and moderate-income neighborhoods. The director shall accept, in lieu of an investigation or part of an investigation required by this section, any report or document that the bank is required to prepare or file with one or more federal agencies by the act of Congress entitled the "Community Reinvestment Act of 1977" and the regulations promulgated in accordance with that act, to the extent such reports or documents assist the director in making an assessment based upon the factors outlined in subsection (2) of this section.

(2) In making an investigation required under subsection (1) of this section, the director shall consider, independent of any federal determination, the following factors in assessing the bank's record of performance:

(a) Activities conducted by the institution to ascertain credit needs of its community, including the extent of the institution's efforts to communicate with members of its community regarding the credit services being provided by the institution;

(b) The extent of the institution's marketing and special credit related programs to make members of the community aware of the credit services offered by the institution;

(c) The extent of participation by the institution's board of directors in formulating the institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

(d) Any practices intended to discourage applications for types of credit set forth in the institution's community reinvestment act statement(s);

(e) The geographic distribution of the institution's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The institution's record of opening and closing offices and providing services at offices;

(h) The institution's participation, including investments, in local community and microenterprise development projects;

(i) The institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The institution's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses, or small farms;

(k) The institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic condition, and other factors;

(l) The institution's contribution of cash or in-kind support to local or statewide organizations that provide counseling, training, financing, or other services to small businesses; and

(m) Other factors that, in the judgment of the director, reasonably bear upon the extent to which an institution is helping to meet the credit needs of its entire community.

(3) The director shall include as part of the examination report, a summary of the results of the assessment required under subsection (1) of this section and shall assign annually to each bank a numerical community reinvestment rating based on a one through five scoring system. Such numerical scores shall represent performance assessments as follows:

(a) Excellent performance:	1
(b) Good performance:	2
(c) Satisfactory performance:	3
(d) Inadequate performance:	4
(e) Poor performance:	5

NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements, including guidelines set by the United States small business administration, that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 5. In addition to providing integrated, tailored management and technical assistance services to Washington small businesses, the legislature intends that the state shall further support them by developing procurement policies, procedures, and materials that encourage and facilitate state agency purchase of products and services from Washington small businesses.

Sec. 6. RCW 39.29.006 and 2002 c 354 s 235 are each amended to read as follows:

As used in this chapter:

(1) "Agency" means any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

(2) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.

(3) "Common vendor registration and bid notification system" means the internet-based vendor registration and bid notification system maintained by and housed within the department of general administration. The requirements contained in chapter . . . , Laws of 2009 (this act) shall continue to apply to this system, regardless of future changes to its name or management structure.

(4) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services. "Competitive solicitation" includes posting of the contract opportunity on the state's common vendor registration and bid notification system.

((4)) (5) "Consultant" means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.

~~((5))~~ (6) "Emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

~~((6))~~ (7) "Evidence of competition" means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant. "Evidence of competition" includes documentation that the agency has posted the contract opportunity on the state's common vendor registration and bid notification system.

~~((7))~~ (8) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection ~~((9))~~ (10) of this section. This term does include client services.

~~((8))~~ (9) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state which is consistent with RCW 41.06.142.

~~((9))~~ (10) "Purchased services" means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services acquired under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

~~((10))~~ (11) "Small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity that is owned and operated independently from all other businesses and has either (a) fifty or fewer employees, or (b) a gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years. As used in this definition, "in-state business" means a business that has its principal office located in Washington and its officers domiciled in Washington.

(12) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

Sec. 7. RCW 39.29.011 and 1998 c 101 s 3 are each amended to read as follows:

All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts;
- (3) Contract amendments;
- (4) Contracts between a consultant and an agency of less than twenty thousand dollars. However, contracts of five thousand dollars or greater but less than twenty thousand dollars shall have documented evidence of competition, which must include agency posting of the contract opportunity on the state's common vendor registration and bid notification system. Agencies shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the director of the office of financial management when it has been determined that a competitive solicitation process is not appropriate or cost-effective.

Sec. 8. RCW 39.29.018 and 1998 c 101 s 5 are each amended to read as follows:

(1) Sole source contracts shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the office of financial management when the contract is filed, and must include evidence that the agency posted the contract opportunity on the state's common vendor registration and bid notification system. For sole source contracts of twenty thousand dollars or more, documented justification shall also include evidence that the agency attempted to identify potential consultants by advertising through statewide or regional newspapers.

(2) The office of financial management shall approve sole source contracts of twenty thousand dollars or more before any such contract becomes binding and before any services may be performed under the contract. These requirements shall also apply to sole source contracts of less than twenty thousand dollars if the total amount of such contracts between an agency and the same consultant is twenty thousand dollars or more within a fiscal year. Agencies shall ensure that the costs, fees, or rates negotiated in filed sole source contracts of twenty thousand dollars or more are reasonable.

Sec. 9. RCW 39.29.065 and 1998 c 101 s 9 are each amended to read as follows:

To implement this chapter, the director of the office of financial management shall establish procedures for the competitive solicitation and award of personal service contracts, recordkeeping requirements, and procedures for the reporting and filing of contracts. The director shall develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments. For reporting purposes, the director may establish categories for grouping of contracts. The procedures required under this section shall also include the criteria for amending personal service contracts. At the beginning of each biennium, the director may, by administrative policy, adjust the dollar thresholds prescribed in RCW 39.29.011, 39.29.018, and 39.29.040~~(, and 39.29.068)~~ to levels not to exceed the percentage increase in the implicit price deflator. Adjusted dollar thresholds shall be rounded to the nearest five hundred dollar increment.

Sec. 10. RCW 43.19.1905 and 2008 c 215 s 4 are each amended to read as follows:

(1) The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(f) Determination of what function data processing equipment, including remote terminals, shall perform in statewide purchasing and material control for improvement of service and promotion of economy;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(g) Standardization of records and forms used statewide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(q) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(s) Resolution of all other purchasing and material matters which require the establishment of overall statewide policy for effective and economical supply management;

(t) Development of guidelines and criteria for the purchase of vehicles, high gas mileage vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including investigations into all opportunities to aggregate the purchasing of clean technologies by state and local governments, and including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(u) Development of goals for state use of recycled or environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations;

(v) Development of procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments;

(w) Development of food procurement procedures and materials that encourage and facilitate the purchase of Washington grown food by state agencies and institutions to the maximum extent practicable and consistent with international trade agreement commitments; and

~~((**))~~ (x) Development of policies requiring all food contracts to include a plan to maximize to the extent practicable and consistent with international trade agreement commitments the availability of Washington grown food purchased through the contract.

(2) ((As used in this section,)) The department of general administration shall convene a working group including representatives of the office of financial management, the department of information services, and the state printer. The purpose of the working group is to work collaboratively to develop common policies and procedures that encourage and facilitate state government purchases from Washington small businesses, as required in subsection (1)(v) of this section, and in RCW 39.29.065, 43.78.110, and 43.105.041(1)(j). By December 1, 2009, these central services agencies shall jointly provide a written progress report to the governor and legislature on actions taken and planned, barriers identified, and solutions recommended to reach this goal.

(3) The definitions in this subsection apply throughout this section and RCW 43.19.1908.

(a) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(b) "Small business" has the definition in RCW 39.29.006.

(c) "Washington grown" has the definition in RCW 15.64.060.

Sec. 11. RCW 43.19.1908 and 2006 c 363 s 2 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, by posting of the contract opportunity on the state's common vendor registration and bid notification system, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in written or electronic form and conform to rules of the division of purchasing.

Sec. 12. RCW 43.78.110 and 1993 c 379 s 107 are each amended to read as follows:

(1) Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, the public printer may obtain such work or supplies from such private sources. The solicitation for the contract opportunity must be posted on the state's common vendor registration and bid notification system. The public printer shall develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of such services or supplies from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

(3) The definitions in this subsection apply throughout this section.

(a) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(b) "Small business" has the definition in RCW 39.29.006.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Sec. 13. RCW 43.105.041 and 2003 c 18 s 3 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; ~~(and)~~

(i) To review and approve that portion of the department's budget requests that provides for support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

Sec. 14. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

(21) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(22) "Small business" has the definition in RCW 39.29.006."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5723.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5723.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5723 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5723, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0;

Excused, 0.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5723, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5725 with the following amendment: 5725-S AMH ENGR H2891.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health benefit plan that is issued or renewed on or after January 1, 2010, and that provides coverage for organ and tissue transplants, may not permit a separate lifetime limit on transplants of any less than three hundred fifty thousand dollars. The lifetime limit on transplants shall apply from one day prior to the date of the transplant or the date of hospital admission, for a patient who receives a transplant during the course of a longer hospital stay, through one hundred days after the transplant. Donor-related services may apply to the lifetime limit on transplants any time. The major medical lifetime limit shall apply to health care services provided before and after this time period. Benefits provided are subject to all other terms and conditions of the health benefit plan, including but not limited to any applicable coinsurances, deductibles, and copayments.

(2) "Organ and tissue transplant" means the same as defined under the applicable health benefit plan."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5725.

Senator Keiser spoke in favor of the motion.

POINT OF INQUIRY

Senator Pflug: "Would the lady from the Thirty-Third District yield to a question? Thank you. Senator Keiser, is it your understanding that this change will impact patients already in the hospital when a transplant organ becomes available?"

Senator Keiser: "Thank you for asking Senator Pflug. It is my understanding that patients already in the hospital for chronic health conditions, such as a patient on a mechanical heart, will continue to have the cost of their care applied to major medical coverage or chronic care benefits as part of the underlying medical benefit. The bill provides the transplant care benefits for the specific transplant cost and related services up to one hundred days following the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

transplant would be covered under the plans transplant benefit. The new one hundred day time frame to calculate the expenses for the transplant costs will help limit the ongoing expenses that get added to a persons transplant cost for years as they continue their antirejection medications.”

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5725.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5725 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5725, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5725, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5746 with the following amendment: 5746-S.E AMH ENGR H2980.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~((13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile

2009 REGULAR SESSION

sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~(- PROVIDED, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~(- PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~(- PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (E) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.40.020 and 2004 c 120 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department.

Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.110 and 1997 c 338 s 20 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:

(a) The respondent is (~~fifteen~~) sixteen(;) or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

~~((2))~~ (3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

~~((3))~~ (4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 4. RCW 13.40.308 and 2007 c 199 s 15 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than (~~five days of home detention~~) three months of community supervision, forty-five hours of community restitution, (~~and~~) a two hundred dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to (~~at~~) a standard range sentence that includes six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks (~~of confinement, seven days of home detention~~) commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, and a four hundred dollar fine.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes (~~either: (i) No less than five days of home detention and~~) no less than three months of community supervision, forty-five hours of community restitution (~~or (ii) no home detention and ninety hours of community restitution~~), a two hundred dollar fine, and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to (~~at~~) a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks (~~of confinement, seven days of home detention~~) commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, and a four hundred dollar fine.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than one day of home detention, one))~~ three months of community supervision, ((and)) fifteen hours of community restitution~~((; or (ii) no home detention, one month of supervision, and thirty hours of community restitution))~~, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, ~~((two days of home detention, two))~~ three months of community supervision, thirty hours of community restitution, ((and)) a one hundred fifty dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, ~~((seven days of home detention, three))~~ six months of community supervision, forty-five hours of community restitution, ((and)) a one hundred fifty dollar fine, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5746.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5746.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5746 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5746, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Carrell

Absent: Senators Brown and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the constitutional majority,

was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1420 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk
MOTION

Senator Fraser moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1420.

Senator Fraser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1420.

The motion by Senator Fraser carried and the Senate receded from its amendments to Substitute House Bill No. 1420 by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended and Substitute House Bill No. 1420 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1420, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley)

Revising real estate seller disclosure requirements.

The measure was read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senator Fraser and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.005 and 2007 c 107 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;

(c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW; or

(d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.

(2) "Residential real property" means both improved and unimproved residential real property.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(4) "Unimproved residential real property" means property zoned for residential use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, or a mobile or manufactured home. It does not include property defined as "timber land" under RCW 84.34.020.

Sec. 2. RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.

Yes No Don't know *B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know *D. Is there a private road or easement agreement for access to the property?

Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that ((may)) affect the Buyer's use of the property?

Yes No Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?

Yes No Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?

Yes No Don't know *H. Are there any pending or existing assessments against the property?

Yes No Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that ((would)) affect future construction or remodeling?

Yes No Don't know *J. Is there a boundary survey for the property?

Yes No Don't know *K. Are there any covenants, conditions, or restrictions ((which affect)) recorded against title to the property?

2. WATER

A. Household Water

Yes No Don't know (1) Does the property have potable water supply?

(2) If yes, the source of water for the property is:

Private or publicly owned water system

Private well serving only the property

Yes No Don't know Other water system

Yes No Don't know *If shared, are there any written agreements?

Yes No Don't know *(3) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know *(4) Are there any (~~known~~) problems or repairs needed?

Yes No Don't know (5) Is there a connection or hook-up charge payable before the property can be connected to the water main?

Yes No Don't know (6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.)

Yes No Don't know (7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.)

Yes No Don't know (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know *(b) If yes, has all or any portion of the water right not been used for five or more successive years? (~~(If yes, please explain--)~~)

Yes No Don't know (c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day?

Yes No Don't know *(8) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?

Yes No Don't know B. Irrigation Water

Yes No Don't know (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.)

Yes No Don't know (a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know (b) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know *(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:

.....

C. Outdoor Sprinkler System

Yes No Don't know (1) Is there an outdoor sprinkler system for the property?

Yes No Don't know *(2) If yes, are there any defects in the system?

Yes No Don't know *(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/SEPTIC SYSTEM

A. The property is served by:

Public sewer system

On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

Other disposal system, please describe:

.....

B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

C. If the property is connected to an on-site sewage system:

Yes No Don't know *(1) Was a permit issued for its construction?

Yes No Don't know *(2) Was it approved by the local health department or district following its construction?

Yes No Don't know (3) Is the septic system a pressurized system?

Yes No Don't know (4) Is the septic system a gravity system?

Yes No Don't know *(5) Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know (6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain:

.....

* (7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? (~~(If yes, please explain--)~~)

.....

4. ELECTRICAL/GAS

A. Is the property served by natural gas?

Yes No Don't know

B. Is there a connection charge for gas?

Yes No Don't know

C. Is the property served by electricity?

Yes No Don't know

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Yes No Don't know D. Is there a connection charge for electricity?

Yes No Don't know

*H. Are there transmission poles(~~(; transformers,-)~~) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes No Don't know *E. Are there any electrical problems on the property? (~~(If yes, please explain:)~~)

5. FLOODING

Yes No Don't know A. (~~(Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:~~)

Yes No Don't know

*I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know

*J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know B:)) Is the property located in a government designated flood zone or floodplain?

Yes No Don't know

*K. Are there any radio towers (~~(in the area)~~) that (~~(may)~~) cause interference with cellular telephone reception?

6. SOIL STABILITY

Yes No Don't know *A. Are there any settlement, earth movement, slides, or similar soil problems on the property? (~~(If yes, please explain:~~)

Yes No Don't know

8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

Yes No Don't know B. ~~Does any part of the property contain fill dirt, waste, or other fill material? If yes, please explain:))~~

Yes No Don't know

A. Is there a homeowners' association? Name of association:

B. Are there regular periodic assessments: \$. . . per Month Year Other

7. ENVIRONMENTAL

Yes No Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know

*C. Are there any pending special assessments?

Yes No Don't know

*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know

9. OTHER FACTS

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know

*A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? (~~(If yes, please explain:)~~)

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know

*B. Does the property have any plants or wildlife that are designated as species (~~(or -off))~~) of concern, or listed as threatened or endangered by the government?

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

Yes No Don't know

*C. Is the property classified or designated as forest land or open space? (~~(If so, specify:)~~)

Yes No Don't know *G. Is there any soil or groundwater contamination?

Yes No Don't know

D. Do you have a forest management plan? If yes, attach.

*E. Have any development-related permit applications been submitted to any government agencies? (~~(If so, specify:)~~)

If the answer to E is "yes," what is the status or outcome of those applications?

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

10. FULL DISCLOSURE BY SELLERS

[] Yes [] No [] Don't know

A. Other conditions or defects: *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification: The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT. ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?
- Yes No Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?
- Yes No Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?

- Yes No Don't know *H. Are there any pending or existing assessments against the property?
- Yes No Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?
- Yes No Don't know *J. Is there a boundary survey for the property?
- Yes No Don't know *K. Are there any covenants, conditions, or restrictions ((~~which affect~~)) recorded against the property?

2. WATER

A. Household Water

- (1) The source of water for the property is:
 - Private or publicly owned water system
 - Private well serving only the subject property
 - * Other water system
- Yes No Don't know *If shared, are there any written agreements?
- Yes No Don't know *(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
- Yes No Don't know *(3) Are there any ((~~known~~)) problems or repairs needed?
- Yes No Don't know (4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.
- Yes No Don't know *(5) Are there any water treatment systems for the property? If yes, are they Leased Owned
- Yes No Don't know *(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?
- Yes No Don't know (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

2009 REGULAR SESSION

Yes No Don't know

* (b) If yes, has all or any portion of the water right not been used for five or more successive years? ((If yes, please explain.))

Yes No Don't know

* (7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

.....

B. Irrigation Water

Yes No Don't know

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes No Don't know

* (a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know

* (b) If so, is the certificate available? (If yes, please attach a copy.)

Yes No Don't know

* (c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? ((If so, explain.))

.....

Yes No Don't know

* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

.....

C. Outdoor Sprinkler System

Yes No Don't know

(1) Is there an outdoor sprinkler system for the property?

Yes No Don't know

* (2) If yes, are there any defects in the system? ((If so, please explain.))

Yes No Don't know

* (3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:

Public sewer system,

On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

Other disposal system, please describe:

.....

Yes No Don't know

B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

.....

Yes No Don't know

*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

D. If the property is connected to an on-site sewage system:

Yes No Don't know

* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped? () ?

.....

Yes No Don't know

* (3) Are there any defects in the operation of the on-site sewage system?

Don't know

(4) When was it last inspected?

.....

By whom:

Don't know

(5) For how many bedrooms was the on-site sewage system approved?

..... bedrooms

Yes No Don't know

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes No Don't know

*F. Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

.....

Yes No Don't know

*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain.))

.....

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

[] Yes [] No [] Don't know
[] Yes [] No [] Don't know

Heating and cooling systems
Security system
[] Owned [] Leased
Other

4. STRUCTURAL

[] Yes [] No [] Don't know *A. Has the roof leaked within the last five years?

[] Yes [] No [] Don't know *B. Has the basement flooded or leaked?

[] Yes [] No [] Don't know *C. Have there been any conversions, additions, or remodeling?

[] Yes [] No [] Don't know *(1) If yes, were all building permits obtained?

[] Yes [] No [] Don't know *(2) If yes, were all final inspections obtained?

[] Yes [] No [] Don't know D. Do you know the age of the house? If yes, year of original construction:

[] Yes [] No [] Don't know
[] Yes [] No [] Don't know
[] Yes [] No [] Don't know

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Security system
Tanks (type):
Satellite dish
Other:

*C. Are any of the following kinds of wood burning appliances present at the property?

[] Yes [] No [] Don't know
[] Yes [] No [] Don't know
[] Yes [] No [] Don't know
[] Yes [] No [] Don't know

(1) Woodstove?
(2) Fireplace insert?
(3) Pellet stove?
(4) Fireplace?

[] Yes [] No [] Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?

[] Yes [] No [] Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

[] Yes [] No [] Don't know

If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

- Foundations Decks Exterior Walls
[] Chimneys [] Interior Walls [] Fire Alarm
[] Doors [] Windows [] Patio
[] Ceilings [] Slab Floors [] Driveways
[] Pools [] Hot Tub [] Sauna
[] Sidewalks [] Outbuildings [] Fireplaces
[] Garage Floors [] Walkways [] Siding
[] Other [] Wood Stoves

[] Yes [] No [] Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

[] Yes [] No [] Don't know

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

[] Yes [] No [] Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?

[] Yes [] No [] Don't know

A. Is there a Homeowners' Association? Name of Association:

[] Yes [] No [] Don't know I. Is the attic insulated?

[] Yes [] No [] Don't know J. Is the basement insulated?

[] Yes [] No [] Don't know

B. Are there regular periodic assessments: \$. . . per [] Month [] Year [] Other

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

[] Yes [] No [] Don't know

*C. Are there any pending special assessments?

[] Yes [] No [] Don't know Electrical system, including wiring, switches, outlets, and service

[] Yes [] No [] Don't know Plumbing system, including pipes, faucets, fixtures, and toilets

[] Yes [] No [] Don't know Hot water tank

[] Yes [] No [] Don't know Garbage disposal

[] Yes [] No [] Don't know Appliances

[] Yes [] No [] Don't know Sump pump

*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Yes No Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know *B. Did any previous owner make any alterations to the home? (~~If yes, please describe the alterations:~~)

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

9. FULL DISCLOSURE BY SELLERS

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

A. Other conditions or defects: Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

B. Verification: The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof.

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

Yes No Don't know *G. Is there any soil or groundwater contamination?

DATE SELLER SELLER

Yes No Don't know *H. Are there transmission poles(~~transformers~~;) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

Yes No Don't know *K. Are there any radio towers in the area that (~~may~~) cause interference with cellular telephone reception?

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller (~~becomes aware~~) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information(;) or an adverse change (~~occurs~~) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to sales of property that arise on or after the effective date of this section."

Senator Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser and others to Substitute House Bill No. 1420.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040; and creating a new section."

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1420 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1420 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1420 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 1420 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1758 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1758.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1758.

The motion by Senator McAuliffe carried and the Senate receded from its amendments to Substitute House Bill No. 1758 by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Substitute House Bill No. 1758 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1758, by House Committee on Education (originally sponsored by Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby)

Expanding options for students to earn high school diplomas.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs.

Sec. 2. RCW 28B.50.535 and 2007 c 355 s 2 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate as provided under this section.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.

(3) An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this subsection are not eligible for funding provided under chapter 28A.150 RCW.

Sec. 3. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ~~((Before the 1991-92 school year.))~~ The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090.))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((=community college or vocational-technical institute choice))~~ program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; ~~((and))~~

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535.

Sec. 4. RCW 28A.600.320 and 2008 c 95 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

Sec. 5. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state

standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the (~~scholastic assessment test~~)SAT(~~(9)~~) or the (~~American college test~~)ACT(~~(9)~~) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the (~~preliminary scholastic assessment test~~)PSAT(~~(9)~~) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and King to Substitute House Bill No. 1758.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "diplomas;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1758 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Marr, Senators Prentice and Pridemore were excused.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1758 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1758 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Prentice and Pridemore

SUBSTITUTE HOUSE BILL NO. 1758 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1553.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1553.

The motion by Senator Kline carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1553 by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended and Engrossed Substitute House Bill No. 1553 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, by House Committee on Judiciary (originally sponsored by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell)

Addressing claims for damages against the state and local governmental entities.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and Fairley be adopted:

Strike everything after the enacting clause and insert the following:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

"Sec. 1. RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ~~((All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.))~~ For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division of the office of financial management, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;
- (iv) A statement of the time and place that the injury or damage occurred;
- (v) A listing of the names of all persons involved and contact information, if known;
- (vi) A statement of the amount of damages claimed; and
- (vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

- (i) By the claimant, verifying the claim;
- (ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;
- (iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or
- (iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:

(i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;

(ii) Must not require the claimant's social security number; and

(iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.

(d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.

(e) Presenting either the standard tort claim form or the local government tort claim form satisfies the requirements of this chapter.

(f) The amount of damages stated on the claim form is not admissible at trial.

(4) No action subject to the claim filing requirements of this section shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ~~((and filed with))~~ the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty~~((=))~~ calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 2. RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, shall be presented to ~~((and filed with))~~ the risk management division. ~~((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.))~~ Claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, to the risk management division. For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;
- (iv) A statement of the time and place that the injury or damage occurred;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the risk management division. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section.

(3) With respect to the content of ((such)) claims under this section and all procedural requirements in this section, this section ((shall)) must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ((and filed with)) the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(=) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed."

Senator Kline spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and Fairley to Engrossed Substitute House Bill No. 1553.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1553 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1553 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed

Substitute House Bill No. 1553 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Ranker, Regala, Roach, Rockefeller, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Delvin, Hewitt, Holmquist, Honeyford, King, Pflug, Schoesler, Sheldon, Stevens and Swecker

Excused: Senators Prentice and Pridemore

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:47 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:03 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1103,
HOUSE BILL NO. 1148,
SECOND SUBSTITUTE HOUSE BILL NO. 1172,
HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 2208,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1869 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1869.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1869.

The motion by Senator Keiser carried and the Senate receded from its amendments to Substitute House Bill No. 1869 by voice vote.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Keiser, the rules were suspended and Substitute House Bill No. 1869 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1869, by House Committee on Health Care & Wellness (originally sponsored by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley)

Concerning the transparency of health care cost information.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 70.01 RCW to read as follows:

(1) Health care providers licensed under Title 18 RCW and health care facilities licensed under Title 70 RCW, shall provide the following to a patient upon request:

(a) An estimate of fees and charges related to a specific service, visit, or stay; and

(b) Information regarding other types of fees or charges a patient may receive in conjunction with their visit to the provider or facility. Hospitals licensed under chapter 70.41 RCW may fulfill this requirement by providing a statement and contact information as described in RCW 70.41.400.

(2) Providers and facilities listed in subsection (1) of this section may, after disclosing estimated charges and fees to a patient, refer the patient to the patient's insurer, if applicable, for specific information on the insurer's charges and fees, any cost-sharing responsibilities required of the patient, and the network status of ancillary providers who may or may not share the same network status as the provider or facility.

(3) Except for hospitals licensed under chapter 70.41 RCW, providers and facilities listed in subsection (1) of this section shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your health services is available upon request. Please do not hesitate to ask for information."

NEW SECTION. Sec. 2 A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your hospital services is available upon request. Please do not hesitate to ask for information.""

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Substitute House Bill No. 1869.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

MOTION

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and adding a new section to chapter 70.01 RCW, and chapter 70.41 RCW."

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1869 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1869 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1869 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 1869 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The Speaker ruled the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 to be beyond scope & object of the bill. House refuses to concur in said amendment and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fairley moved that the Senate recede from its position on amendment number 301 to Engrossed Substitute House Bill No. 1959 and refuses to recede from amendment 270 and pass the bill without Senate amendment number 301.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate recede from its position on amendment number 301 on Engrossed Substitute House Bill No. 1959 and refuses to recede from amendment 270 and pass the bill without Senate amendment number 301.

The motion by Senator Fairley carried and the Senate receded from its position on amendment number 301 to Engrossed Substitute House Bill No. 1959 refuses to recede from amendment 270 and proceeded to pass the bill without Senate amendment number 301.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1959, without the Senate amendment number 301, and the bill passed the Senate by the following vote:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959, without Senate amendment number 301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2040 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate recede from its position on Engrossed House Bill No. 2040 and pass the bill without the Senate amendment(s).

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate recede from its position on Engrossed House Bill No. 2040 and pass the bill without Senate amendment(s) by voice vote.

The motion by Senator Kohl-Welles carried and the Senate receded from its position on Engrossed House Bill No. 2040 and pass the bill without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2040, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Kline

Excused: Senators Brown and Tom

ENGROSSED HOUSE BILL NO. 2040, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2116.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2116.

The motion by Senator Rockefeller carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2116 by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended and Engrossed Substitute House Bill No. 2116 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, by House Committee on Capital Budget (originally sponsored by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Liias and Simpson)

Concerning water pollution control.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.50A.020 and 1993 c 329 s 1 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the state treasury. Moneys in this fund may be spent only after legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) Other moneys provided by the federal government including funds under the American recovery and reinvestment act of 2009 for water pollution control facilities and related activities to achieve federal water pollution requirements;

(c) All state matching funds appropriated or authorized by the legislature;

~~((e))~~ (d) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

~~((f))~~ (e) All repayments of moneys borrowed from the fund;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

~~((f))~~ (f) All interest payments made by borrowers from the fund;

~~((ff))~~ (g) Any other fee or charge levied in conjunction with administration of the fund; and

~~((f))~~ (h) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

Sec. 2. RCW 90.50A.030 and 2007 c 341 s 38 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance, as provided in the water quality act of 1987 and ~~((as provided in))~~ RCW 90.50A.040, and pursuant to other federal requirements for achieving state and federal water pollution control for protection of the state's waters:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later ~~((then))~~ than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans, including additional subsidization to eligible recipients in the form of forgiveness of principal and negative interest loans or grants or any combination thereof, may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; ~~((and))~~

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act; and

(d) For the planning, design, and construction of publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) The department may also use the money in the water pollution control revolving fund provided by congress for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination thereof. Uses of forgiveness of principal and negative interest loans or grants include but are not limited to the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act;

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act;

(d) For storm water projects; and

(e) For combined sewer overflow projects.

(4) If additional subsidization is made available from moneys provided by congress to eligible recipients in the form of forgiveness of principal or negative interest loans or grants or any combination thereof, the department shall accept applications consistent with this chapter.

(5) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

~~((ff))~~ (6) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((5))~~ The department may not use the moneys in the water pollution control revolving fund for grants:)

(7) When prioritizing project applications for loans, forgiveness of principal, and negative interest loans or grants or any combination thereof for water pollution control facilities, the department shall consider the following:

(a) The protection and improvement of water quality and public health;

(b) The cost to residential ratepayers if they must finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders, including projects with a history of noncompliance;

(d) Readiness of the project to proceed with planning, design, or construction;

(e) The cost-effectiveness of the project based on an analysis of alternatives, including regionalization;

(f) Whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(g) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(h) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(i) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(j) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

Sec. 3. RCW 90.50A.040 and 2007 c 341 s 39 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and 90.50A.080, allocate funds for loans, forgiveness of principal, negative interest loans or grants or any combination thereof in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

and allocate funds for separate competitive programs relating to storm water systems, sewer systems, and septic systems prioritized on a worst case first need basis;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act;

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

NEW SECTION. Sec. 4. A new section is added to chapter 90.50A RCW to read as follows:

Any public body receiving a loan, forgiveness of principal, or negative interest loan or grant or any combination thereof from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department it has sufficient legal authority to incur the debt for the loan that it is applying for.

Sec. 5. RCW 90.50A.060 and 1988 c 284 s 7 are each amended to read as follows:

If a public body defaults on loan payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

Sec. 6. RCW 90.48.110 and 2007 c 343 s 13 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(a) The department shall require, through the development of rules, that plans established in this subsection (1) include the following elements:

(i) Reviews and updates of sewer plans on a six-year cycle, including asset management and financial planning;

(ii) An equitable sewer user charge system for residential, commercial, and industrial users to cover all financial obligation of the planned sewer utility;

(iii) Connection fees for new connections to a sewer system that reflect a fair share cost of infrastructure from which new connections will benefit;

(iv) A capital wastewater facilities reserve fund dedicated to paying for wastewater infrastructure and equipment replacement; and

2009 REGULAR SESSION

(v) A sewer use ordinance that restricts certain connections and wastes to protect a local government's investment and enhance the wastewater treatment's process stability and effluent quality. The ordinance must, at least:

(A) Require new sewers and connections to be properly designed and constructed;

(B) Require a provision with a timeline and proximity in which existing and future residences must connect to the sewer system;

(C) Prohibit inflow sources into the sewer system; and

(D) Prohibit introduction of toxic or hazardous wastes into the sewer system in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the national pollutant discharge elimination system permit or state waste discharge permit.

(b) Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.118B RCW or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

Sec. 7. RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) When making grants or loans for water pollution control facilities, the department may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(5) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 90.48.290 and 1987 c 109 s 145 are each amended to read as follows:

The department is authorized to make and administer grants within appropriations authorized by the legislature to any municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the department shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8(f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project;

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the department from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium. As such, grants may be made for the planning,

design, and construction of any publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) No grant shall be made to any municipal or public corporation, or political subdivision for any project located within a drainage basin unless the department shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the department to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the department for any grant application filed with the department prior to July 1, 1974, in those situations where the department finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the department.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967, for projects which meet the requirements of this section and were commenced after the recipient had filed a grant application with the department.

NEW SECTION. Sec. 9. The department of ecology may adopt rules to implement this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Engrossed Substitute House Bill No. 2116.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, 90.48.110, 70.146.070, and 90.48.290; adding a new section to chapter 90.50A RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute House Bill No. 2116 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2116 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Brown and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 and asks Senate to recede therefrom and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 1935.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 1935.

The motion by Senator Keiser carried and the Senate receded from its amendments to Engrossed Second Substitute House Bill No. 1935 by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended and Engrossed Second Substitute House Bill No. 1935 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams)

Concerning adult family homes.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.128.040 and 2007 c 184 s 8 are each amended to read as follows:

(1) The department shall adopt rules and standards with respect to adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. The rules and standards relating to applicants and operators shall address the differences between individual providers and providers that are partnerships, corporations, associations, or companies. The rules and standards shall also recognize and be appropriate to the different needs and capacities of the various

populations served by adult family homes such as but not limited to persons who are developmentally disabled or elderly. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for applicants and providers explaining licensure requirements and procedures.

(2)(a) In developing the rules and standards, the department shall consult with all divisions and administrations within the department serving the various populations living in adult family homes, including the division of developmental disabilities and the aging and adult services administration. Involvement by the divisions and administration shall be for the purposes of assisting the department to develop rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(b) In addition, the department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the adult family home licensees selected in accordance with RCW 70.128.043 and with other affected interests before adopting requirements that affect adult family home licensees.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

(4) The department shall establish a specialty license to include geriatric specialty certification for providers who have successfully completed the University of Washington school of nursing certified geriatric certification program and testing.

Sec. 2. RCW 70.128.005 and 2001 c 319 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

(b) Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. ~~((The legislature further finds that))~~ Different populations living in adult family homes, such as ~~((the developmentally disabled))~~ persons with developmental disabilities and ~~((the))~~ elderly persons, often have significantly different needs and capacities from one another.

(c) There is a need to update certain restrictive covenants to take into consideration the legislative findings cited in (a) and (b) of this subsection; the need to prevent or reduce institutionalization; and the legislative and judicial mandates to provide care and services in the least restrictive setting appropriate to the needs of the individual. Restrictive covenants which directly or indirectly restrict or prohibit the use of property for adult family homes (i) are contrary to the public interest served by establishing adult family homes and (ii) discriminate against individuals with disabilities in violation of RCW 49.60.224.

(2) It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

(3) The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

and knowledge of their caregivers are the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

(4) The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

NEW SECTION. Sec. 3. A new section is added to chapter 70.128 RCW to read as follows:

(1) To effectuate the public policies of this chapter, restrictive covenants may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under this chapter; or

(b) Persons and legal entities from operating adult family homes licensed under this chapter, whether for-profit or nonprofit, to provide services covered under this chapter. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the restrictive covenant.

(2) This section applies retroactively to all restrictive covenants in effect on the effective date of this section. Any provision in a restrictive covenant in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) To effectuate the public policy of chapter 70.128 RCW, the governing documents may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under chapter 70.128 RCW; or

(b) Persons and legal entities from operating adult family homes licensed under chapter 70.128 RCW, whether for-profit or nonprofit, to provide services covered under chapter 70.128 RCW. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the governing documents.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

Sec. 5. RCW 70.128.060 and 2004 c 140 s 3 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at ~~((fifty))~~ one hundred dollars per year for each home. ~~((A fifty))~~ An eight hundred dollar processing fee shall also be charged each home when the home is initially licensed. The processing fee will be applied toward the license renewal in the subsequent three years. A five hundred dollar rebate will be returned to any home that renews after four years in operation.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Engrossed Second Substitute House Bill No. 1935.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.040, 70.128.005, and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

70.128.060; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1935 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1935 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Tom

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate recede from its position on Engrossed Substitute House Bill No. 1709.

Senators Kohl-Welles and Franklin spoke in favor of the motion.

Senator Benton spoke against the motion.

Senator Eide demanded a roll call vote.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

MOTION

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate recede from its position on Engrossed Substitute House Bill No. 1709.

ROLL CALL

The Secretary called the roll on the motion by Senator Kohl-

2009 REGULAR SESSION

Welles and the motion failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Jacobsen, Jarrett, King, McCaslin, Morton, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

MOTION

Senator Benton moved that the Senate insist on its position on Engrossed Substitute House Bill No. 1709.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate insist on its position on Engrossed Substitute House Bill No. 1709.

The motion by Senator Benton carried and the Senate insisted on its position on Engrossed Substitute House Bill No. 1709.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5107 with the following amendment: AMH MORR H3065.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70C.020 and 1995 c 347 s 703 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Energy overlay zone" means a formal plan enacted by the county legislative authority that establishes suitable areas for siting renewable resource projects based on currently available resources and existing infrastructure with sensitivity to adverse environmental impact.

(2) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

((2)) (3) "Local jurisdiction" means a county, city, or incorporated town.

((3)) (4) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

(5) "Renewable resources" has the same meaning provided in RCW 19.280.020.

Sec. 2. RCW 36.70C.130 and 1995 c 347 s 714 are each amended to read as follows:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70C.120. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

(3) Land use decisions made by a local jurisdiction concerning renewable resource projects within a county energy overlay zone are presumed to be reasonable if they are in compliance with the requirements and standards established by local ordinance for that zone. However, for land use decisions concerning wind power generation projects, either:

(a) The local ordinance for that zone is consistent with the department of fish and wildlife's wind power guidelines; or

(b) The local jurisdiction prepared an environmental impact statement under chapter 43.21C RCW on the energy overlay zone; and

(i) The local ordinance for that zone requires project mitigation, as addressed in the environmental impact statement and consistent with local, state, and federal law;

(ii) The local ordinance for that zone requires site specific fish and wildlife and cultural resources analysis; and

(iii) The local jurisdiction has adopted an ordinance that addresses critical areas under chapter 36.70A RCW.

(4) If a local jurisdiction has taken action and adopted local ordinances consistent with subsection (3)(b) of this section, then wind power generation projects permitted consistently with the energy overlay zone are deemed to have adequately addressed their environmental impacts as required under chapter 43.21C RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Senate Bill No. 5107.

Senators Rockefeller and Honeyford spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Senate Bill No. 5107.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5107 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5107, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli
Absent: Senator Tom

SENATE BILL NO. 5107, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5732 with the following amendment: 732-S AMH TR H2865.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW to read as follows:

(1)(a) A person who violates RCW 46.20.342(1)(c)(iv) in a jurisdiction that does not have a relicensing diversion program shall be provided with an abstract of his or her driving record by the court or the prosecuting attorney, in addition to a list of his or her unpaid traffic offense related fines and the contact information for each jurisdiction or collection agency to which money is owed.

(b) A fee of up to twenty dollars may be imposed by the court in addition to any fee required by the department for provision of the driving abstract.

(2)(a) Superior courts or courts of limited jurisdiction in counties or cities are authorized to participate or provide relicensing diversion programs to persons who violate RCW 46.20.342(1)(c)(iv).

(b) Eligibility for the relicensing diversion program shall be limited to violators with no more than four convictions under RCW 46.20.342(1)(c)(iv) in the ten years preceding the date of entering the relicensing diversion program, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the diversion program.

(c) The diversion option may be offered at the discretion of the prosecuting attorney before charges are filed, or by the court after charges are filed.

(d) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation of RCW 46.20.342(1)(c)(iv) may not participate in the diversion program under this section.

(e) A relicensing diversion program that is structured to occur after charges are filed may charge participants a one-time fee of up to one hundred dollars, which is not subject to chapters 3.50, 3.62, and 35.20 RCW, and shall be used to support administration of the program. The fee of up to one hundred dollars shall be included in the total to be paid by the participant in the relicensing diversion program.

(3) A relicensing diversion program shall be designed to assist suspended drivers to regain their license and insurance and pay outstanding fines.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(4)(a) Counties and cities that operate relicensing diversion programs shall, subject to available funds, provide information to the administrative office of the courts on an annual basis regarding the eligibility criteria used for the program, the number of referrals from law enforcement, the number of participants accepted into the program, the number of participants who regain their driver's license and insurance, the total amount of fines collected, the costs associated with the program, and other information as determined by the office.

(b) The administrative office of the courts is directed, subject to available funds, to compile and analyze the data required to be submitted in this section and develop recommendations for a best practices model for relicensing diversion programs."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5732.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5732.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5732 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5732, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Sheldon and Zarelli

SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "It may be helpful for the President to give a little explanation as I see this referring to the House is being somewhat confusing to people. Obviously, you're in concurrence. You have to refer to some of the things that are going on between discussions. What's improper in Reed's Rules, as your rules, is to refer to the actions of the other body to influence the actions of this body. So when you're saying the vote was such and such by the House therefore this body should vote for it, that would be improper or the House wants to do this because of such and such that would be improper. But obviously you have to refer to the other house on

occasion. So, the President felt maybe it would be appropriate to provide some explanation of that. I don't want to scare you and not being able to mention the other house."

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5973 with the following amendment: 5973-S2 AMH ENGR H3073.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) The legislature further finds that access to comprehensive and consistent data that is disaggregated in the smallest units allowable by law is important in closing the achievement gap. Policymakers and educators need as much information as possible not only about students' academic progress, but also about other factors across multiple disciplines that affect student performance.

(3) A consistent and powerful theme throughout the achievement gap studies was the need for cultural competency in instruction, curriculum, assessment, and professional development. Cultural competency forms a foundation for efforts to address the achievement gap, and more work is needed to embed it into the public school system.

(4) Therefore, following the priority recommendations from the achievement gap studies, the legislature intends to:

(a) Provide resources to support parent and community involvement and outreach efforts by public schools, including such items as additional notices and communication to parents, translations, translators, parent and community meetings, and school events within the community. The legislature encourages school districts to consult with the office of the education ombudsman in developing plans for parent and community involvement and outreach;

(b) Require that teachers demonstrate cultural competency in the classroom and with students at each level of state teacher certification, and provide additional opportunities for professional development in cultural competency for current teachers;

(c) Create local alternative routes to teacher certification for paraeducators and individuals in the communities surrounding schools and school districts that are struggling to address the achievement gap;

(d) Reexamine the study recommendations regarding data and accountability and identify ways for the education data system to address these needs; and

(e) Sustain efforts to close the achievement gap over the long term by creating a high profile achievement gap oversight and accountability committee that will provide ongoing advice to education agencies and report annually to the legislature and the governor.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or cochairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

Sec. 3. RCW 28A.300.137 and 2008 c 298 s 3 are each amended to read as follows:

Beginning in January 2010, the ~~((center for the improvement of student learning))~~ achievement gap oversight and accountability committee shall report annually to the superintendent of public instruction, the state board of education, the professional educator standards board, the governor, ~~((the P-20 council))~~ and the education committees of the legislature on the ~~((implementation status of))~~ strategies to address the achievement gap ~~((for African-American students))~~ and on the progress in improvement of

education performance measures for African-American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native students.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

All student data related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The professional educator standards board, in consultation and collaboration with the achievement gap oversight and accountability committee established under section 2 of this act, shall identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards.

(2) For the purposes of this section, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.660 RCW to read as follows:

The office of the superintendent of public instruction shall identify school districts that have the most significant achievement gaps among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The professional educator standards board shall provide assistance to the identified school districts to develop partnership grant programs between the districts and teacher preparation programs to provide one or more of the four alternative route programs under RCW 28A.660.040 and to recruit paraeducators and other individuals in the local community to become certified as teachers. A partnership grant program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route programs under this section.

NEW SECTION. Sec. 7. The superintendent of public instruction shall take all actions necessary to secure federal funds to support enhancing data collection and data system capacity in order to monitor progress in closing the achievement gap and to support other innovations and model programs that align education reform and address disproportionality in the public school system."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5973. Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5973.

MOTION

On motion of Senator Marr, Senators Brown and Tom were excused.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5973 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5973, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5973, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon and Shin

Voting nay: Senators Becker, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Tom

SECOND SUBSTITUTE SENATE BILL NO. 5973, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6104 with the following amendment: 6104 AMH SGTA MADS 068

On page 1, line 10, after "~~closed~~)," insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice."

On page 2, line 8, after "time." insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Senate Bill No. 6104.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Senate Bill No. 6104.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6104 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6104, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill

No. 6104, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6104, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404 with the following amendment: 8404-S AMH ENGR H2790.E

Strike everything beginning with line 1 and insert the following:

"WHEREAS, Chapter 238, Laws of 1991 created the workforce training and education coordinating board to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole and advice to the governor and legislature concerning the training system, in cooperation with the agencies that comprise the state training system and the higher education coordinating board; and

WHEREAS, Section 2, chapter 130, Laws of 1995 requires the board to update the state comprehensive plan for workforce training and education and requires the legislature, following public hearings, to approve or make changes to the updates; and

WHEREAS, The state faces the workforce challenges of: (1) Ensuring all Washington youth receive the education, training, and support they need for success in postsecondary education and/or work; (2) providing Washington adults, including those with barriers to education and employment, with access to lifelong education, training, and employment services; and (3) meeting the workforce needs of industry by preparing students, current workers, and dislocated workers with the skills employers need; and

WHEREAS, The state comprehensive plan for 2008 has a ten-year horizon through 2018 and the following eight strategic opportunities on which to focus:

(1) Increase high school graduation rates and ensure youth are prepared for further education and/or work;

(2) Expand the availability of career pathways that span secondary and postsecondary education and training;

(3) Increase postsecondary education and training capacity to close the gap between the need of employers for skilled workers and the supply of Washington residents prepared to meet that need;

(4) Increase financial aid and support services for workforce education students to provide greater access to training and boost retention and completion;

(5) Increase adult basic skills and English language instruction that is integrated with occupational skills training to assist illiterate populations, immigrants, low-income workers, and unemployed individuals to improve their employment opportunities;

(6) Improve coordination between workforce and economic development in key economic clusters through initiatives such as Industry Skill Panels and Centers of Excellence;

(7) Meet employee education and training needs by providing transferrable skills that are generally marketable and lead to career advancement for low-skilled workers through employer and employee accountable customized training, workplace-based learning, flexible methods of education delivery, and cost-efficient new ways of funding employee training; and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

April 17, 2009

(8) Identify barriers for improving and expanding employment, education, and training services and remove those barriers; and

WHEREAS, The state comprehensive plan includes: Assessments of our state's employment opportunities and skills needs, the present and future workforce, three goals, and more than sixty strategies for meeting the workforce challenges; and identifies entities responsible for carrying out the strategies; and

WHEREAS, The workforce training and education coordinating board used an inclusive process of work groups and public hearings and contact with approximately 3,500 individuals to develop consensus on the strategies identified in the plan and has secured the unanimous endorsement of critical constituencies, including business, labor, and the agencies delivering workforce services; and

WHEREAS, The provisions of the comprehensive plan and its updates that are approved by the legislature become the state's workforce policy unless legislation is enacted to alter the policies set forth therein; and

WHEREAS, The legislature recommends that the next update to the 2008-2018 state comprehensive plan for workforce training, "High Skills, High Wages," include an emphasis upon jobs that build the green economy and a strong focus on making Washington a global leader in technology and manufacturing for the renewable energy industry;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, the House of Representatives concurring, hereby approve the 2008-2018 state comprehensive plan for workforce training, "High Skills, High Wages," and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Concurrent Resolution No. 8404.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Concurrent Resolution No. 8404.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Concurrent Resolution No. 8404 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8404, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850 with the following amendment: 5850-S2.E AMH APPG H3084.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic employers of foreign workers" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(2) "Foreign worker" or "worker" means a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. "Foreign worker" or "worker" does not include persons who hold an H-1B visa and come to work in the state.

(3) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

NEW SECTION. Sec. 2. (1) Domestic employers of foreign workers and international labor recruitment agencies must provide a disclosure statement as described in this section to foreign workers who have been referred to or hired by a Washington employer.

(2) The disclosure statement must:

(a) Be provided in English or, if the worker is not fluent or literate in English, another language that is understood by the worker;

(b) State that the worker may be considered an employee under the laws of the state of Washington and is subject to state worker health and safety laws and may be eligible for workers' compensation insurance and unemployment insurance;

(c) State that the worker may be subject to both state and federal laws governing overtime and work hours, including the minimum wage act under chapter 49.46 RCW;

(d) Include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing;

(e) Include an itemized listing of the international labor recruitment agency's fees;

(f) State that the worker has the right to control over his or her travel and labor documents, including his or her visa, at all times and that the employer may not require the employee to surrender those documents to the employer or to the international labor recruitment agency while the employee is working in the United States, except as otherwise required by law or regulation or for use as supporting documentation in visa applications;

(g) Include a list of services or a hot line a worker may contact if he or she thinks that he or she may be a victim of trafficking.

(3) The department of labor and industries may create a model disclosure form and post the model form on its web site so that domestic employers of foreign workers and international labor recruitment agencies may download the form, or mail the form upon request. The disclosure statement must be given to the worker no later than the date that the worker arrives at the place of employment in Washington.

NEW SECTION. Sec. 3. For purposes of establishing personal jurisdiction under this chapter, an international labor recruitment agency or a domestic employer of a foreign worker is deemed to be doing business in Washington and is subject to the jurisdiction of the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

courts of Washington state if the agency or employer contracts for employment services with a Washington resident or is considered to be doing business under any other provision or rule of law.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 5. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

(1) Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management.

(2) The office of crime victims advocacy shall supply the commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission shall disseminate this information to licensees by: Providing the information on the commission's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the commission. The commission shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 6. RCW 18.83.090 and 1996 c 191 s 68 are each amended to read as follows:

(1) The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal.

(2) The office of crime victims advocacy shall supply the board with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The board shall disseminate this information to licensees by: Providing the information on the board's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the board. The board shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.225.040 and 2001 c 251 s 4 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) The office of crime victims advocacy shall supply the committee with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The committee shall disseminate this information to licensees by: Providing the information on the committee's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the committee. The committee shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection;

(11) Maintain the official record of all applicants and licensees; and

~~((++))~~ (12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5850.

Senator Kohl-Welles spoke in favor of the motion.
Senators King and Honeyford spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5850.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5850 by voice vote.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5850, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Brandland, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler, Stevens and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1481, by House Committee on Finance (originally sponsored by Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen)

Regarding electric vehicles.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds the development of electric vehicle infrastructure to be a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing the pollution of Puget Sound attributable to the operation of petroleum-based vehicles on streets and highways. Limited driving distance between battery charges is a fundamental disadvantage and obstacle to broad consumer adoption of vehicles powered by electricity. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of electric vehicles, it is essential that an infrastructure of convenient electric vehicle charging opportunities be developed. The purpose of this act is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure that such a transition necessitates. The state's success in encouraging this transition will serve as an economic stimulus to the creation of short-term and long-term jobs as the entire

automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles.

NEW SECTION. **Sec. 2.** (1) A regional transportation planning organization containing any county with a population in excess of one million in collaboration with representatives from the department of ecology, the department of community, trade, and economic development, local governments, and the office of regulatory assistance must seek federal or private funding for the planning for, deployment of, or regulations concerning electric vehicle infrastructure. These efforts should include:

(a) Development of short-term and long-term plans outlining how state, regional, and local government construction may include electric vehicle infrastructure in publicly available off-street parking and government fleet vehicle parking, including what ratios of charge spots to parking may be appropriate based on location or type of facility or building;

(b) Consultations with the state building code council and the department of labor and industries to coordinate the plans with state standards for new residential, commercial, and industrial buildings to ensure that the appropriate electric circuitry is installed to support electric vehicle infrastructure;

(c) Consultation with the workforce development council and the higher education coordinating board to ensure the development of appropriate educational and training opportunities for citizens of the state in support of the transition of some portion of vehicular transportation from combustion to electric vehicles;

(d) Development of an implementation plan for counties with a population greater than five hundred thousand with the goal of having public and private parking spaces, in the aggregate, be ten percent electric vehicle ready by December 31, 2018; and

(e) Development of model ordinances and guidance for local governments for siting and installing electric vehicle infrastructure, in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment.

(2) These plans and any recommendations developed as a result of the consultations required by this section must be submitted to the legislature by December 31, 2010, or as soon as reasonably practicable after the securing of any federal or private funding. Priority will be given to the activities in subsection (1)(e) of this section and any ordinances or guidance that is developed will be submitted to the legislature, the department of community, trade, and economic development, and affected local governments prior to December 31, 2010, if completed.

(3) The definitions in this subsection apply through this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 3. A new section is added to chapter 82.29A RCW to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries for electric vehicles;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving electric vehicle infrastructure; and

(d) The sale of tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certification in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries

through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(4) This section expires January 1, 2020.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries; and

(c) Tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

NEW SECTION. Sec. 6. A new section is added to chapter 79.13 RCW under the subchapter heading "general provisions" to read as follows:

(1) The state and any local government, including any housing authority, is authorized to lease land owned by such an entity to any person for purposes of installing, maintaining, and operating a battery charging station, a battery exchange station, or a rapid charging station, for a term not in excess of fifty years, for rent of not less than one dollar per year, and with such other terms as the public entity's governing body determines in its sole discretion.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

Sec. 7. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) In order to phase in this transition for the state, all state agencies, to the extent determined practicable by the department of community, trade, and economic development by rules adopted pursuant to RCW 43.325.080, are required to achieve forty percent fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel by June 1, 2013. The department of general administration, in consultation with the department of community, trade, and economic development, shall report to the governor and the legislature by December 1, 2013, on what percentage of the state's fuel usage is from electricity or biofuel.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

(4) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities.

(5) The department of transportation's obligations under subsection (2) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (2) of this section.

(6) The department of transportation's obligations under subsection (4) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (4) of this section unless the department receives federal or private funds for the specific purpose identified in subsection (4) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.21C RCW to read as follows:

(1) The installation of individual battery charging stations and battery exchange stations, which individually are categorically exempt under the rules adopted under RCW 43.21C.110, may not be disqualified from such categorically exempt status as a result of their being parts of a larger proposal that includes other such facilities and related utility networks under the rules adopted under RCW 43.21C.110.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders; planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders; planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 12. A new section is added to chapter 36.70A RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 13. A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles,

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 14. A new section is added to chapter 47.38 RCW to read as follows:

(1) As a necessary and desirable step to spur public and private investment in electric vehicle infrastructure in accordance with section 1 of this act, and to begin implementing the provisions of RCW 43.19.648, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies.

(2) To the extent permitted under federal programs, rules, or law, the department may enter into partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department is not responsible for providing capital equipment nor operating refueling or recharging services. The department must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature not less than every biennium.

(4) The provisions of this section are subject to the availability of existing funds. However, capital improvements under this section must be funded with federal or private funds.

NEW SECTION. Sec. 15. A new section is added to chapter 47.38 RCW to read as follows:

(1) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each state-operated highway rest stop.

(2) By December 31, 2015, the state must provide the opportunity to lease space for the limited purpose of installing and operating a battery exchange station or a battery charging station in appropriate state-owned highway rest stops.

(3) The department of transportation's obligations under this section are subject to the availability of amounts appropriated for the specific purpose identified in this section, unless the department receives federal or private funds for the specific purpose identified in this section.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

2009 REGULAR SESSION

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 19.27 RCW to read as follows:

The building code council shall adopt rules for electric vehicle infrastructure requirements. Rules adopted by the state building code council must consider applicable national and international standards and be consistent with rules adopted under section 17 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 19.28 RCW to read as follows:

The director shall adopt by rule standards for the installation of electric vehicle infrastructure, including all wires and equipment that convey electric current and any equipment to be operated by electric current, in, on, or about buildings or structures. The rules must be consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 18. The department of community, trade, and economic development must distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure, and in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment, when available. The model ordinances, model development regulations, and guidance must be developed by a federal or state agency, or nationally recognized organizations with specific expertise in land-use regulations or electric vehicle infrastructure."

Senator Rockefeller spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1481.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 43.19.648; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 79.13 RCW; adding a new section to chapter 43.21C RCW; adding new sections to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 47.38 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.28 RCW; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Second Substitute House Bill No. 1481 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1481 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1481 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Roach, Schoesler, Sheldon, Stevens and Zarelli

SECOND SUBSTITUTE HOUSE BILL NO. 1481 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1579, by Representatives Appleton, Hasegawa and Nelson

Concerning a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 1, line 8, after "individuals" insert "from whom no charge for services is collected"

Senator Prentice spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to House Bill No. 1579.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1579 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1579 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1579 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

HOUSE BILL NO. 1579 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1815, by Representatives Sullivan, Orcutt, Hinkle, Simpson, Blake, Kristiansen, Haigh, Ericks, Van De Wege, Hope, Newhouse, Roach, Armstrong, Morrell, Takko, Campbell, McCune and Rolfes

Concerning current use valuation under the property tax open space program.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.34.020 and 2005 c 57 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(b)(i) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Parcels of land described in (b)(i)(A) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or

~~((f))~~ (f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

Sec. 2. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after ~~((such))~~ the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon

expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)~~((f))~~ (f);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k)."

Senator Hatfield spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Engrossed House Bill No. 1815.

The motion by Senator Hatfield carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 84.34.020 and 84.34.108."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed House Bill No. 1815 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1815 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1815 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Tom

ENGROSSED HOUSE BILL NO. 1815 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1972, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dunshee, Blake and Williams)

Regarding access to information for outdoor recreation and wildlife viewing opportunities.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

Senator Haugen spoke against passage of the bill.

MOTION

On motion of Senator Rockefeller, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1972.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

2009 REGULAR SESSION

House Bill No. 1972 and the bill passed the Senate by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Ranker, Regala and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, McCaslin, Parlette, Pflug, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Tom

SUBSTITUTE HOUSE BILL NO. 1972, having failed to receive the constitutional majority, was declared lost.

SECOND READING

ENGROSSED HOUSE BILL NO. 2242, by Representatives Kenney, Probst, Maxwell, Hunt, Lias, Ormsby, Kelley, Sullivan, Hasegawa, Quall, White and Chase

Creating a department of commerce.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.330.007 and 1993 c 280 s 2 are each amended to read as follows:

The purpose of this chapter is to establish the broad outline of the structure of the department of ~~((community, trade, and economic development))~~ commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the ~~((new))~~ department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes ~~((through the implementation plan required in section 8, chapter 280, Laws of 1993)).~~

Sec. 2. RCW 43.330.010 and 2007 c 322 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of ~~((community, trade, and economic development))~~ commerce and local microenterprise development organizations.

Sec. 3. RCW 43.330.020 and 1993 c 280 s 4 are each amended

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

to read as follows:

A department of ~~((community, trade, and economic development))~~ commerce is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided ~~((in chapter 280, Laws of 1993))~~, the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall, in collaboration with the office of the governor, the office of financial management, the Washington economic development commission, the chairs and ranking minority members of the community and economic development and trade committee of the house of representatives and the economic development, trade and innovation committee of the senate, and the chairs and ranking members, or their designees, of the ways and means committees of the house of representatives and the senate and the house of representatives capital budget committee, develop a report with analysis and recommendations on statutory changes that would ensure that the department's efforts are efficient, effective, and:

- (a) Are organized around a concise core mission and aligned with the state's comprehensive plan for economic development;
- (b) Are capable of providing focused and flexible responses to changing economic conditions;
- (c) Generate greater local capacity to respond to local opportunities and needs;
- (d) Face no administrative barriers to leveraging state resources or procuring private and federal resources;
- (e) Maximize results through partnerships and the use of intermediaries; and
- (f) Provide transparency and increased accountability to the public, the governor, and the legislature.

(2) The report shall include recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission.

(3) In developing the recommendations, the director shall solicit the input of businesses, employees, economic development practitioners, local governments, planning professionals, community and housing organizations, and other key economic and community development stakeholders.

(4) The recommendations must be delivered to the governor and the appropriate legislative committees by November 1, 2009.

Sec. 5. RCW 43.330.092 and 2005 c 136 s 15 are each amended to read as follows:

The film and video promotion account is created in the state treasury. All revenue received for film and video promotion purposes under RCW 43.330.090~~((4))~~ (2)(b) and all receipts from RCW 36.102.060(14) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic development))~~ commerce only for the purposes of promotion of the film and video production industry in the state of Washington.

Sec. 6. RCW 43.330.094 and 2007 c 228 s 202 are each amended to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic~~

~~development))~~ commerce only for the purposes of expanding and promoting the tourism industry in the state of Washington.

Sec. 7. RCW 43.330.125 and 1995 c 347 s 430 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW.

Sec. 8. RCW 43.330.135 and 1995 c 13 s 1 are each amended to read as follows:

(1) The department of ~~((community, trade, and economic development))~~ commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

- (a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;
- (b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and
- (c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03.490.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

Sec. 9. RCW 43.330.167 and 2004 c 276 s 718 are each amended to read as follows:

(1)(a) There is created in the custody of the state treasurer an account to be known as the homeless families services fund. Revenues to the fund consist of a one-time appropriation by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of ~~((community, trade, and economic development))~~ commerce, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless families over a period of at least ten years.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

- (a) Case management;
- (b) Counseling;
- (c) Referrals to employment support and job training services and direct employment support and job training services;
- (d) Domestic violence services and programs;
- (e) Mental health treatment, services, and programs;
- (f) Substance abuse treatment, services, and programs;
- (g) Parenting skills education and training;

(h) Transportation assistance;

(i) Child care; and

(j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations.

Sec. 10. RCW 43.330.170 and 2002 c 294 s 4 are each amended to read as follows:

The office of community development of the department of ~~((community, trade, and economic development))~~ commerce is directed to conduct a statewide housing market analysis by region. The purpose of the analysis is to identify areas of greatest need for the appropriate investment of state affordable housing funds, using vacancy data and other appropriate measures of need for low-income housing. The analysis shall include the number and types of projects that counties have developed using the funds collected under chapter 294, Laws of 2002. The analysis shall be completed by September 2003, and updated every two years thereafter.

Sec. 11. RCW 43.330.210 and 2000 c 120 s 5 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of ~~((community, trade, and economic development))~~ commerce shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or ~~((inactions [inaction]))~~ inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

Sec. 12. RCW 43.330.240 and 2000 c 120 s 9 are each

amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230. Such rules will be consistent with those statutes and chapter 34.05 RCW.

Sec. 13. RCW 43.330.250 and 2008 c 329 s 914 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of ~~((community, trade, and economic development))~~ commerce and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of ~~((community, trade, and economic development))~~ commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

Sec. 14. RCW 43.330.280 and 2007 c 227 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of ~~((community, trade, and economic development))~~ commerce to

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by

December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

Sec. 15. RCW 43.330.290 and 2007 c 322 s 3 are each amended to read as follows:

The microenterprise development program is established in the department of ~~((community, trade, and economic development))~~ commerce. In implementing the program, the department:

(1) Shall provide organizational support to a statewide microenterprise association and shall contract with the association for the delivery of services and distribution of grants;

(a) The association shall serve as the department's agent in carrying out the purpose and service delivery requirements of this section;

(b) The association's contract with the department shall specify that in administering the funds provided for under subsection (3) of this section, the association may use no greater than ten percent of the funds to cover administrative expenses;

(2) Shall provide funds for capacity building for the statewide microenterprise association and microenterprise development organizations throughout the state;

(3) Shall provide grants to microenterprise development organizations for the delivery of training and technical assistance services;

(4) Shall identify and facilitate the availability of state, federal, and private sources of funds which may enhance microenterprise development in the state;

(5) Shall develop with the statewide microenterprise association criteria for the distribution of grants to microenterprise development organizations. Such criteria may include:

(a) The geographic representation of all regions of the state, including both urban and rural communities;

(b) The ability of the microenterprise development organization to provide business development services in low-income communities;

(c) The scope of services offered by a microenterprise development organization and their efficiency in delivery of such services;

(d) The ability of the microenterprise development organization to monitor the progress of its customers and identify technical and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

financial assistance needs;

(e) The ability of the microenterprise development organization to work with other organizations, public entities, and financial institutions to meet the technical and financial assistance needs of its customers;

(f) The sufficiency of operating funds for the microenterprise development organization; and

(g) Such other criteria as agreed by the department and the association;

(6) Shall require the statewide microenterprise association and any microenterprise development organization receiving funds through the microenterprise development program to raise and contribute to the effort funded by the microenterprise development program an amount equal to twenty-five percent of the microenterprise development program funds received. Such matching funds may come from private foundations, federal or local sources, financial institutions, or any other source other than funds appropriated from the legislature;

(7) Shall require under its contract with the statewide microenterprise association an annual accounting of program outcomes, including job creation, access to capital, leveraging of nonstate funds, and other outcome measures specified by the department. By January 1, 2012, the joint legislative audit and review committee shall use these outcome data and other relevant information to evaluate the program's effectiveness; and

(8) May adopt rules as necessary to implement this section.

Sec. 16. RCW 43.330.300 and 2008 c 290 s 1 are each amended to read as follows:

(1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of ~~((community, trade, and economic development))~~ commerce. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation

and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, revenues generated by the surcharge imposed in RCW 62A.9A-525, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks or documents, organized counterfeit check rings, and organized identification theft rings.

Sec. 17. RCW 43.330.900 and 1993 c 280 s 79 are each amended to read as follows:

~~((+))~~ All references to the director or department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director of ~~((community, trade, and economic development))~~ commerce or the department of ~~((community, trade, and economic development))~~ commerce.

~~((2))~~ All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.)

Sec. 18. RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(11) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(13) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(14)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

(16) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

Sec. 19. RCW 19.280.020 and 2006 c 195 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in RCW 19.280.030(1).

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in RCW 19.280.030(2).

Sec. 20. RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of ~~((community, trade, and economic development))~~ commerce or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage,

qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 21. RCW 35.105.010 and 2008 c 299 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(2) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. An inventory may evaluate individual trees or groups of trees or canopy cover within community and urban forests, and will be periodically updated by the department of natural resources.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Evergreen community ordinances" means ordinances adopted by the legislative body of a city, town, or county that relate to urban forests and are consistent with this chapter.

(5) "Evergreen community" means a city, town, or county

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

designated as such under RCW 35.105.030.

(6) "Management plan" means an evergreen community urban forest management plan developed pursuant to this chapter.

(7) "Public facilities" has the same meaning as defined in RCW 36.70A.030.

(8) "Public forest" means urban forests owned by the state, city, town, county, or other public entity within or adjacent to the urban growth areas.

(9) "Reforestation" means establishing and maintaining trees and urban forest canopy in plantable spaces such as street rights-of-way, transportation corridors, interchanges and highways, riparian areas, unstable slopes, shorelines, public lands, and property of willing private landowners.

(10) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(11) "Urban forest" has the same definition as provided for the term "community and urban forest" in RCW 76.15.010.

Sec. 22. RCW 36.70A.030 and 2005 c 423 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility

and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(19) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

Sec. 23. RCW 39.86.110 and 1995 c 399 s 57 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Board" means the community economic revitalization board established under chapter 43.160 RCW.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond use category" means any of the following categories of bonds which are subject to the state ceiling: (a) Housing, (b) student loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f) public utility; and (g) remainder.

(5) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

(6) "Code" means the federal internal revenue code of 1986 as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180.

(7) "Director" means the director of the agency or the director's designee.

(8) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

(9) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue tax exempt bonds for, the project or program for which it requests an allocation from the state ceiling.

(10) "Housing" means the bond use category which includes:

(a) Mortgage revenue bonds and mortgage credit certificates as described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

(11) "Initial allocation" means the portion or dollar value of the state ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

(12) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds under state law.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the tax reform act of 1986.

(14) "Program" means the activities for which housing bonds or student loan bonds may be issued.

(15) "Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.

(16) "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

(17) "Remainder" means that portion of the state ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

(18) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

(19) "State" means the state of Washington.

(20) "State ceiling" means the volume limitation for each calendar year on tax-exempt private activity bonds, as imposed by the code.

(21) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.

Sec. 24. RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and 2007 c 15 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of ~~((community, trade, and economic development))~~ commerce, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, recreation and conservation funding board, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines (~~hearings~~) hearings board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 25. RCW 43.17.010 and 2007 c 341 s 46 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of ~~((community, trade, and economic development))~~ commerce, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 26. RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of ~~((community, trade, and economic development))~~ commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of

retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 27. RCW 43.21F.025 and 1996 c 186 s 102 are each amended to read as follows:

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce;

(4) "Assistant director" means the assistant director of the department of ~~((community, trade, and economic development))~~ commerce responsible for energy policy activities;

(5) "Department" means the department of ~~((community, trade, and economic development))~~ commerce;

(6) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(7) "State energy strategy" means the document and energy policy direction developed under section 1, chapter 201, Laws of 1991 including any related appendices.

Sec. 28. RCW 43.31.455 and 2005 c 402 s 3 are each amended to read as follows:

The definitions in this section apply throughout RCW 43.31.450 through 43.31.475 unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Foster youth" means a person who is fifteen years of age or older who is a dependent of the department of social and health services; or a person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of the department of social and health services for at least twenty-four months after attaining thirteen years of age.

(4) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual which are matched with contributions by or through the sponsoring organization.

(5) "Low-income individual" means a person whose household income is equal to or less than either:

(a) Eighty percent of the median family income, adjusted for household size, for the county or metropolitan statistical area where

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

the person resides; or

(b) Two hundred percent of the federal poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2).

(6) "Program" means the individual development account program established pursuant to RCW 43.31.450 through 43.31.475.

(7) "Sponsoring organization" means: (a) A nonprofit, fundraising organization that is exempt from taxation under section 501(c)(3) of the internal revenue code as amended and in effect on January 1, 2005; (b) a housing authority established under RCW 35.82.030; or (c) a federally recognized Indian tribe.

Sec. 29. RCW 43.31.522 and 2005 c 136 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524:

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(3) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 30. RCW 43.31.800 and 1993 c 280 s 52 are each amended to read as follows:

"Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100 means the director of ~~((community, trade, and economic development))~~ commerce.

Sec. 31. RCW 43.31C.010 and 2000 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Local government" means a city, code city, town, or county.

Sec. 32. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of ~~((community, trade, and economic development))~~ commerce under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

Sec. 33. RCW 43.155.020 and 2001 c 131 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

Sec. 34. RCW 43.157.010 and 2004 c 275 s 63 are each amended to read as follows:

(1) For purposes of this chapter and RCW 28A.525.166, 28B.76.210, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial project of statewide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of statewide significance: (a) The project must be completed after January 1, 1997; (b) the applicant must submit an application for designation as an industrial project of statewide significance to the department of ~~((community, trade, and economic development))~~ commerce; and (c) the project must have:

(i) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(ii) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(iii) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(iv) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(v) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(vi) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(vii) In counties with a population of greater than one million, a capital investment of one billion dollars;

(viii) In counties with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of fifty or greater;

(ix) In counties with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of one hundred or greater; or

(x) Been designated by the director of community, trade, and economic development as an industrial project of statewide significance either: (A) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (B) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

(4) The term applicant means a person applying to the department of ~~((community, trade, and economic development))~~ commerce for designation of a development project as an industrial project of statewide significance.

Sec. 35. RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

Sec. 36. RCW 43.168.020 and 2008 c 131 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; or (e) an area within a county, which area: (i) Is composed of contiguous

census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Fund" means the rural Washington loan fund.

(5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" has the same meaning as provided in RCW 82.14.370.

Sec. 37. RCW 43.185.020 and 1995 c 399 s 101 are each amended to read as follows:

"Department" means the department of ~~((community, trade, and economic development))~~ commerce. "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

Sec. 38. RCW 43.185A.010 and 2008 c 6 s 301 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "First-time home buyer" means an individual or his or her spouse or domestic partner who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

Sec. 39. RCW 43.185B.010 and 1995 c 399 s 104 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of ~~((community, trade, and~~

~~economic development))~~ commerce.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

Sec. 40. RCW 43.185C.010 and 2007 c 427 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, RCW 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the ~~((homeless housing))~~ home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of ~~((community, trade, and economic development))~~ commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

Sec. 41. RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other

cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of ~~((community, trade, and economic development))~~ commerce.

(8) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(9) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

(12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

(13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 42. RCW 43.336.010 and 2007 c 228 s 101 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington tourism commission.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department.

(4) "Executive director" means the executive director of the commission.

Sec. 43. RCW 43.338.010 and 2008 c 315 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Costs of extension services" and "extension service costs" mean the direct costs experienced under a contract with a qualified manufacturing extension partnership affiliate for modernization extension services, including but not limited to amounts in the contract for costs of consulting, instruction, materials, equipment, rental of class space, marketing, and overhead.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Innovation and modernization extension voucher" and "voucher" mean an instrument issued to a successful applicant from

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

the department, verifying that funds from the manufacturing innovation and modernization account will be forwarded to the qualified manufacturing extension partnership affiliate selected by the participant and will cover identified costs of extension services.

(5) "Innovation and modernization extension services" and "service" mean a service funded under this chapter and performed by a qualified manufacturing extension partnership affiliate. The services may include but are not limited to strategic planning, continuous improvement, business development, six sigma, quality improvement, environmental health and safety, lean processes, energy management, innovation and product development, human resources and training, supply chain management, and project management.

(6) "Outreach services" means those activities performed by an affiliate to either assess the technical assistance needs of Washington manufacturers or increase manufacturers' awareness of the opportunities and benefits of implementing cutting edge technology, techniques, and best practices. "Outreach services" includes but is not limited to salaries of outreach staff, needs assessments, client follow-up, public educational events, manufacturing orientated trade shows, electronic communications, newsletters, advertising, direct mail efforts, and contacting business organizations for names of manufacturers who might need assistance.

(7) "Program" means the Washington manufacturing innovation and modernization extension service program created in RCW 43.338.020.

(8) "Program participant" and "participant" mean an applicant for assistance under the program that has received a voucher or a small manufacturer receiving services through an industry association or cluster association that has received a voucher.

(9) "Qualified manufacturing extension partnership affiliate" and "affiliate" mean a private nonprofit organization established under RCW 24.50.010 or other organization that is eligible or certified to receive federal matching funds from the national institute of standards and technology manufacturing extension partnership program of the United States department of commerce.

(10) "Small manufacturer" means a private employer whose primary business is adding value to a product through a manufacturing process and employs one hundred or fewer employees within Washington state.

Sec. 44. RCW 43.360.010 and 2005 c 514 s 908 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a closed perimeter boundary.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Local government" means a city, code city, or town.

(5) "Qualified levels of participation" means a local downtown or neighborhood commercial district revitalization program that has been designated by the department.

Sec. 45. RCW 43.362.010 and 2007 c 482 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Nongovernmental entities" includes nonprofit or membership organizations with experience or expertise in transferring development rights.

(3) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the

development rights from a sending area and transferring them to a receiving area for the purpose of increasing development density in the receiving area.

Sec. 46. RCW 43.365.010 and 2006 c 247 s 2 are each amended to read as follows:

The following definitions apply to this chapter, unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" means a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Contribution" means cash contributions.

(3) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilots or presentations, or a commercial. "Motion picture" does not mean production of a television commercial of an amount less than two hundred fifty thousand dollars in actual total investment or one or more segments of a newscast or sporting event.

(6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

(7) "Person" has the same meaning as provided in RCW 82.04.030.

Sec. 47. RCW 59.21.010 and 2002 c 257 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050.

(4) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(5) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(6) "Relocate" means to remove the mobile home from the mobile home park being closed and to either reinstall it in another location or to demolish it and purchase another mobile/manufactured home constructed to the standards set by the department of housing and urban development.

(7) "Relocation assistance" means the monetary assistance provided under this chapter.

Sec. 48. RCW 59.22.020 and 1995 c 399 s 155 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

(1) "Account" means the ~~((mobile home affairs))~~ manufactured housing account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Fee" means the mobile home title transfer fee imposed under RCW 59.22.080.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030~~((4))~~ (10), or a manufactured home park subdivision as defined by RCW 59.20.030~~((6))~~ (12) created by the conversion to resident ownership of a mobile home park.

(12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States

department of housing and urban development.

(16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 49. RCW 70.103.020 and 2003 c 322 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(10) "Director" means the director of the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

Sec. 50. RCW 70.125.030 and 2000 c 54 s 1 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise:

(1) "Core services" means treatment services for victims of sexual assault including information and referral, crisis intervention, medical advocacy, legal advocacy, support, system coordination, and prevention for potential victims of sexual assault.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Law enforcement agencies" means police and sheriff's departments of this state.

(4) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider.

(5) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(6) "Community sexual assault program" means a community-based social service agency that is qualified to provide and provides core services to victims of sexual assault.

(7) "Sexual assault" means one or more of the following:

(a) Rape or rape of a child;

(b) Assault with intent to commit rape or rape of a child;

(c) Incest or indecent liberties;

(d) Child molestation;

(e) Sexual misconduct with a minor;

(f) Custodial sexual misconduct;

(g) Crimes with a sexual motivation; or

(h) An attempt to commit any of the aforementioned offenses.

(8) "Specialized services" means treatment services for victims of sexual assault including support groups, therapy, and specialized sexual assault medical examination.

(9) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

Sec. 51. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Energy assessment" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

(4) "Low income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(5) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

(6) "Residence" means a dwelling unit as defined by the department.

(7) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

(8) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(9) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(10) "Weatherizing agency" means any approved department grantee or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 52. RCW 70.190.010 and 1996 c 132 s 2 are each amended to read as follows:

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative costs" means the costs associated with procurement; payroll processing; personnel functions; management; maintenance and operation of space and property; data processing and computer services; accounting; budgeting; auditing; indirect costs; and organizational planning, consultation, coordination, and training.

(2) "Assessment" has the same meaning as provided in RCW 43.70.010.

(3) "At-risk" children are children who engage in or are victims of at-risk behaviors.

(4) "At-risk behaviors" means violent delinquent acts, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence.

(5) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(6) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported by local residents.

(7) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of ~~((community, trade, and economic development))~~ commerce, and such other departments as may be specifically designated by the governor.

(8) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of ~~((community, trade, and economic development))~~ commerce or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(9) "Fiduciary interest" means (a) the right to compensation from a health, educational, social service, or justice system organization that receives public funds, or (b) budgetary or policy-making authority for an organization listed in (a) of this subsection. A person who acts solely in an advisory capacity and receives no compensation from a health, educational, social service, or justice system organization, and who has no budgetary or policy-making authority is deemed to have no fiduciary interest in the organization.

(10) "Outcome" or "outcome based" means defined and measurable outcomes used to evaluate progress in reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

(11) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a network. The network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match. State general funds shall not be used as a match for violence reduction and drug enforcement account funds created under RCW 69.50.520.

(12) "Policy development" has the same meaning as provided in RCW 43.70.010.

(13) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, alcohol and substance abuse, educational opportunities, employment opportunities, and

absence of crime.

(14) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence.

Sec. 53. RCW 80.36.005 and 2003 c 134 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context clearly requires otherwise.

(1) "Community agency" means local community agencies that administer community service voice mail programs.

(2) "Community service voice mail" means a computerized voice mail system that provides low-income recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a private security code to retrieve messages.

(3) "Department" means the department of social and health services.

(4) "Service year" means the period between July 1st and June 30th.

(5) "Community action agency" means local community action agencies or local community service agencies designated by the department of ~~((community, trade, and economic development))~~ commerce under chapter 43.63A RCW.

Sec. 54. RCW 80.80.010 and 2007 c 307 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse ~~((gases [gas]))~~ gas emissions output" means the level of greenhouse ~~((gases [gas]))~~ gas emissions as surveyed and determined by the energy policy division of the department of ~~((community, trade, and economic development))~~ commerce under RCW 80.80.050.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

Sec. 55. RCW 82.73.010 and 2005 c 514 s 902 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Contribution" means cash contributions.

(3) "Department" means the department of revenue.

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Program" means a nonprofit organization under internal revenue code sections 501(c)(3) or 501(c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the department of ~~((community, trade, and economic development))~~ commerce as described in RCW 43.360.010 through 43.360.050.

(6) "Main street trust fund" means the department of ~~((community, trade, and economic development's))~~ commerce's main street trust fund account under RCW 43.360.050.

NEW SECTION. Sec. 56. RCW 43.330.005 and 43.330.904 are decodified.

NEW SECTION. Sec. 57. (1) Section 16 of this act expires July 1, 2015.

(2) Section 41 of this act expires June 30, 2016.

NEW SECTION. Sec. 58. The code reviser shall note wherever director or department of community, trade, and economic development is used or referred to in statute that the name of the department has changed. The code reviser shall prepare legislation for the 2010 regular session that changes all statutory references to director or department of community, trade, and economic development to director or department of commerce."

Senator Kastama spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2242.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "commerce;" strike the remainder of the title and insert "amending RCW 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010, 43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020; adding a new section to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.005 and 43.330.904; and providing expiration dates."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed House Bill No. 2242 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2242 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2242 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Tom

ENGROSSED HOUSE BILL NO. 2242 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6183, by Senator Regala

Changing the provisions relating to the early deportation of illegal alien offenders.

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

The measure was read the second time.

ROLL CALL

MOTION

Senator Regala moved that the following amendment by Senator Regala and others be adopted.

On page 1 line 19, after "designee" strike "~~((find [finds] that such release is in the best interests of the state of Washington))~~" and insert "finds that such release is in the best interests of the state of Washington and"

On page 2, line 21, strike "~~((shall)) may~~" and insert "shall, upon making a finding that it is in the best interest of the state,"

Senators Regala and Prentice spoke in favor of adoption of the amendment.

Senator Carrel spoke on the adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Regala and others on page 1, line 19 to Senate Bill No. 6183.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 2, beginning on line 19, after "effect" strike "until the expiration of the offender's conditional release" and insert "~~((until the expiration of the offender's conditional release))~~ indefinitely"

Senators Carrell and Brandland spoke in favor of adoption of the amendment.

Senators Prentice and Regala spoke against adoption of the amendment.

Senator Carrell demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 2, line 19 to Senate Bill No. 6183.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Carrell and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29 Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 6183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

Senators Carrell and Brandland spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6183.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6183 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Morton and Swecker

ENGROSSED SENATE BILL NO. 6183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Would the President consider instituting a meals on wheels program for these late nights?"

NOTICE OF RECONSIDERATION

Senator Marr gave notice of his intent to move to reconsider the vote by which Substitute House Bill No. 1972 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6166, by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

Concerning the sale of timber from state trust lands.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the best interest of the trust beneficiaries to capture additional revenues while providing for additional environmental protection and improving forest health on state trust lands. Further, the legislature finds that contract harvesting is one method to achieve these desired outcomes while also providing the department of natural resources with the ability to offer opportunities to merchandise high value wood. The legislature intends that the department of natural resources should have the ability to expand their contract sales in areas where other sales do not generate as much revenue or provide resource management benefits. The legislature further intends that the department of natural resources distribute the increased contract harvest authority across all trusts and markets.

Sec. 2. RCW 79.15.510 and 2004 c 218 s 6 are each amended to read as follows:

(1) The department may establish a contract harvesting program for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with RCW 79.15.540.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than ~~((ten))~~ twenty percent of the total annual volume of timber

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

offered for sale. However, volume removed primarily to address an identified forest health issue under RCW 79.15.540 may not be included in calculating the ten percent annual limit of contract harvesting sales.

Sec. 3. RCW 79.15.520 and 2004 c 218 s 7 are each amended to read as follows:

(1) The contract harvesting revolving account is created in the custody of the state treasurer. All receipts from the gross proceeds of the sale of logs from a contract harvesting sale must be deposited into the account. Expenditures from the account may be used only for the payment of harvesting costs incurred on contract harvesting sales and for payment of costs incurred from silvicultural treatments necessary to improve forest health conducted under RCW 79.15.540. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) When the logs from a contract harvesting sale are sold, the gross proceeds must be deposited into the contract harvesting revolving account. Moneys equal to the harvesting costs must be retained in the account and be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the logs must be distributed in accordance with RCW 43.30.325(1)(b). The final receipt of gross proceeds on a contract harvesting sale must be retained in the contract harvesting revolving account until all required costs for that sale have been paid. The contract harvesting revolving account is an interest-bearing account and the interest must be credited to the account. The account balance may not exceed ~~((one))~~ five million dollars at the end of each ~~((fiscal))~~ calendar year. Moneys in excess of ~~((one))~~ five million dollars must be disbursed according to RCW 79.22.040, 79.22.050, and 79.64.040. If the department permanently discontinues the use of contract harvesting sales, any sums remaining in the contract harvesting revolving account must be returned to the resource management cost account and the forest development account in proportion to each account's contribution to the initial balance of the contract harvesting revolving account.

Sec. 4. RCW 79.15.060 and 2003 c 334 s 329 are each amended to read as follows:

(1) For the sale of valuable materials under this chapter, if the board is required by law to appraise the sale, the board must establish a minimum appraisal value that is valid for a period of one hundred eighty days, or a longer period as may be established by resolution. The board may reestablish the minimum appraisal value at any time. For any valuable materials sales that the board is required by law to appraise, the board may by resolution transfer this authority to the department.

(2) Where the board has set a minimum appraisal value for a valuable materials sale, the department may set the final appraisal value of valuable materials for auction, which must be ~~((equal to or greater than the board's minimum appraisal value))~~ based on current market prices. The department may also appraise any valuable materials sale not required by law to be approved by the board.

NEW SECTION. Sec. 5. A new section is added to chapter 79.15 RCW to read as follows:

(1) The department is directed, to the extent possible under current law consistent with its responsibility to the trust beneficiaries, to consider requests from purchasers for timber sale extensions and to provide flexibility in timber sale contract administration to help mitigate against the potential for contract default.

(2) By December 1, 2009, the department shall report to the appropriate committees of the legislature on the status of existing contracts, contract extensions, contract defaults, and shall provide a timber market forecast for 2010 and 2011.

NEW SECTION. Sec. 6. The department of natural resources must report to the appropriate committees of the legislature by December 1, 2013, on the effectiveness of the twenty percent

2009 REGULAR SESSION

contract harvesting program. The report must include a comparison of the revenues generated through contracts compared to other sale processes, including differences in management costs, efficiencies, and market opportunities. The report must provide recommendations regarding the department's contract harvesting program and the contract harvest volume limit.

NEW SECTION. Sec. 7. This act expires January 1, 2014."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Morton to Senate Bill No. 6166.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 79.15.510, 79.15.520, and 79.15.060; adding a new section to chapter 79.15 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 6166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6166 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

ENGROSSED SENATE BILL NO. 6166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House adheres in its position in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

ONE-HUNDRED FIRST DAY, APRIL 22, 2009

2009 REGULAR SESSION

BRAD OWEN, President of the Senate

MOTION

THOMAS HOEMANN, Secretary of the Senate

Senator Kohl-Welles moved that the Senate recede from its position on Engrossed Substitute House Bill No. 1709 and pass the bill without the Senate amendment(s).

Senators Franklin and Ranker spoke in favor of passage of the motion.

Senators Benton, Prentice, McCaslin and Berkey spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to recede from the Senate amendments to Engrossed Substitute House Bill No. 1709 and pass the bill without the Senate amendments.

Senator Eide demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

ROLL CALL

The Secretary called the roll on the motion by Senator Kohl-Welles and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

MOTION

Senator Benton moved that the rules be suspended and Engrossed Substitute House Bill No. 1709 be returned to second reading for the purposes of amendment.

The motion by Senator Benton did not carry by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1709 without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1709, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Berkey, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:53 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Thursday, April 23, 2009.

ONE HUNDRED SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, April 23, 2009

The Senate was called to order at 9:30 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Brown, Fairley and Jarrett.

The Sergeant at Arms Color Guard consisting of Pages Kenneth Logue and Heather Seaman, presented the Colors. Pastor Matt Goldsberry of Rainier View Christian Church of Graham offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 2009

SB 6160 Prime Sponsor, Senator Prentice: Relating to criminal justice. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Carrell; Hewitt and Honeyford.

Passed to Committee on Rules for second reading.

April 22, 2009

EHB 2194 Prime Sponsor, Representative Appleton: Modifying provisions relating to extraordinary medical placement for offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Carrell; Hewitt and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 22, 2009

ESHB 2338 Prime Sponsor, Committee on Ways & Means: Concerning the administration and operations of growth management hearings boards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Hewitt; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2339 Prime Sponsor, Committee on Ways & Means: Requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2341 Prime Sponsor, Committee on Ways & Means: Modifying the basic health plan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Pflug.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2343 Prime Sponsor, Committee on Ways & Means:

ONE HUNDRED SECOND DAY, APRIL 23, 2009
Achieving savings in education programs. Reported by Committee on Ways & Means

2009 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 22, 2009

HB 2347 Prime Sponsor, Representative Kagi: Concerning the review of support payments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

April 22, 2009

HB 2349 Prime Sponsor, Representative Cody: Concerning disproportionate share hospital adjustments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2361 Prime Sponsor, Committee on Ways & Means: Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to the client. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford; Oemig; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Hewitt.

Passed to Committee on Rules for second reading.

April 22, 2009

SHB 2362 Prime Sponsor, Committee on Ways & Means: Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Carrell; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Hewitt.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM STATE OFFICES

March 31, 2009

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services report on "Expanding Community Services Proviso." This report is mandated under Chapter 518, Laws of 2007, Section 205(1)(c).

If you have any questions about the report, please call 360-725-3452.

Sincerely,

Robin Arnold-Williams, Secretary

The Department of Social & Health Services report "Expanding Community Services Proviso" is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6188 by Senator Carrell

AN ACT Relating to the imposition of a minimum bail bond premium fee of ten percent; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2318 by House Committee on Ways & Means (originally sponsored by Representatives Sells, Ericks, Kenney, Liias, Simpson, Hope, McCoy, Conway and Roberts)

AN ACT Relating to the aerospace workforce futures act; adding a new section to Title 43 RCW; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2331 by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby

AN ACT Relating to the existing document recording fee for services for the homeless; and amending RCW 36.22.179.

Referred to Committee on Ways & Means.

SHB 2356 by House Committee on Ways & Means (originally sponsored by Representative Haigh)

AN ACT Relating to revising student achievement fund allocations; amending RCW 28A.505.220; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 2358 by Representative Conway

AN ACT Relating to increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses; amending RCW 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.371, 66.24.395, 66.24.400, 66.24.450, 66.24.452, and 66.24.580; reenacting and amending RCW 66.24.420 and 66.24.425; adding a new section to chapter 66.08 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESHB 2344 by House Committee on Ways & Means (originally sponsored by Representative Haigh)

AN ACT Relating to resident undergraduate tuition; amending RCW 28B.15.068; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Supplemental Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8632

By Senator Jacobsen

WHEREAS, More than two million veterans who served in Iraq or Afghanistan will have the opportunity to attend college under the new and improved G.I. Bill; and

WHEREAS, A vast majority of these veterans will pursue higher education making them the largest group to do so from any war in American history; and

WHEREAS, The Washington State Department of Veterans Affairs, the Higher Education Coordinating Board, the State Board for Community and Technical Colleges, and public institutions of higher education are committed to helping veterans be successful in their pursuit of higher education; and

WHEREAS, The transition from military service to civilian life, including life on a college or university campus, can be challenging especially for veterans who often must balance employment and family in addition to their student obligations; and

WHEREAS, Best practices including creating veteran-friendly campus characteristics that lead to improved academic stability and success for returning war veterans have been identified; and

WHEREAS, The Washington State Department of Veterans Affairs Post Traumatic Stress Disorder Counseling Program under the exemplary leadership of Thomas Schumacher and Dr. Peter Schmidt have identified and begun sharing best practices with college personnel throughout the state; and

WHEREAS, State agency partners and the higher education community will continue working collaboratively to ensure all federal and state resources are maximized and accessible to returning veterans pursuing higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the vital partnership between the Washington State Department of Veterans Affairs and the higher education community in the ongoing success of Washington State veterans in their continuing education and transition into the civilian workforce; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Department of Veterans Affairs, the Higher Education Coordinating Board, the State Board for Community and Technical Colleges, and all institutions of higher education working to integrate veterans into their programs.

Senators Jacobsen, Swecker, Shin, Kilmer and Hobbs spoke in favor of adoption of the resolution.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Peter Schmidt, Dean of Edmonds Community College; Washington Department of Veterans Affairs Director, John Lee; and PTSD Program Director Tom Schumacher and other WDVA staff; Timm Lovitt, Edmonds Community College Club Vet President and students from Club Vet; Chris Alejano, Governor’s Executive Policy Office; Charlie Earl, Executive Director, Board for Community & Technical Colleges; Erin Brown, Legislative Liaison, Board for Community & Technical Colleges; Michael Ball, Director, State Approving Agency for Veterans’ Education & Training at the Higher Education Coordinating Board; and Joint Directorate “J9” from the Washington National Guard who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

PERSONAL PRIVILEGE

Senator Jacobsen: “One of the members in the gallery I’d like to have stand, it’s Mark Fisher and the reason I’m asking this, if you take a look at the Seattle Times today on the front page, there’s an article on the Veterans Conservation Corp and to put it real simple is an idea Tom and I dreamed up down at the Fish Tale one night. Mark’s really the one that made it work. There’s about seventy students at Green River Community College getting degrees in Environmental Restoration programs and Mark has been untiring and very diligent and working for every opportunity for this program. He’s really helped out a lot and it’s one of the innovative programs in the country in that area. Thanks a lot. Thanks a lot to the Department and John Lee too.”

NOTICE OF RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which Engrossed Substitute House Bill No. 1709 passed the Senate.

POINT OF ORDER

Senator Marr: “Regarding the notice of reconsideration that was provided by Senator Benton, my understanding is that reconsideration, notice of reconsideration must be offered in these last days of the session on the same day the bill, the concurrence was or not concurrence was voted on and that it must be acted on that same day. Am I correct, Madam President?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “Senator Marr, in answer to your question in regard to 1709, the bill is no longer in the senate.”

PARLIAMENTARY INQUIRY

Senator Schoesler: “When was House Bill No. 1709 transmitted to the next step in the process?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “The answer to your question Senator is on yesterday, after adjournment of the Senate.”

PARLIAMENTARY INQUIRY

Senator Schoesler: “After adjournment of the Senate? Is that correct? Under Senate Rules may a bill be transmitted after adjournment?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “Senator Schoesler, an answer to your question, the bill, 170, was properly transferred out of the senate.”

POINT OF ORDER

Senator Schoesler: “Is there a record of when and how it was transmitted?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “We will obtain the message for you Senator.”

POINT OF ORDER

Senator Marr: “Madam President, my understanding is under the rules of the senate notice for reconsideration regardless of whether or not the bill has been transmitted needed to be provided on the day that the vote was taken, that would have been yesterday. In addition, in the last ten days of the session, action must be taken on reconsideration the same day of the vote, is my understanding. Madam President, perhaps you can enlighten me?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “Senator Marr, I would like to answer your question or statement. You are correct.”

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9074, Jean Magladry, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Fairley and Jarrett were excused.

APPOINTMENT OF JEAN MAGLADRY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9074, Jean Magladry as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9074, Jean Magladry as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION
BARBARA BAKER, Chief Clerk

46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Fairley and Jarrett

Gubernatorial Appointment No. 9074, Jean Magladry, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9079, Michael Martino, as a member of the Board of Trustees, Cascadia Community College District No. 30, be confirmed.

Senator Berkey spoke in favor of the motion.

APPOINTMENT OF MICHAEL MARTINO

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9079, Michael Martino as a member of the Board of Trustees, Cascadia Community College District No. 30.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9079, Michael Martino as a member of the Board of Trustees, Cascadia Community College District No. 30 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Fairley and Jarrett

Gubernatorial Appointment No. 9079, Michael Martino, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Cascadia Community College District No. 30.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1592 and asks Senate to recede therefrom.

and the same is herewith transmitted.

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1592.

Senator Kline spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1592.

The motion by Senator Kline carried and the Senate receded from its amendments to Substitute House Bill No. 1592 by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 1592 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Kelley and Kenney)

Registering business entities and associations with the secretary of state.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 25.15.270 and 2006 c 48 s 4 are each amended to read as follows:

A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1)(a) The dissolution date, if any, specified in the certificate of formation. If a dissolution date is not specified in the certificate of formation, the limited liability company's existence will continue until the first to occur of the events described in subsections (2) through (6) of this section. If a dissolution date is specified in the certificate of formation, the certificate of formation may be amended and the existence of the limited liability company may be extended by vote of all the members((:));

(b) This subsection does not apply to a limited liability company formed under RCW 30.08.025 or 32.08.025((:));

(2) The happening of events specified in a limited liability company agreement;

(3) The written consent of all members;

(4) Unless the limited liability company agreement provides otherwise, ninety days following an event of dissociation of the last remaining member, unless those having the rights of assignees in the limited liability company under RCW 25.15.130(1) have, by the ninetieth day, voted to admit one or more members, voting as though they were members, and in the manner set forth in RCW 25.15.120(1);

(5) The entry of a decree of judicial dissolution under RCW 25.15.275; or

(6) The expiration of ~~((two))~~ five years after the effective date of dissolution under RCW 25.15.285 without the reinstatement of the limited liability company.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Sec. 2. RCW 25.15.290 and 1994 c 211 s 805 are each amended to read as follows:

(1) A limited liability company administratively dissolved under RCW 25.15.285 may apply to the secretary of state for reinstatement within ~~((two))~~ five years after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its administrative dissolution;

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice, as provided in RCW 25.15.285(1), of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company may resume carrying on its business as if the administrative dissolution had never occurred.

(4) If an application for reinstatement is not made within the ~~((two-year))~~ five-year period set forth in subsection (1) of this section, or if the application made within this period is not granted, the ~~((secretary of state shall cancel the))~~ limited liability company's certificate of formation is deemed canceled.

NEW SECTION. Sec. 3. A new section is added to chapter 25.15 RCW under the subchapter heading "Article VIII. Dissolution" to read as follows:

(1) A limited liability company voluntarily dissolved under RCW 25.15.270 may apply to the secretary of state for reinstatement within one hundred twenty days after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its voluntary dissolution;

(b) State that the ground or grounds for voluntary dissolution have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the voluntary dissolution and the limited liability company may resume carrying on its business as if the voluntary dissolution had never occurred.

(4) If an application for reinstatement is not made within the one hundred twenty-day period set forth in subsection (1) of this section, or if the application made within this period is not granted, the secretary of state shall cancel the limited liability company's certificate of formation.

Sec. 4. RCW 25.05.500 and 1998 c 103 s 1101 are each amended to read as follows:

(1) A partnership which is not a limited liability partnership on June 11, 1998, may become a limited liability partnership upon the approval of the terms and conditions upon which it becomes a limited liability partnership by the vote necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions, and by filing the applications required by subsection (2) of this section. A partnership

which is a limited liability partnership on June 11, 1998, continues as a limited liability partnership under this chapter.

(2)(a) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the location of a registered office, which need not be a place of its activity in this state; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to continuously maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(b) A registered agent for service of process under (a) of this subsection must be an individual who is a resident of this state or other person authorized to do business in this state.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until:

(a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority of the partners or by one or more partners or other persons authorized to execute a withdrawal notice; or

(b) Thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by first-class mail, postage prepaid, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (2) of this section or a notice under subsection (6) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (2) of this section or a notice under subsection (6) of this section.

NEW SECTION. Sec. 5. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 6. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a limited liability partnership, the registered agent must deliver to the secretary of state

ONE HUNDRED SECOND DAY, APRIL 23, 2009

for filing a statement of resignation containing the name of the limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 7. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a limited liability partnership is a registered agent of the limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited liability partnership.

(2) If a limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

NEW SECTION. Sec. 8. REGISTERED OFFICE AND AGENT FOR SERVICE OF PROCESS. (1) A foreign limited liability partnership shall designate and continuously maintain in this state:

(a) A registered office, which need not be a place of its activity in this state; and

(b) A registered agent for service of process.

(2) A registered agent for service of process of a foreign limited liability partnership must be an individual who is a resident of this state or other person authorized to do business in this state.

NEW SECTION. Sec. 9. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a foreign limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the foreign limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 10. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a

2009 REGULAR SESSION

foreign limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the foreign limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the foreign limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 11. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a foreign limited liability partnership is a registered agent of the foreign limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the foreign limited liability partnership.

(2) If a foreign limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the foreign limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the foreign limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the foreign limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the foreign limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

Sec. 12. RCW 25.05.560 and 1998 c 103 s 1203 are each amended to read as follows:

(1) A foreign limited liability partnership transacting business in this state may not maintain an action or proceeding in this state unless it has in effect a registration as a foreign limited liability partnership.

(2) The failure of a foreign limited liability partnership to have in effect a registration as a foreign limited liability partnership does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this state.

(3) A limitation on personal liability of a partner is not waived solely by transacting business in this state without registration as a foreign limited liability partnership.

(4) If a foreign limited liability partnership transacts business in this state without a registration as a foreign limited liability partnership, the secretary of state is its agent, as set forth under section 11 of this act, for service of process with respect to a right of action arising out of the transaction of business in this state.

NEW SECTION. Sec. 13. A new section is added to chapter 24.12 RCW to read as follows:

(1) Each corporation sole registered in this state shall file, with a ten dollar filing fee and within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state. The report shall set forth:

(a) The name of the corporation sole and the state or country under the laws of which it is incorporated;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(b) The address of the principal place of business of the corporation sole in this state including street and number;

(c) The name and respective address of the bishop, overseer, or presiding elder of the corporation sole; and

(d) The corporation sole's unified business identifier number.

(2)(a) The information shall be given as of the date of the execution of the report. It shall be executed by the corporation sole by an officer of the corporation sole or, if the corporation sole is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation sole by such receiver or trustee.

(b) The secretary of state may provide that correcting or updating information appearing on previous annual or biennial filings is sufficient to constitute the current filing.

(3) The secretary may administratively dissolve a corporation sole that does not comply with this section. However, the secretary shall reinstate a corporation sole administratively dissolved under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution.

NEW SECTION. Sec. 14. A new section is added to chapter 24.12 RCW to read as follows:

(1) Not less than thirty days prior to a corporation sole's renewal date, the secretary of state shall mail to each corporation sole, by first-class mail addressed to its registered office, a notice that its annual report must be filed as required by this chapter, and stating that if it fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to mail the notice does not relieve a corporation sole from its obligation to file the annual reports required by this chapter.

(2)(a) The report of a corporation sole shall be delivered to the secretary of state on an annual renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

(b) If the secretary of state finds that the report substantially conforms to the requirements of this chapter, the secretary of state shall file that report.

NEW SECTION. Sec. 15. A new section is added to chapter 24.12 RCW to read as follows:

(1) The secretary of state shall, when exigent or mitigating circumstances are presented, reinstate to full active status any corporation sole previously in good standing that would otherwise be penalized or lose its active status. Any corporation sole desiring to seek relief under this section shall, within five years of the missed filing or lapse, notify the secretary of state in writing. The notification must include the name and mailing address of the corporation sole, the corporate sole officer to whom correspondence should be sent, and a statement under oath by a responsible corporate sole officer, setting forth the nature of the missed filing or lapse, the circumstances of the missed filing or lapse, that disproportionate harm would occur to the corporation sole if relief were not granted, and the relief sought.

(2) Upon receipt of the notice under subsection (1) of this section, the secretary of state shall investigate the circumstances of the missed filing or lapse.

(a) If the secretary of state is satisfied that sufficient exigent or mitigating circumstances exist; that the corporation sole has demonstrated good faith and a reasonable attempt to comply with the applicable corporate sole license statutes of this state; that disproportionate harm would occur to the corporation sole if relief were not granted; and that relief would not be contrary to the public interest expressed in this title, the secretary may issue an order reinstating the corporation sole and specifying any terms and conditions of the relief. Reinstatement may relate back to the date of lapse or dissolution.

(b) If the secretary of state determines the request does not comply with the requirements for relief, the secretary shall issue an order denying the requested relief and stating the reasons for the denial. Any denial of relief by the secretary of state is final and is not appealable.

(c) The secretary of state shall keep records of all requests for relief and the disposition of the requests. The secretary of state shall annually report to the legislature the number of relief requests received in the preceding year and a summary of the secretary's disposition of the requests.

NEW SECTION. Sec. 16. A new section is added to chapter 24.12 RCW to read as follows:

Effective August 1, 2009, a corporation sole may not be formed or incorporated under this chapter.

NEW SECTION. Sec. 17. Sections 5 through 7 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 11 Limited Liability Partnership."

NEW SECTION. Sec. 18. Sections 8 through 11 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 12 Foreign Limited Liability Partnership."

NEW SECTION. Sec. 19. Captions used in this act are not any part of the law."

Senator Kline spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Kline and others to Substitute House Bill No. 1592.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1592 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1592 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker and Zarelli

Voting nay: Senators Benton, Holmquist and Stevens

Absent: Senator Tom

Excused: Senators Fairley and Jarrett

SUBSTITUTE HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1845 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1845.

The President Pro Tempore declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1845.

The motion by Senator Hargrove carried and the Senate receded from its amendments to Substitute House Bill No. 1845 by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute House Bill No. 1845 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen)

Concerning medical support obligations.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and Carrell be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~(In entering or modifying)~~ Whenever a child support order is entered or modified under this chapter, the court shall require ~~((either or))~~ both parents to provide medical support for any child named in the order as provided in this section.

(a) Medical support consists of:

(i) Health insurance coverage; and

(ii) Cash medical support.

(b) Cash medical support consists of:

(i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

(c) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance coverage or the monthly payment toward the premium.

(d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(3) (a) The court may specify how medical support must be provided by each parent under subsection (4) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health insurance coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

(4) (a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(5) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(6) A parent who is ordered to maintain or provide health insurance coverage ~~((except as provided in subsection (2) of this section;))~~ may comply with that requirement by:

(a) Providing proof of accessible private insurance coverage for any child named in the order ~~((if- (a))); or~~

(b) Providing coverage that can be extended to cover the child that is ~~((or becomes))~~ available to that parent through employment or that is union-related ~~((- and (b)))~~, if the cost of such coverage does not exceed twenty-five percent of ~~((the obligated))~~ that parent's basic child support obligation.

~~((2)) (7) The court ~~((shall consider the best interests of the child and have discretion to))~~ may order a parent to provide health insurance coverage ~~((when entering or modifying a support order under this chapter if the cost of such coverage))~~ that exceeds twenty-five percent of ~~((the obligated))~~ that parent's basic support obligation if it is in the best interests of the child to provide coverage.~~

~~((3)) (8) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.~~

(9) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(10) The parents ~~((shall))~~ must maintain ~~((such))~~ health insurance coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((4)) (11) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.~~

~~((5)) (12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((6))~~ (13) A parent ordered to provide health insurance coverage ~~((shall))~~ must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

- (a) The ~~((physical custodian))~~ other parent; or
- (b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((7))~~ (14) Every order requiring a parent to provide health care or insurance coverage ~~((shall))~~ must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((8))~~ "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.) (15) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

(16) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

(g) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(17) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:

(1) Whenever a parent ~~((who))~~ has been ordered to provide ~~((health insurance coverage))~~ medical support for a dependent child ~~((fails to provide such coverage or lets it lapse))~~, the department or ~~((a))~~ the other parent may seek enforcement of the ~~((coverage order))~~ medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment

toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

~~(3)~~ A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

~~(4)(a)~~ The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

~~(b)~~ Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.

~~(5)(a)~~ If the ~~((parent's))~~ order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((3))~~ (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((4))~~ (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

~~((7))~~ (a) The parent seeking enforcement may, without further notice to the ~~((other))~~ obligated parent, send a certified copy of the order requiring health insurance coverage to the ~~((obligor's))~~ parent's employer or union by certified mail, return receipt requested; and

ONE HUNDRED SECOND DAY, APRIL 23, 2009

~~((#))~~ (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((#))~~ (8) of this section.

~~((#))~~ (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((#))~~ Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

~~(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;~~

~~(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;~~

~~(c) The plan administrator shall be responsible for complying with the provisions of the notice.~~

~~((#))~~ (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ~~(other)~~ obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((#))~~ (5) of this section.

~~((#))~~ (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent ~~((required to provide medical support))~~ by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((#))~~ (11) If the department serves a notice under subsection ~~((#))~~ (10) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((#))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((#))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ~~((the parent required to provide medical support))~~ he or she has either applied for, or obtained, coverage accessible to the child.

~~((#))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((#))~~ (10) of

2009 REGULAR SESSION

this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((#))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((#))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((#))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((#))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~(obligee)~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order ~~((the parent required to provide medical support shall have his or her))~~ and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((#))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 3. RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~((An obligated parent's))~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~((obligated))~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 4. RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((f))~~ (e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may

not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may;

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW

ONE HUNDRED SECOND DAY, APRIL 23, 2009

74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide ~~(health insurance coverage)~~ medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

~~((f))~~ (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

~~((f*))~~ (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be

renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

~~((f))~~ (m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

~~((fmm))~~ (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.

~~((4))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((6))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((11))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((12))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((11))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((13))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 6. RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ~~((maintain or provide health insurance coverage))~~ provide medical support for any dependent child, in the nature of health insurance coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 7. RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action;

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future

support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 8. RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any

pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 9. RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require ((health insurance coverage)) medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the

entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments ((as defined in section 24 of this act)) is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 10. This act takes effect October 1, 2009."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and Carrell to Substitute House Bill No. 1845.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1845 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1845 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Jarrett

Absent: Senators Jacobsen, Kauffman, Kline, Oemig and Rockefeller

SUBSTITUTE HOUSE BILL NO. 1845 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Excused: Senators Brown, Fairley, Fraser and Tom

Gubernatorial Appointment No. 9076, Thomas W. Malone, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

At 10:27 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Senate was called to order at 11:50 a.m. by President Owen.

MOTION

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9096, Constance W. Rice, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

At 11:50 a.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:30 p.m.

Senator Kohl-Welles spoke in favor of the motion.

AFTERNOON SESSION

MOTION

The Senate was called to order at 1:30 p.m. by President Owen.

On motion of Senator Marr, Senators Jacobsen, Kauffman, Kline and Oemig were excused.

MOTION

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

On motion of Senator Delvin, Senator Hewitt was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

APPOINTMENT OF CONSTANCE W. RICE

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9076, Thomas W. Malone, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9096, Constance W. Rice as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Senator Kohl-Welles spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9096, Constance W. Rice as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Fraser, Haugen, Prentice and Tom were excused.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MOTION

On motion of Senator Brandland, Senator Roach was excused.

Excused: Senators Brown, Fairley, Fraser, Jacobsen and Kline
Gubernatorial Appointment No. 9096, Constance W. Rice, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

APPOINTMENT OF THOMAS W. MALONE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9076, Thomas W. Malone as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9076, Thomas W. Malone as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

On motion of Senator Eide, the Senate reverted to the fourth order of business.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

MESSAGE FROM THE HOUSE

April 20, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 and asks Senate to recede therefrom.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator McDermott moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1018.

The President Pro Tempore declared the question before the Senate to be motion by Senator McDermott that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1018.

The motion by Senator McDermott carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1018 by voice vote.

MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 1018 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta)

Modifying when a special election may be held.

The measure was read the second time.

MOTION

Senator McDermott moved that the following striking amendment by Senators McDermott and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county

governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section,))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—((c))~~ The fourth Tuesday in April;

~~((d))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

~~((e))~~ (d) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ~~((d))~~ (c) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (d) or ~~((f))~~ (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—((6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section.))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

~~((b))~~ ~~((The second Tuesday in March;~~

~~((c))~~ The fourth Tuesday in April;

~~((d))~~ ~~The third Tuesday in May;~~

~~((e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (f)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

~~((5))~~ ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~((6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

~~((b))~~ ~~((The second Tuesday in March;~~

~~((c))~~ The fourth Tuesday in April;

~~((d))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

~~((e))~~ (d) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ~~((f))~~ (c) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (d) or ~~((f))~~ (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~((4))~~ ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~((5))~~ In addition to subsection (2)(a) through ~~((f))~~ (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)~~((e))~~ (d) and ~~((f))~~ (e) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

~~((b))~~ ~~((The second Tuesday in March;~~

~~((c))~~ The fourth Tuesday in April;

~~((d))~~ ~~The third Tuesday in May;~~

~~((e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (f)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~((4))~~ ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

~~(5))~~ In addition to subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection ~~(2)((f))~~ (c) and ~~((f))~~ (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 5. Sections 1 and 3 of this act expire July 1, 2011.

NEW SECTION. Sec. 6. Sections 2 and 4 of this act take effect July 1, 2011."

Senator McDermott spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McDermott and Parlette to Engrossed Substitute House Bill No. 1018.

The motion by Senator McDermott carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.321, 29A.04.330, and 29A.04.330; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1018 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Parlette spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kauffman was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1018 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, King, Kline, Kohl-Welles, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

2009 REGULAR SESSION

Voting nay: Senators Carrell, Eide, Holmquist, Kilmer, Marr, McCaslin, Pridemore, Roach and Stevens

Excused: Senators Brown, Fairley and Kauffman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

HOUSE BILL NO. 2359, by Representative Cody

Concerning delaying the implementation date for peer mentoring for long-term care workers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2359.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2359 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hargrove

HOUSE BILL NO. 2359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6122, by Senators Prentice, Zarelli and Brandland

Reducing costs of the elections division of the office of the secretary of state.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6122 was substituted for Senate Bill No. 6122 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6122.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "49.86.030", strike "49.86.190"

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

MOTION

Senator Keiser moved that the following amendment by Senator Keiser be adopted.

On page 1, line 13, after "hours" strike "(((in employment)))" and insert "in employment"

Voting nay: Senators Hewitt, Holmquist, Honeyford, Schoesler and Stevens

WITHDRAWAL OF AMENDMENT

SUBSTITUTE SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Keiser, the amendment by Senator Keiser on page 1, line 13 to Senate Bill No. 6158 was withdrawn.

MOTION

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6158 was not substituted for Senate Bill No. 6158 and the substitute bill was not adopted.

Senator Holmquist moved that the following striking amendment by Senator Holmquist and others be adopted:

Strike everything after the enacting clause and insert the following:

SECOND READING

SENATE BILL NO. 6158, by Senators Keiser, Brown, Prentice and Tom

Sec. 1. RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read as follows:

Delaying the implementation of the family leave insurance program.

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

The measure was read the second time.

MOTION

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

Senator Zarelli moved that the following amendment by Senator Zarelli and others be adopted.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

On page 1, line 13, after "hours", strike "(((in employment)))" and insert "in employment"

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

On page 2, after line 10, strike all of section 2.

Renumber the sections consecutively and correct any internal references accordingly.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, ~~((the family leave insurance account,))~~ the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm

Senators Zarelli and Keiser spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Keiser: "Would Senator Zarelli yield to a question? Senator, because there are so many signatures on your amendment I can't read but I think we might have similar language in a further amendment. On page 1, line 13 after hours does that say, strike unemployment and insert in employment? Because it does appear to be identical with my amendment following on, so, I just want to clarify that we're on the same page, literally. Thank you."

Senator Zarelli: "I believe so, yes. Yes."

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli and others on page 1, line 13 to Senate Bill No. 6158.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 2. RCW 51.44.033 and 2007 c 357 s 23 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title (~~and the loans therefrom authorized in RCW 49.86.190~~).

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) RCW 49.86.005 (Findings) and 2007 c 357 s 1;
- (2) RCW 49.86.010 (Definitions) and 2007 c 357 s 3;
- (3) RCW 49.86.020 (Family leave insurance program) and 2007 c 357 s 4;
- (4) RCW 49.86.030 (Eligibility for benefits) and 2007 c 357 s 5;
- (5) RCW 49.86.040 (Disqualification from benefits) and 2007 c 357 s 6;
- (6) RCW 49.86.050 (Duration of benefits--Payment of benefits) and 2007 c 357 s 7;
- (7) RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;
- (8) RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;
- (9) RCW 49.86.080 (Erroneous payments--Payments induced by willful misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;
- (10) RCW 49.86.090 (Leave and employment protection) and 2007 c 357 s 11;
- (11) RCW 49.86.100 (Employment by same employer) and 2007 c 357 s 12;
- (12) RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;
- (13) RCW 49.86.120 (Appeals) and 2007 c 357 s 14;
- (14) RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement) and 2007 c 357 s 15;

(15) RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;

(16) RCW 49.86.150 (Continuing entitlement or contractual rights-- Not created) and 2007 c 357 s 17;

(17) RCW 49.86.160 (Rules) and 2007 c 357 s 18;

(18) RCW 49.86.170 (Family leave insurance account) and 2007 c 357 s 19;

(19) RCW 49.86.180 (Family leave insurance account funds--Investment) and 2007 c 357 s 20;

(20) RCW 49.86.190 (Initial program administration--Loans) and 2007 c 357 s 22;

(21) RCW 49.86.200 (Authority to contract) and 2007 c 357 s 24;

(22) RCW 49.86.210 (Reports) and 2007 c 357 s 26;

(23) RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s 27;

(24) RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c 357 s 28; and

(25) RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357 s 30.

NEW SECTION. Sec. 4. The code reviser shall alphabetize the accounts and funds in RCW 43.79A.040(4)(b).

NEW SECTION. Sec. 5. This act takes effect August 1, 2009.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "repealing the 2007 family and medical leave insurance act; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; creating a new section; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900, 49.86.901, and 49.86.902; and providing an effective date."

Senator Holmquist spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator Keiser: "Mr. President, I believe that the amendment before the body is beyond the scope and object of the underlying bill. Senate Bill No. 6158 is a simple bill with a single object to delay implementation of the family leave benefit program until 2012. The proposed amendment takes the program in entirely different direction. It eliminates the family leave benefit program by repealing all the statutes that support it. This is inconsistent with the purpose of the underlying bill. Instead of recognizing the temporarily difficulties facing the state and delaying implementation of the program this amendment would end it. That is beyond the purpose of the bill and outside its scope and object."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6158 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6165, by Senators Ranker, Rockefeller, Tom and Jarrett

Allowing greater use of short boards for appeals before the shorelines hearings board.

The measure was read the second time.

MOTION

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 6165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6165.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 6165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9157, Annette Sandberg, as a member of the Board of Trustees, Central Washington University, be confirmed.

Senators Holmquist and Benton spoke in favor of passage of the motion.

MOTION

On motion of Senator Marr, Senators Brown and Prentice were excused.

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

APPOINTMENT OF ANNETTE SANDBERG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9157, Annette Sandberg as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9157, Annette Sandberg as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown and Prentice

Gubernatorial Appointment No. 9157, Annette Sandberg, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1290, by House Committee on Finance (originally sponsored by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Liias, Anderson and Hunter)

Concerning local tourism promotion areas.

The measure was read the second time.

MOTION

On motion of Senator Jarrett, the rules were suspended, Second Substitute House Bill No. 1290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1290.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1290 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Fairley, Holmquist, Honeyford, McCaslin, Morton, Murray, Oemig, Roach, Rockefeller and Stevens

Absent: Senator Franklin

SECOND SUBSTITUTE HOUSE BILL NO. 1290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Kilmer, Senator Franklin was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1616, by Representative Simpson

Addressing the state pension benefits of certain domestic partners.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Senator Prentice spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1616.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1616 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Franklin

ENGROSSED HOUSE BILL NO. 1616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5073, by Senators Zarelli, Swecker, Benton and Parlette

Improving budget transparency by consolidating accounts into the state general fund.

MOTION

On motion of Senator Zarelli, Substitute Senate Bill No. 5073 was substituted for Senate Bill No. 5073 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette and others be adopted.

On page 4, line 29, strike "~~under RCW 43.08.250(2))~~" and insert ") under RCW 43.08.250(2)"

On page 40, line 6, after "fund" and before the period, insert "It is the intent of the legislature that fifty percent of such money be appropriated to the administrator for the courts for the purposes of contributing to district court judges' salaries and to eligible elected municipal court judges' salaries. It is further the intent of the legislature that the balance of such monies be used to fund criminal indigent defense assistance and enhancement at the trial court level, representation of parents in dependency and termination proceedings, and civil legal representation of indigent persons"

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette and others on page 4, line 29 to Substitute Senate Bill No. 5073.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5073 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5073.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

Excused: Senator Franklin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6171, by Senator Prentice

Concerning savings in programs under the supervision of the department of health.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator McDermott, Senator Brown was excused.

MOTION

On motion of Senator Hatfield, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield,

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Morton, Senator McCaslin was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1212 and asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate insist on its position in the Senate amendment(s) to House Bill No. 1212 and requests of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate insist on its position in the Senate amendment(s) to House Bill No. 1212 and request of the House a conference thereon.

The motion by Senator Kohl-Welles carried and the Senate insisted on its position in the Senate amendment(s) to House Bill No. 1212 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 1212 and the Senate amendment(s) thereto: Senators Senators Keiser, Kohl-Welles and Holmquist.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 3:14 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:33 p.m. by President Owen.

MOTION

On motion of Senator Eide, the rules were suspended and the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 2211 and the bill was placed on the day's second reading calendar.

The President declared the question before the Senate to be the motion by Senator Eide.

The motion by Senator Eide carried by a voice vote.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5684 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate: SUBSTITUTE HOUSE BILL NO. 1555, ENGROSSED HOUSE BILL NO. 2299, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House has passed the following bills: SENATE BILL NO. 5470, ENGROSSED SUBSTITUTE SENATE BILL NO. 6169, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate: ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, HOUSE BILL NO. 2328, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Stevens as to the scope and object of the House Amendment to Substitute Senate Bill 5510, the President finds and rules as

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

follows:

Substitute Senate Bill No. 5510 as it passed the Senate is a simple bill that adds two items to the notice that DSHS is required to send to parents at the shelter care stage of a dependency case. The House Amendment adds many substantive and significant requirements to the actual dependency process.

The President finds that the House amendment goes well beyond the scope and object of the very simple notice requirements of SSB 5510.

For this reason, the President finds that Senator Steven's point is well-taken. The House amendment is not properly before the body for consideration."

MOTION

Senator Hargrove moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and ask the House to recede therefrom.

The motion by Senator Hargrove carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5510 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1751, by House Committee on Finance (originally sponsored by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake)

Concerning the time period during which sales and use tax for public facilities in rural counties may be collected.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.370 and 2007 c 478 s 1 and 2007 c 250 s 1 are each reenacted and amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the

collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, within one hundred fifty days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. (a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Substitute House Bill No. 1751.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The motion by Senator Schoesler carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "collected;" strike the remainder of the title and insert "and reenacting and amending RCW 82.14.370."

MOTION

On motion of Senator Schoesler, the rules were suspended, Substitute House Bill No. 1751 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1751 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1751 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Benton, Fairley, Oemig and Tom

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 1751 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338, by House Committee on Ways & Means (originally sponsored by Representative Hunt)

Concerning the administration and operations of growth management hearings boards.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 7, line 23, after "(6)" strike "additional methods of improving compliance with the growth management act that may reduce costs to all parties" and insert "the costs and benefits of complying with the growth management act, including full costs to local governments of defending appeals and their success rate"

Senator Tom spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2338.

The motion by Senator Tom carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute House Bill No. 2338 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2338 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2338 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, McCaslin, Morton and Parlette

Excused: Senators Brown, Fraser and Hewitt

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would like the attention of all members for one moment. He's had something brought to his attention by both sides that we want to, I want to address relative to decorum and rules of the senate that has to do with editorial comments on amendments. We have one and the President does not want to see any discourse out here that takes away from the work that you have to do with only a couple days left so, I'm bringing this up to you now in order, to hope, that we don't get into a discussion about the issue on the amendment but the amendment itself when it comes in the future and that we avoid having this happen again in the future. A comment was written on one of the amendments. We caught it later. That type of thing can create discourse within the body and frustrate the process and the completion of the job so the President is going to direct the Secretary that anytime that we see anything like that come in on an amendment in the future it will be

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

taken off the amendment and will not be allowed to presented before the body. Now, I don't want to appear that I'm attacking the person that did this because we have not had this discussion. We are having it now to avoid having an unfriendly discourse over this in the future. So, the Secretary will be instructed, in the future if editorial comments come onto an amendment, they will be taken off before the amendment is distributed. The President would appreciate it if we not get into a discourse over the one that you will see in the future. Thank you very much."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2343, by House Committee on Ways & Means (originally sponsored by Representative Haigh)

Achieving savings in education programs.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 7, after "purpose." on line 13, strike all material through line 5 on page 8.

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Tom and McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 7, line 13 to Substitute House Bill No. 2343.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Fraser and Prentice were excused.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2343 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5252,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5391,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5723,
SUBSTITUTE SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5732,
SUBSTITUTE SENATE BILL NO. 5931,
SECOND SUBSTITUTE SENATE BILL NO. 5945,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,
SUBSTITUTE SENATE BILL NO. 6009,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,
SUBSTITUTE SENATE BILL NO. 6016,
SUBSTITUTE SENATE BILL NO. 6036,
SENATE BILL NO. 6070,
SUBSTITUTE SENATE BILL NO. 6088,
SUBSTITUTE SENATE BILL NO. 6095,
SENATE BILL NO. 6104,

SECOND READING

HOUSE BILL NO. 2347, by Representative Kagi

Concerning the review of support payments.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2347.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Fraser

HOUSE BILL NO. 2347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2349, by Representative Cody

Concerning disproportionate share hospital adjustments.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2349.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2349 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senator Fraser

HOUSE BILL NO. 2349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 5995 was not substituted for Senate Bill No. 5995 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 5995, by Senators Pridemore, Schoesler and Honeyford

Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. These advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of these boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of this legislation that while advisory boards, committees, and commissions be eliminated, agencies should identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

~~(4) ((The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

~~(5))~~ The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 3. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. Sec. 4. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

Sec. 5. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~((the adult family home advisory committee established under chapter 18.48 RCW;))~~ and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. Sec. 6. RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens Advisory Council on Alcoholism and Drug Addiction

NEW SECTION. Sec. 7. RCW 70.96A.070 (Citizens advisory council--Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

2008 c 311 s 1 (uncodified);

2008 c 311 s 2 (uncodified);

2008 c 311 s 3 (uncodified); and

2008 c 311 s 4 (uncodified).

Escrow Commission

Sec. 9. RCW 18.44.011 and 1999 c 30 s 1 are each amended to read as follows:

Unless a different meaning is apparent from the context, terms used in this chapter shall have the following meanings:

(1) "Department" means the department of financial institutions.

(2) "Director" means the director of financial institutions, or his or her duly authorized representative.

(3) "Director of licensing" means the director of the department of licensing, or his or her duly authorized representative.

(4) "Escrow" means any transaction, except the acts of a qualified intermediary in facilitating an exchange under section 1031 of the internal revenue code, wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(5) "Split escrow" means a transaction in which two or more escrow agents act to effect and close an escrow transaction.

(6) "Escrow agent" means any person engaged in the business of performing for compensation the duties of the third person referred to in subsection (4) of this section.

(7) "Licensed escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a license as an escrow agent under the provisions of this chapter.

(8) "Person" means a natural person, firm, association, partnership, corporation, limited liability company, or the plural thereof, whether resident, nonresident, citizen, or not.

(9) "Licensed escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(10) "Designated escrow officer" means any licensed escrow officer designated by a licensed escrow agent and approved by the director as the licensed escrow officer responsible for supervising that agent's handling of escrow transactions, management of the agent's trust account, and supervision of all other licensed escrow officers employed by the agent.

~~(11) ("Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.500.~~

~~(12))~~ "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 10. RCW 18.44.195 and 1999 c 30 s 4 are each amended to read as follows:

(1) Any person desiring to become a licensed escrow officer must successfully pass an examination.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(2) The escrow officer examination shall encompass the following:

- (a) Appropriate knowledge of the English language, including reading, writing, and arithmetic;
- (b) An understanding of the principles of real estate conveyancing and the general purposes and legal effects of deeds, mortgages, deeds of trust, contracts of sale, exchanges, rental and optional agreements, leases, earnest money agreements, personal property transfers, and encumbrances;
- (c) An understanding of the obligations between principal and agent;
- (d) An understanding of the meaning and nature of encumbrances upon real property;
- (e) An understanding of the principles and practice of trust accounting; and

(f) An understanding of the escrow agent registration act and other applicable law such as the real estate settlement procedures act, 12 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

(3) The examination shall be in such form as prescribed by the director (~~(with the advice of the escrow commission)~~) and shall be given at least annually.

Sec. 11. RCW 18.44.221 and 1999 c 30 s 31 are each amended to read as follows:

The director shall, within thirty days after ~~(the)~~ a written request (~~of the escrow commission~~), hold a public hearing to determine whether the fidelity bond, surety bond, and/or the errors and omissions policy specified in RCW 18.44.201 is reasonably available to a substantial number of licensed escrow agents. If the director determines and the insurance commissioner concurs that such bond or bonds and/or policy is not reasonably available, the director shall waive the requirements for such bond or bonds and/or policy for a fixed period of time.

Sec. 12. RCW 18.44.251 and 1995 c 238 s 5 are each amended to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

REQUEST FOR WAIVER OF ERRORS AND OMISSIONS POLICY

I,, residing at, City of, County of, State of Washington, declare the following:

- (1) ~~(The state escrow commission has determined that)~~ An errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and
- (2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and
- (3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and
- (4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and
- (5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and
- (6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I,, respectfully request that the director of financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from, 19, to, 19

Submitted this day of day of, 19

.....
(signature)

State of Washington,

ss.

County of

I certify that I know or have satisfactory evidence that, signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

Dated
Signature of
Notary Public
Title
My appointment expires

(Seal or stamp)

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- 1. RCW 18.44.500 (Escrow commission--Members--Terms--Compensation and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287 s 36; and
- 2. RCW 18.44.510 (Compensation and travel expenses of commission members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

Firearms Range Advisory Committee

NEW SECTION. Sec. 14. RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

Model Toxic Control Act Science Advisory Board

Sec. 15. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

- (1) The department may exercise the following powers in addition to any other powers granted by law:
 - (a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;
 - (b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;
 - (c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;
 - (d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;
 - (e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

ONE HUNDRED SECOND DAY, APRIL 23, 2009

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~—(6))~~ The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Mortgage Brokers

~~NEW SECTION. Sec. 16. RCW 19.146.280 (Mortgage broker commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each repealed.~~

~~Sec. 17. RCW 19.146.225 and 2006 c 19 s 14 are each amended to read as follows:~~

~~In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules under this chapter only ((after seeking the advice of the mortgage broker commission and only)) for the purpose of governing the activities of licensed mortgage brokers, loan originators, and other persons subject to this chapter.~~

Oil Heat Advisory Committee

~~Sec. 18. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows:~~

~~The director shall:~~

~~(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;~~

~~(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is~~

authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

~~(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;~~

~~(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;~~

~~(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;~~

~~(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;~~

~~(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;~~

~~(8) Register, and design a means of accounting for, operating heating oil tanks;~~

~~(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;~~

~~(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;~~

~~(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;~~

~~(12) ((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director; and~~

~~---(13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.~~

Parks Centennial Advisory Committee

~~Sec. 19. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:~~

~~This act expires ((December 31, 2013)) June 30, 2009.~~

Prescription Drug Purchasing Consortium Advisory

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Commission

Sec. 20. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) (The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection:~~

~~(a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~(i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~(ii) One member who is a licensed physician;~~

~~(iii) One member who is a licensed pharmacist;~~

~~(iv) One member who is a licensed advanced registered nurse practitioner;~~

~~(v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~(vi) One member representing unions that represent private sector employees;~~

~~(b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~(c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~(d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University;~~

~~(5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~(6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance~~

organizations that are accredited by the national committee for quality assurance.

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. **Sec. 21.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 22. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager (with the consultation and advice of the risk management advisory committee). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. **Sec. 23.** The following acts or parts of acts are each repealed:

1. RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

2. RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

3. RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

4. RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

5. RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 24. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.))~~

Sec. 25. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary~~((ad hoc committee members;))~~ or individuals acting on ~~((their))~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Main Street Advisory Committee

NEW SECTION. **Sec. 26.** RCW 43.360.040 (Washington main street advisory committee) and 2005 c 514 s 911 are each repealed.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. **Sec. 27.** RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 28. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster

care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund~~((and~~

~~((c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040)).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 29. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~((With the assistance of an advisory committee,))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~((The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. **Sec. 30.** RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Rates

NEW SECTION. **Sec. 31.** The following acts or parts of acts are each repealed:

1. RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

2. RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

3. RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

4. RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

5. RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

6. RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

7. RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

8. RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

9. RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Advisory Council on Adult Education

NEW SECTION. Sec. 32. RCW 28B.50.254 (Advisory council on adult education--Workforce training and education coordinating board to monitor) and 1991 c 238 s 19 are each repealed.

Sec. 33. RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

(3) The board shall provide policy advice for any federal act pertaining to workforce development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to workforce development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's workforce development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for workforce training and education the policies and plans established by the state job training coordinating council(~~(, the advisory council on adult education,))~~ and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for workforce training and education.

Sec. 34. RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read as follows:

(1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the (~~advisory council on adult education~~) board.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each

2009 REGULAR SESSION

of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary workforce training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

Committee on Agency Official's Salaries

Sec. 35. RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to read as follows:

It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of (~~RCW 43.03.027, 43.03.028,))~~ this section and RCW 43.03.040(~~(, 43.03.045 and 43.03.047))~~) to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

Sec. 36. RCW 43.03.028 and 2007 c 241 s 3 are each amended to read as follows:

(1) (~~There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound, the chairperson of the council of presidents of the state's four-year institutions of higher education, the chairperson of the Washington personnel resources board, the president of the Association of Washington Business, the president of the Pacific Northwest Personnel Managers' Association, the president of the Washington State Bar Association, and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.~~)

(~~The committee~~) The department of personnel shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the recreation and conservation office; the criminal justice training commission; the department of personnel; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the state board for volunteer firefighters and reserve officers; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

(~~The committee~~) (2) The department of personnel shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(~~(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.~~)

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Sec. 37. RCW 34.12.100 and 1986 c 155 s 10 are each amended to read as follows:

The chief administrative law judge shall be paid a salary fixed by the governor after recommendation of the ~~((state committee on agency officials' salaries))~~ department of personnel. The salaries of administrative law judges appointed under the terms of this chapter shall be determined by the chief administrative law judge after recommendation of the ~~((state committee on agency officials' salaries))~~ department of personnel.

Sec. 38. RCW 42.17.370 and 1995 c 397 s 17 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the ~~((committee on agency officials' salaries))~~ department of personnel under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the

competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 39. RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(~~((2))~~) (1) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the ~~((committee on agency officials' salaries. Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993))~~ department of personnel.

Airport Impact Mitigation Advisory Board

Sec. 40. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize

ONE HUNDRED SECOND DAY, APRIL 23, 2009

applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection ~~((4))~~ (3) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications ~~((in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section))~~ using objective criteria developed by the department ~~((in conjunction with the airport impact mitigation advisory board))~~. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

~~(3) ((The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.~~

~~—(4))~~ The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

~~((5))~~ (4) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Athletic Training Advisory Committee

NEW SECTION. Sec. 41. RCW 18.250.030 (Athletic training advisory committee) and 2007 c 253 s 4 are each repealed.

Sec. 42. RCW 18.250.010 and 2007 c 253 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in RCW 18.250.070; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with RCW 18.250.070.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

~~(5) ("Committee" means the athletic training advisory committee.~~

~~—(6))~~ "Department" means the department of health.

~~((7))~~ (6) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

~~((8))~~ (7) "Secretary" means the secretary of health or the secretary's designee.

Sec. 43. RCW 18.250.020 and 2007 c 253 s 3 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) ~~((In consultation with the committee,))~~ Approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under RCW 18.250.060;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of RCW 18.250.080;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 44. RCW 18.250.060 and 2007 c 253 s 7 are each amended to read as follows:

An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary (~~as advised by the committee~~);

(2) Have successfully completed an examination administered or approved by the secretary (~~in consultation with the committee~~); and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

Basic Health Advisory Committee

Sec. 45. RCW 70.47.040 and 1993 c 492 s 211 are each amended to read as follows:

(1) The Washington basic health plan is created as a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator of the Washington state health care authority. The administrator shall appoint a medical director. The medical director and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. (~~The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~)

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Children of Incarcerated Parents Advisory Committee

NEW SECTION. Sec. 46. RCW 43.63A.068 (Advisory committee on policies and programs for children and families with

incarcerated parents--Funding for programs and services) and 2007 c 384 s 6 are each repealed.

Sec. 47. RCW 28A.300.520 and 2007 c 384 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) (~~The superintendent shall conduct the following activities~~) To assist in implementing the requirements of subsection (1) of this section (~~:~~

~~(a)), the superintendent shall gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities (~~;~~ and~~

~~(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Sec. 48. RCW 43.215.065 and 2007 c 384 s 4 are each amended to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) (~~The director shall conduct the following activities~~) To assist in implementing the requirements of subsection (1) of this section (~~:~~

~~(a)), the director shall gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities (~~;~~ and~~

~~(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Sec. 49. RCW 72.09.495 and 2007 c 384 s 2 are each amended to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents; and

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration (~~;~~ and

~~(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

Sec. 50. RCW 74.04.800 and 2007 c 384 s 3 are each amended to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is incarcerated.

(2) ~~((The secretary shall conduct the following activities))~~ To assist in implementing the requirements of subsection (1) of this section(~~(c~~

~~—(a))~~, the secretary shall gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities(~~(c~~ and

~~—(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee).~~

Children's Services Advisory Committee

Sec. 51. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the

legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

~~(9) ((Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.~~

~~—(10))~~(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

~~((11))~~ (10) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((12))~~ **(11)** Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((13))~~ **(12)** Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((14))~~ **(13)** Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((15))~~ **(14)** Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 52. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

~~(1) ((In consultation with the children's services advisory committee, and))~~ **(1)** With the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

~~(2) ((In consultation with the children's services advisory committee, and))~~ **(2)** With the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and ~~((with the children's services advisory committee))~~ for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 53. RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

~~(1) ((In consultation with the children's services advisory committee and))~~ **(1)** With the advice and assistance of persons representative of the various type agencies to be licensed, to adopt

ONE HUNDRED SECOND DAY, APRIL 23, 2009

recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that ~~((a provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Sec. 54. RCW 74.15.060 and 1991 c 3 s 376 are each amended to read as follows:

The secretary of health shall have the power and it shall be his or her duty:

~~((In consultation with the children's services advisory committee and))~~ With the advice and assistance of persons representative of the various type agencies to be licensed, to develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, necessary to promote the health of all persons residing therein.

The secretary of health or the city, county, or district health department designated by the secretary shall have the power and the duty:

(1) To make or cause to be made such inspections and investigations of agencies as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that ~~((a provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Combined Fund Drive Committee

Sec. 55. RCW 41.04.033 and 2003 c 205 s 1 are each amended to read as follows:

The director of the department of personnel is authorized to adopt rules, after consultation with state agencies, institutions of higher education, and employee organizations ~~((to create a Washington state combined fund drive committee, and))~~ for the operation of the Washington state combined fund drive.

Sec. 56. RCW 41.04.0331 and 2003 c 205 s 2 are each amended to read as follows:

To operate the Washington state combined fund ~~((drive's powers and duties include))~~ drive program, the director of the department of personnel or his or her designee may but ~~((are))~~ is not limited to the following:

(1) Raising money for charity, and reducing the disruption to government caused by multiple fund drives;

(2) Establishing criteria by which a public or private nonprofit organization may participate in the combined fund drive;

(3) Engaging in or encouraging fund-raising activities including the solicitation and acceptance of charitable gifts, grants, and donations from state employees, retired public employees, corporations, foundations, and other individuals for the benefit of the beneficiaries of the Washington state combined fund drive;

(4) Requesting the appointment of employees from state agencies and institutions of higher education to lead and manage workplace charitable giving campaigns within state government;

(5) Engaging in educational activities, including classes, exhibits, seminars, workshops, and conferences, related to the basic purpose of the combined fund drive;

2009 REGULAR SESSION

(6) Engaging in appropriate fund-raising and advertising activities for the support of the administrative duties of the Washington state combined fund drive; and

(7) Charging an administrative fee to the beneficiaries of the Washington state combined fund drive to fund the administrative duties of the Washington state combined fund drive.

Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Sec. 57. RCW 41.04.0332 and 2003 c 205 s 3 are each amended to read as follows:

The ~~((Washington state combined fund drive committee))~~ department of personnel may enter into contracts and partnerships with private institutions, persons, firms, or corporations for the benefit of the beneficiaries of the Washington state combined fund drive. Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Board of Law Enforcement Training Standards and Board on Correctional Training Standards

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

1. RCW 43.101.310 (Board on law enforcement training standards and education--Board on correctional training standards--Created--Purpose) and 1997 c 351 s 2;

2. RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;

3. RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

4. RCW 43.101.325 (Termination of membership upon termination of qualifying office or employment) and 1997 c 351 s 5;

5. RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

6. RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

7. RCW 43.101.340 (Boards--Powers--Report to commission) and 1997 c 351 s 8; and

8. RCW 43.101.345 (Recommendations of boards--Review by commission) and 1997 c 351 s 9.

Sec. 59. RCW 43.101.380 and 2006 c 22 s 3 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission ~~((or the board on law enforcement training standards and education))~~ may but need not be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from decertification actions:

(a) When a hearing is requested in relation to decertification of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two peace officers who are at or below the level of first line supervisor, who are from city or county law enforcement agencies, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(b) When a hearing is requested in relation to decertification of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to decertification of a tribal police officer, the commission shall appoint to the panel (i) either one chief or one sheriff; (ii) one tribal police chief; (iii) one peace officer who is at or below the level of first line supervisor, who is from a city or county law enforcement agency, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(d) Persons appointed to hearings panels by the commission shall, in relation to any decertification matter on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c), the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Customer Advisory Board—Department of Information Services

NEW SECTION. **Sec. 60.** RCW 43.105.055 (Advisory committees—Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each repealed.

Sec. 61. RCW 43.105.052 and 2000 c 180 s 1 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency information technology portfolios and related requests; and

(b) Implementation of statewide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments and public benefit nonprofit corporations on a full cost-recovery basis. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the ((customer advisory board)) office of financial management. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the ((customer advisory board)) office of financial management. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the strategic planning and policy component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of statewide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of the ((customer advisory board and the)) board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, information technology portfolios, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the strategic planning and policy component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Early Intervention for Children who are Deaf and have Hearing Loss—Advisory Committee

NEW SECTION. **Sec. 62.** RCW 70.198.010 (Findings) and 2004 c 47 s 1 are each repealed.

Eastern State Hospital Board and Western State Hospital Board

Sec. 63. RCW 72.23.025 and 2006 c 333 s 204 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of ~~((the eastern state hospital board, the western state hospital board, and))~~ institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

~~(2)((a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:~~

~~(i) The director of the institute for the study and treatment of mental disorders established at the hospital;~~

~~(ii) One family member of a current or recent hospital resident;~~

~~(iii) One consumer of services;~~

~~(iv) One community mental health service provider;~~

~~(v) Two citizens with no financial or professional interest in mental health services;~~

~~(vi) One representative of the regional support network in which the hospital is located;~~

~~(vii) One representative from the staff who is a physician;~~

~~(viii) One representative from the nursing staff;~~

~~(ix) One representative from the other professional staff;~~

~~(x) One representative from the nonprofessional staff; and~~

~~(xi) One representative of a minority community.~~

~~(b) At least one representative listed in (a)(viii), (ix), or (x) of this subsection shall be a union member.~~

~~(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW~~

~~43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.~~

~~(3) The boards established under this section shall:~~

~~(a) Monitor the operation and activities of the hospital;~~

~~(b) Review and advise on the hospital budget;~~

~~(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;~~

~~(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section; and~~

~~(e) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.~~

~~(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit ~~((mentally ill))~~ persons with mental illness who are receiving treatment in Washington state by performing the following activities:~~

~~(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;~~

~~(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;~~

~~(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;~~

~~(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.~~

~~(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:~~

~~(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;~~

~~(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;~~

~~(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;~~

~~(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.~~

~~(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.~~

~~(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.~~

Fire Protection Policy Board

Sec. 64. RCW 43.43.930 and 1995 c 369 s 14 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency (~~and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the chief of the Washington state patrol and the director of fire protection on matters relating to their duties under state law~~). It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 65. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The (~~board, after consulting with the~~) chief of the Washington state patrol (~~(;)~~) shall prescribe qualifications for the position of director of fire protection. (~~The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.~~)

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection (~~(; in accordance with the policies, objectives, and priorities of the fire protection policy board)~~) shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection (~~(;)~~) shall implement and administer, within constraints established by budgeted resources, (~~the policies, objectives, and priorities of the board and~~) all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW (~~43.63A.320~~) 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

Sec. 66. RCW 43.43.962 and 2003 c 405 s 3 are each amended to read as follows:

The (~~state fire protection policy board shall review and make recommendations to the chief on the refinement and maintenance of~~) director of fire protection shall maintain and refine the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the director of fire protection (~~(policy board)~~) shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The chief shall review the fire services mobilization plan as submitted by the director of fire

protection (~~(policy board)~~), recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the chief to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

1. RCW 43.43.932 (State fire protection policy board--Created--Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

2. RCW 43.43.936 (State fire protection policy board--Advisory duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

Sec. 68. RCW 43.43.934 and 2003 c 316 s 1 are each amended to read as follows:

(~~Except for matters relating to the statutory duties of the chief of the Washington state patrol that are to be carried out through~~) The director of fire protection (~~(; the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board~~) shall:

(1)(a) (~~Adopt a state fire training and education master plan that allows to the maximum feasible extent for negotiated agreements~~)

(i) With the state board for community and technical colleges (~~(to)~~), provide academic, vocational, and field training programs for the fire service; and (ii) with the higher education coordinating board and the state colleges and universities (~~(to)~~), provide instructional programs requiring advanced training, especially in command and management skills;

(b) (~~Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities that assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;~~

~~(c) Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.~~

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

(~~(f)~~) (c) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW;

(~~(f)~~) (d) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law; and

(~~(f)~~) (e) Develop and adopt a plan with a goal of providing firefighter one and wildland training, as defined by the board, to all firefighters in the state. Wildland training reimbursement will be provided if a fire protection district or a city fire department has and is fulfilling their interior attack policy or if they do not have an interior attack policy. The plan will include a reimbursement for fire protection districts and city fire departments of not less than three dollars for every hour of firefighter one or wildland training. The Washington state patrol shall not provide reimbursement for more than two hundred hours of firefighter one or wildland training for each firefighter trained.

(2) (~~In addition to its responsibilities for fire service training, the board shall:~~

~~(a) Adopt a state fire protection master plan;~~

~~(b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

including: (i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;

~~(c) Establish and promote state arson control programs and ensure development of local arson control programs;~~

~~(d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;~~

~~(e) Recommend to the adjutant general rules on minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service;~~

~~(f) Seek and solicit grants, gifts, bequests, devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;~~

~~(g)) (a) Promote mutual aid and disaster planning for fire services in this state;~~

~~((ff)) (b) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention; and~~

~~((ff)) (c) Implement any legislation enacted by the legislature to meet the requirements of any acts of congress that apply to this section.~~

(3) In carrying out its statutory duties, the ~~((board)) office of the state fire marshal~~ shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the ~~((board)) office of the state fire marshal~~ shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

Sec. 69. RCW 38.52.530 and 2006 c 210 s 1 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, ~~((the state fire protection policy board;))~~ the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, a representative of a voice over internet protocol company, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, 2011.

Sec. 70. RCW 49.26.120 and 1995 c 218 s 6 are each amended to read as follows:

(1) No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a certified asbestos worker and

2009 REGULAR SESSION

under the direct, on-site supervision of a certified asbestos supervisor. In cases in which an employer conducts an asbestos abatement project in its own facility and by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.

(2) The department shall require persons undertaking asbestos projects to provide written notice to the department before the commencement of the project except as provided in RCW 49.26.125. The notice shall include a written description containing such information as the department requires by rule. The department may by rule allow a person to report multiple projects at one site in one report. The department shall by rule establish the procedure and criteria by which a person will be considered to have attempted to meet the prenotification requirement.

(3) The department shall consult with the ~~((state fire protection policy board;))~~ Washington state association of fire chiefs and may establish any additional policies and procedures for municipal fire department and fire district personnel who clean up sites after fires which have rendered it likely that asbestos has been or will be disturbed or released into the air.

Hazardous Substance Mixed Waste Advisory Board

NEW SECTION. Sec. 71. The following acts or parts of acts are each repealed:

1. RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and 2005 c 1 s 7; and
2. RCW 70.105E.090 (Advisory board--Public involvement--Funding) and 2005 c 1 s 9.

Health and Welfare Advisory Board and Property and Liability Advisory Board

NEW SECTION. Sec. 72. The following acts or parts of acts are each repealed:

1. RCW 48.62.051 (Health and welfare advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 5; and
2. RCW 48.62.041 (Property and liability advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

Sec. 73. RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to read as follows:

The state risk manager ~~((; in consultation with the property and liability advisory board;))~~ shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs ~~((in consultation with the health and welfare benefits advisory board;))~~. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

- (1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;
- (2) Standards for claims management procedures; and
- (3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

Sec. 74. RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended to read as follows:

(1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~(3) ((After the formation of the two advisory boards, each board may)) The state risk manager shall calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of ((the boards and)) the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.~~

Health Information Infrastructure Advisory Board

Sec. 75. RCW 41.05.035 and 2007 c 259 s 10 are each amended to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

~~(2) ((The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.~~

~~(a) The administrator shall appoint the chair of the advisory board, chairs, and co-chairs of the stakeholder committee, if formed;~~

~~(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(i), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and~~

~~(c) The members of the board, stakeholder committee, and any advisory group:~~

~~(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;~~

~~(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.~~

~~(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

~~(4)) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.~~

~~((5)) (3) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.~~

Higher Education Coordinating Board Advisory Council

NEW SECTION. Sec. 76. RCW 28B.76.100 (Advisory council) and 2007 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

Sec. 77. RCW 28B.76.280 and 2004 c 275 s 12 are each amended to read as follows:

(1) In consultation with the institutions of higher education and state education agencies, the board shall identify the data needed to carry out its responsibilities for policy analysis, accountability, program improvements, and public information. The primary goals of the board's data collection and research are to describe how students and other beneficiaries of higher education are being served; to support higher education accountability; and to assist state policymakers and institutions in making policy decisions.

~~(2) The board shall ((convene a research advisory group and shall collaborate with the group to)) identify the most cost-effective manner for the board to collect data or access existing data. The board shall ((work with the advisory group to)) develop research priorities, policies, and common definitions to maximize the reliability and consistency of data across institutions. ((The advisory group shall include representatives of public and independent higher education institutions and other state agencies, including the state board for community and technical colleges, the office of the superintendent of public instruction, the office of financial management, the employment security department, the workforce training and education coordinating board, and other agencies as appropriate.))~~

(3) Specific protocols shall be developed by the board ~~((and the advisory group))~~ to protect the privacy of individual student records while ensuring the availability of student data for legitimate research purposes.

Home Inspector Advisory Licensing Board

NEW SECTION. Sec. 78. RCW 18.280.040 (Home inspector advisory licensing board) and 2008 c 119 s 4 are each repealed.

Sec. 79. RCW 18.280.010 and 2008 c 119 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1) ((“Board” means the home inspector advisory licensing board.~~

~~((2)) “Department” means the department of licensing.~~

~~((3)) (2) “Director” means the director of the department of licensing.~~

~~((4)) (3) “Entity” or “entities” means educational groups or organizations, national organizations or associations, or a national test organization.~~

~~((5)) (4) “Home inspection” means a professional examination of the current condition of a house.~~

~~((6)) (5) “Home inspector” means a person who carries out a noninvasive examination of the condition of a home, often in connection with the sale of that home, using special training and education to carry out the inspection.~~

~~((7)) (6) “Report” means a written report prepared and issued after a home inspection.~~

~~((8)) (7) “Wood destroying organism” means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. “Wood destroying organism” includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot.~~

Sec. 80. RCW 18.280.030 and 2008 c 119 s 3 are each amended to read as follows:

A person licensed under this chapter is responsible for performing a visual and noninvasive inspection of the following readily accessible systems and components of a home and reporting on the general condition of those systems and components at the time of the inspection in his or her written report: The roof, foundation, exterior, heating system, air-conditioning system, structure, plumbing and electrical systems, and other aspects of the home as may be identified by the ~~((board))~~ director. The inspection

ONE HUNDRED SECOND DAY, APRIL 23, 2009

must include looking for certain fire and safety hazards as defined by the ~~((board))~~ director. The standards of practice to be developed by the ~~((board))~~ director will be used as the minimum standards for an inspection. The duties of the home inspector with regard to wood destroying organisms are provided in RCW 18.280.190.

Sec. 81. RCW 18.280.050 and 2008 c 119 s 5 are each amended to read as follows:

The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules ~~((approved by the board))~~ as deemed necessary to carry out this chapter;

(2) To administer licensing examinations ~~((approved by the board))~~ and to adopt or recognize examinations prepared by other entities ~~((as approved by the board))~~;

(3) To adopt standards of professional conduct, practice, and ethics ~~((as approved by the board))~~; and

(4) To adopt fees as provided in RCW 43.24.086.

Sec. 82. RCW 18.280.060 and 2008 c 119 s 6 are each amended to read as follows:

The ~~((board))~~ director has the following authority in administering this chapter:

(1) ~~((To establish rules, including board organization and assignment of terms, and meeting frequency and timing, for adoption by the director;~~

~~—(2))~~ To establish the minimum qualifications for licensing applicants as provided in this chapter;

~~((3))~~ (2) To approve the method of administration of examinations required by this chapter ~~((or by rule as established by the director))~~;

~~((4))~~ (3) To approve the content of or recognition of examinations prepared by other entities ~~((for adoption by the director))~~;

~~((5))~~ (4) To set the time and place of examinations ~~((with the approval of the director))~~; and

~~((6))~~ (5) To establish and review standards of professional conduct, practice, and ethics ~~((for adoption by the director. These)),~~ which standards must address what constitutes certain fire and safety hazards as used in RCW 18.280.030.

Sec. 83. RCW 18.280.070 and 2008 c 119 s 7 are each amended to read as follows:

In order to become licensed as a home inspector, an applicant must submit the following to the department:

(1) An application on a form developed by the department;

(2) Proof of a minimum of one hundred twenty hours of classroom instruction approved by the ~~((board))~~ director;

(3) Proof of up to forty hours of field training supervised by a licensed home inspector;

(4) Evidence of successful passage of the written exam as required in RCW 18.280.080; and

(5) The fee in the amount set by the department.

Sec. 84. RCW 18.280.080 and 2008 c 119 s 8 are each amended to read as follows:

Applicants for licensure must pass an exam that is psychometrically valid, reliable, and legally defensible by the state. The exam is to be developed, maintained, and administered by the department. The ~~((board shall recommend to the))~~ director shall determine whether to use an exam that is prepared by a national entity. If an exam prepared by a national entity is used, a section specific to Washington shall be developed by the director and included as part of the entire exam.

Sec. 85. RCW 18.280.110 and 2008 c 119 s 11 are each amended to read as follows:

(1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the ~~((board))~~ director of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least twenty-four hours of instruction in courses approved by the ~~((board))~~ director every two years.

Sec. 86. RCW 18.280.120 and 2008 c 119 s 12 are each amended to read as follows:

2009 REGULAR SESSION

(1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within a time period set by the ~~((board))~~ director in rule. The issues to be addressed in the report shall be set by the ~~((board))~~ director in rule.

(2) A licensed home inspector, or other licensed home inspectors or employees who work for the same company or for any company in which the home inspector has a financial interest, shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection.

Sec. 87. RCW 18.280.130 and 2008 c 119 s 13 are each amended to read as follows:

(1) The director shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the ~~((board's))~~ director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

(2) The director ~~((, with the assistance of the board,))~~ shall establish by rule under what circumstances a home inspector license may be suspended or revoked. These circumstances shall be based upon accepted industry standards ~~((and the board's cumulative experience))~~.

(3) Any person aggrieved by a decision of the director under this section may appeal the decision as provided in chapter 34.05 RCW. The adjudicative proceeding shall be conducted under chapter 34.05 RCW by an administrative law judge appointed pursuant to RCW 34.12.030.

Industry Cluster Advisory Committee

Sec. 88. RCW 43.330.090 and 2007 c 228 s 201 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and cluster associations, federal agencies, state agencies that use a cluster-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry cluster-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry clusters targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry cluster-based approach to economic development and identifying and assisting additional clusters. The department shall use information gathered in each service delivery region in formulating its industry cluster-based strategies and shall assist local communities in identifying regional industry clusters and developing industry cluster-based strategies.

(2)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

(3) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund activities designed to further regional cluster growth. In administering the program, the department shall work with ~~((an industry cluster advisory committee with equal representation from))~~ the workforce training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The ~~((industry cluster advisory committee))~~ department shall ~~((recommend))~~ seek recommendations on criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Priority shall be given to applicants which will use the grant funds to build linkages and joint projects, to develop common resources and common training, and to develop common research and development projects or facilities.

(v) The maximum amount of a grant is one hundred thousand dollars.

(vi) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(vii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(4) As used in subsection (3) of this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. "Industry cluster" also includes firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

Integrated Justice Information Board

NEW SECTION. **Sec. 89.** The following acts or parts of acts are each repealed:

1. RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c 104 s 1;
2. RCW 10.98.210 (Washington integrated justice information board--Members) and 2003 c 104 s 3;
3. RCW 10.98.220 (Washington integrated justice information board--Meetings) and 2003 c 104 s 4;
4. RCW 10.98.230 (Washington integrated justice information board--Powers and duties) and 2003 c 104 s 5; and
5. RCW 10.98.240 (Washington integrated justice information board--Report) and 2003 c 104 s 6.

**K-20 Educational Network Board
K-20 Network Technical Steering Committee**

NEW SECTION. **Sec. 90.** The following acts or parts of acts are each repealed:

1. RCW 43.105.800 (K-20 educational network board) and 1999 c 285 s 2; and

2. RCW 43.105.810 (K-20 network technical steering committee) and 1999 c 285 s 6.

Sec. 91. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

~~(17) ("K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;~~

~~(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;~~

~~(19)) "K-20 network" means the network established in RCW 43.105.820;~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

~~((20))~~ (18) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the ~~((K-20))~~ board.

Sec. 92. RCW 43.105.041 and 2003 c 18 s 3 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board ~~((in consultation with the K-20 board,))~~ has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the ~~((K-20 network technical steering committee))~~ department as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

Sec. 93. RCW 43.105.805 and 1999 c 285 s 3 are each amended to read as follows:

The ~~((K-20))~~ board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the ~~((K-20))~~ board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 43.105.830 for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The ~~((K-20))~~ board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. ~~((However, the information services))~~ The board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

Sec. 94. RCW 43.105.820 and 1999 c 285 s 11 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the goals

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

and objectives established under RCW 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, as prioritized by the K-20 telecommunications oversight and policy committee, or as modified by the board; (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The ~~((K-20))~~ board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The ~~((K-20))~~ board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

Livestock Identification Advisory Board

NEW SECTION. **Sec. 95.** RCW 16.57.015 (Livestock identification advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c 354 s 10 are each repealed.

Sec. 96. RCW 16.57.353 and 2004 c 233 s 1 are each amended to read as follows:

(1) The director may adopt rules:

(a) To support the agriculture industry in meeting federal requirements for the country-of-origin labeling of meat. Any requirements established under this subsection for country of origin labeling purposes shall be substantially consistent with and shall not exceed the requirements established by the United States department of agriculture; and

(b) ~~((In consultation with the livestock identification advisory board under RCW 16.57.015;))~~ To implement federal requirements for animal identification needed to trace the source of livestock for disease control and response purposes.

(2) The director may cooperate with and enter into agreements with other states and agencies of federal government to carry out such systems and to promote consistency of regulation.

McNeil Island Secure Community Transition Facility Operational Advisory Board

NEW SECTION. **Sec. 97.** RCW 71.09.320 (Transition facilities--Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each repealed.

Nonhighway and Off-Road Vehicle Activities Advisory Committee

NEW SECTION. **Sec. 98.** RCW 46.09.280 (Nonhighway and off-road vehicle activities advisory committee) and 2007 c 241 s 19, 2004 c 105 s 8, 2003 c 185 s 1, & 1986 c 206 s 13 are each repealed.

Sec. 99. RCW 46.09.020 and 2007 c 241 s 13 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1) ("Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280.~~

~~(2))~~ "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

~~((3))~~ (2) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

~~((4))~~ (3) "Department" means the department of licensing.

~~((5))~~ (4) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

~~((6))~~ (5) "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

~~((7))~~ (6) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

~~((8))~~ (7) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

~~((9))~~ (8) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

~~((10))~~ (9) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

~~((11))~~ (10) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

~~((12))~~ (11) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

~~((13))~~ (12) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

~~((14))~~ (13) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

~~((15))~~ (14) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((+6))~~ (15) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

~~((+7))~~ (16) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

~~((+8))~~ (17) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

~~((+9))~~ (18) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

~~((+0))~~ (19) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

~~((+1))~~ (20) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

~~((+2))~~ (21) "Person" means any individual, firm, partnership, association, or corporation.

On-site Wastewater Treatment Systems Advisory Committee

NEW SECTION. **Sec. 100.** The following acts or parts of acts are each repealed:

1. RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and
2. RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

Sec. 101. RCW 18.210.010 and 1999 c 263 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1) ("Advisory committee" means a group of individuals with broad knowledge and experience in the design, construction, and regulation of on-site wastewater treatment systems, appointed under this chapter to offer recommendations to the board and the director on the administration of the program established under this chapter.~~

~~(2)) "Board" means the board of registration for professional engineers and land surveyors as defined in chapter 18.43 RCW.~~

~~((+3))~~ (2) "Designer," "licensee," or "permit holder" means an individual authorized under this chapter to perform design services for on-site wastewater treatment systems.

~~((+4))~~ (3) "Director" means the director of the Washington state department of licensing.

~~((+5))~~ (4) "Engineer" means a professional engineer licensed under chapter 18.43 RCW.

~~((+6))~~ (5) "Practice of engineering" has the meaning set forth in RCW 18.43.020(5).

~~((+7))~~ (6) "On-site wastewater treatment system" means an integrated system of components that: Convey, store, treat, and/or provide subsurface soil treatment and disposal of wastewater effluent on the property where it originates or on adjacent or other property and includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas, for on-site wastewater treatment under three thousand five hundred gallons per day when not connected to a public sewer system.

~~((+8))~~ (7) "On-site wastewater design" means the development of plans, details, specifications, instructions, or inspections by application of specialized knowledge in analysis of soils, on-site wastewater treatment systems, disposal methods, and technologies to create an integrated system of collection, transport, distribution, treatment, and disposal of on-site wastewater.

~~((+9))~~ (8) "Local health jurisdiction" or "jurisdictional health department" means an administrative agency created under chapter 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes regarding on-site wastewater treatment systems.

~~((+0))~~ (9) "Practice permit" means an authorization to practice granted to an individual who designs on-site wastewater treatment systems and who has been authorized by a local health jurisdiction to practice on or before July 1, 2000.

~~((+1))~~ (10) "License" means a license to design on-site wastewater treatment systems under this chapter.

~~((+2))~~ (11) "Certificate of competency" means a certificate issued to employees of local health jurisdictions indicating that the certificate holder has passed the licensing examination required under this chapter.

Sec. 102. RCW 18.210.050 and 1999 c 263 s 6 are each amended to read as follows:

The director may:

~~(1) ((Appoint and reappoint members to the advisory committee, including temporary additional members, and remove committee members for just cause;~~

~~(2))~~ Employ administrative, clerical, and investigative staff as necessary to administer and enforce this chapter;

~~((+3))~~ (2) Establish fees for applications, examinations, and renewals in accordance with chapter 43.24 RCW;

~~((+4))~~ (3) Issue practice permits and licenses to applicants who meet the requirements of this chapter; and

~~((+5))~~ (4) Exercise rule-making authority to implement this section.

Sec. 103. RCW 18.210.060 and 2002 c 86 s 258 are each amended to read as follows:

~~((+1))~~ The board may:

~~((+2))~~ (1) Adopt rules to implement this chapter including, but not limited to, evaluation of experience, examinations, and scope and standards of practice;

~~((+3))~~ (2) Administer licensing examinations; and

~~((+4))~~ (3) Review and approve or deny initial and renewal license applications.

~~((+5))~~ (4) The board shall consider recommendations of the advisory committee made in accordance with this chapter.)

On-site Sewage Disposal Systems Alternative Systems Technical Review Committee

NEW SECTION. **Sec. 104.** RCW 70.118.100 (Alternative systems--Technical review committee) and 1997 c 447 s 3 are each repealed.

Sec. 105. RCW 70.118.110 and 1997 c 447 s 5 are each amended to read as follows:

In order to assure that technical guidelines and standards keep pace with advancing technologies, the department of health in collaboration with ~~(the technical review committee,)~~ local health departments~~(s)~~ and other interested parties, must review and update as appropriate, the state guidelines and standards for alternative on-site sewage disposal every three years. The first review and update must be completed by January 1, 1999.

Organized Crime Advisory Board

NEW SECTION. **Sec. 106.** The following acts or parts of acts are each repealed:

1. RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

2. RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

3. RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

4. RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

5. RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

6. RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

7. RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

8. RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 107. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the (~~organized crime advisory board pursuant to RCW 10.29.090~~) chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of (~~a majority of the members of the organized crime advisory board~~) the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 108. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the (~~organized crime advisory board~~) chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the (~~board~~) chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately (~~by members of the board~~).

Orthotic and Prosthetics Advisory Committee

NEW SECTION. Sec. 109. RCW 18.200.060 (Advisory committee--Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

Sec. 110. RCW 18.200.010 and 1997 c 285 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Advisory committee"~~) means the orthotics and prosthetics advisory committee.

(~~2~~) "Department" means the department of health.

(~~3~~) (2) "Secretary" means the secretary of health or the secretary's designee.

(~~4~~) (3) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation. With basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation.

(~~5~~) (4) "Orthotist" means a person licensed to practice orthotics under this chapter.

(~~6~~) (5) "Orthosis" means a custom-fabricated, definitive brace or support that is designed for long-term use. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: Commercially available knee orthoses used following injury or surgery; spastic muscle tone-

inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; custom-made, leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as foot orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the secretary, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted, or off-the-shelf, are devices that are manufactured as commercially available stock items for no specific patient. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of dimensions, contours, and volumes to achieve proper fit, comfort, and function for that specific patient.

(~~7~~) (6) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient. The practice of prosthetics includes providing continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

(~~8~~) (7) "Prosthetist" means a person who is licensed to practice prosthetics under this chapter.

(~~9~~) (8) "Prosthesis" means a definitive artificial limb that is alignable or articulated, or, in lower extremity applications, capable of weight bearing. Prosthesis means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, fingers or toes, dental appliances, ostomy products, devices such as artificial breasts, eyelashes, wigs, or other devices as determined by the secretary that do not have a significant impact on the musculoskeletal functions of the body. In the lower extremity of the body, the term prosthesis does not include prostheses required for amputations distal to and including the transmetatarsal level. In the upper extremity of the body, the term prosthesis does not include prostheses that are provided to restore function for amputations distal to and including the carpal level.

(~~10~~) (9) "Authorized health care practitioner" means licensed physicians, physician's assistants, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners.

Sec. 111. RCW 18.200.050 and 1997 c 285 s 6 are each amended to read as follows:

In addition to other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(3) Register applicants, issue licenses to applicants who have met the education, training, and examination requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of credentials based upon unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(5) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for licensure;

(6) Establish the standards and procedures for revocation of approval of education programs;

(7) Utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations;

(8) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure;

(9) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(10) Determine which jurisdictions have licensing requirements equivalent to those of this state and issue licenses without examinations to individuals licensed in those jurisdictions;

(11) Define and approve any experience requirement for licensing;

(12) Implement and administer a program for consumer education;

(13) Adopt rules implementing continuing competency requirements for renewal of the license and relicensing;

(14) Maintain the official department records of all applicants and licensees;

(15) Establish by rule the procedures for an appeal of an examination failure;

(16) Establish requirements and procedures for an inactive license; and

(17) ~~((With the advice of the advisory committee, the secretary may))~~ Recommend collaboration with health professions, boards, and commissions to develop appropriate referral protocols.

Sec. 112. RCW 18.200.070 and 1997 c 285 s 8 are each amended to read as follows:

(1) An applicant must file a written application on forms provided by the department showing to the satisfaction of the secretary ~~((in consultation with the advisory committee,))~~ that the applicant meets the following requirements:

(a) The applicant possesses a baccalaureate degree with coursework appropriate for the profession approved by the secretary, or possesses equivalent training as determined by the secretary pursuant to subsections (3) and (5) of this section;

(b) The applicant has the amount of formal training, including the hours of classroom education and clinical practice, in areas of study as the secretary deems necessary and appropriate;

(c) The applicant has completed a clinical internship or residency in the professional area for which a license is sought in accordance with the standards, guidelines, or procedures for clinical internships or residencies inside or outside the state as established by the secretary, or that are otherwise substantially equivalent to the standards commonly accepted in the fields of orthotics and prosthetics as determined by the secretary pursuant to subsections (3) and (5) of this section. The secretary must set the internship as at least one year.

(2) An applicant for licensure as either an orthotist or prosthetist must pass all written and practical examinations that are required and approved by the secretary ~~((in consultation with the advisory committee)).~~

(3) The standards and requirements for licensure established by the secretary must be substantially equal to the standards commonly accepted in the fields of orthotics and prosthetics.

(4) An applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee, determined by the secretary under RCW 43.70.250, for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require remedial education before the person may take future examinations.

(5) The secretary may waive some of the education, examination, or experience requirements of this section if the secretary determines that the applicant meets alternative standards, established by the secretary through rule, that are substantially equivalent to the requirements in subsections (1) and (2) of this section.

Oversight Committee on Character-Building Residential Services in Prisons

NEW SECTION. Sec. 113. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons--Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Real Estate Appraiser Commission

NEW SECTION. Sec. 114. The following acts or parts of acts are each repealed:

1. RCW 18.140.230 (Real estate appraiser commission--Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

2. RCW 18.140.240 (Commission/members--Duties and responsibilities) and 2000 c 249 s 4; and

3. RCW 18.140.250 (Commission member's compensation) and 2000 c 249 s 5.

Sec. 115. RCW 18.140.010 and 2005 c 339 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the value of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW.

(5) "Client" means any party for whom an appraiser performs a service.

~~((6))~~ ~~((("Commission" means the real estate appraiser commission of the state of Washington.~~

~~((7))~~ "Comparative market analysis" means a brokers price opinion.

~~((8))~~ (7) "Department" means the department of licensing.

~~((9))~~ (8) "Director" means the director of the department of licensing.

~~((10))~~ (9) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

~~((11))~~ (10) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

~~((12))~~ (11) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

~~((13))~~ (12) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

~~((14))~~ (13) "Federally related transaction" means any real estate-related financial transaction that the federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates; and that requires the services of an appraiser.

~~((15))~~ (14) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

~~((16))~~ (15) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

~~((17))~~ (16) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~((18))~~ (17) "Real estate-related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

~~((19))~~ (18) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

~~((20))~~ (19) "Review" means the act or process of critically studying an appraisal report prepared by another.

~~((21))~~ (20) "Specialized appraisal services" means all appraisal services that do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

~~((22))~~ (21) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((23))~~ (22) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state certified residential real estate

appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((24))~~ (23) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

~~((25))~~ (24) "State-registered appraiser trainee," "trainee," or "trainee real estate appraiser" means a person registered by the director under RCW 18.140.280 to develop and communicate real estate appraisals under the immediate and personal direction of a state-certified real estate appraiser. Appraisals are limited to those types of properties that the supervisory appraiser is permitted by their current credential, and that the supervisory appraiser is competent and qualified to appraise. By signing the appraisal report, or being identified in the certification or addenda as having lent significant professional assistance, the state-registered appraiser trainee accepts total and complete individual responsibility for all content, analyses, and conclusions in the report.

~~((26))~~ (25) "Supervisory appraiser" means a person holding a currently valid certificate issued by the director as a state-certified real estate appraiser providing direct supervision to another state-certified, state-licensed, or state-registered appraiser trainee. The supervisory appraiser must be in good standing in each jurisdiction that he or she is credentialed. The supervisory appraiser must sign all appraisal reports. By signing the appraisal report, the supervisory appraiser accepts full responsibility for all content, analyses, and conclusions in the report.

Sec. 116. RCW 18.140.030 and 2005 c 339 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW(~~with the advice and approval of the commission~~);

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

~~(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;~~

~~(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;~~

~~((5))~~ (4) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

~~((6))~~ (5) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

~~((7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;~~

~~(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;~~

~~(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;~~

~~(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;~~

~~(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

~~((12))~~ (6) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

~~((13))~~ (7) To establish forms necessary to administer this chapter;

~~((14))~~ (8) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director ~~((with the advice of the commission))~~. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses ~~((in the same manner as))~~ by the department ~~((reimburses the commission))~~; and

~~((15))~~ (9) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state.

Sec. 117. RCW 18.140.160 and 2007 c 256 s 1 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following conduct, acts, or conditions:

(1) Failing to meet the minimum qualifications for state certification, licensure, or registration established by or pursuant to this chapter;

(2) Paying money other than the fees provided for by this chapter to any employee of the director ~~((or the commission))~~ to procure state certification, licensure, or registration under this chapter;

(3) Continuing to act as a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee when his or her certificate, license, or registration is on an expired status;

(4) Violating any provision of this chapter or any lawful rule made by the director pursuant thereto;

(5) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report;

(6) Being affiliated as an employer, independent contractor, or supervisory appraiser of a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee whose certification, license, or registration is currently in a suspended or revoked status;

(7) Failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice; and

(8) Negligence or incompetence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice.

Sec. 118. RCW 18.140.170 and 2005 c 339 s 15 are each amended to read as follows:

The director may investigate the actions of a state-certified or state-licensed real estate appraiser or a state-registered appraiser trainee or an applicant for certification, licensure, or registration or recertification, relicensure, or reregistration. Upon receipt of information indicating that a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee under this chapter may have violated this chapter, the director may cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. ~~((If technical assistance is required, a staff~~

2009 REGULAR SESSION

~~investigator may consult with one or more of the members of the commission.))~~

Regional Fisheries Enhancement Group Advisory Board

NEW SECTION. Sec. 119. The following acts or parts of acts are each repealed:

1. RCW 77.95.110 (Regional fisheries enhancement group advisory board) and 2000 c 107 s 108; and

2. RCW 77.95.120 (Regional fisheries enhancement group advisory board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, & 1995 c 367 s 6.

Sec. 120. RCW 77.95.100 and 2000 c 107 s 107 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The ~~((regional fisheries enhancement group advisory board and the))~~ commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

Sec. 121. RCW 77.95.180 and 1995 c 367 s 3 are each amended to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership ~~((with the regional fisheries enhancement group advisory board))~~ to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. ~~((The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups.))~~ The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

Sec. 122. RCW 77.95.190 and 1995 c 367 s 10 are each amended to read as follows:

The department shall ~~((coordinate with the regional fisheries enhancement group advisory board to))~~ field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

Revenue-Simplified Sales and Use Tax Admin Advisory Group

Sec. 123. RCW 82.58.020 and 2002 c 267 s 4 are each amended to read as follows:

~~((1))~~ For the purposes of reviewing or amending the agreement embodying the simplification requirements in RCW 82.58.050, the state shall enter into multistate discussions. For purposes of these discussions, the state shall be represented by the department. The governor may appoint up to four persons to consult with the department at these discussions. The persons advising the department shall not be compensated and are not entitled to payment of travel expenses by the state.

~~((2))~~ The department shall regularly consult with an advisory group composed of one member from each of the two largest caucuses of the senate, appointed by the majority and minority leaders of the senate; one member from each of the two largest caucuses of the house of representatives, appointed by the speaker and minority leader of the house of representatives; representatives of retailers, including those selling via mail, telephone, and the internet; representatives of large and small businesses; and representatives of counties and cities. The department shall use its best efforts to consult with the advisory group before any multistate discussions in which it is anticipated that amendments may be proposed to the agreement embodying the simplification requirements in RCW 82.58.050.))

State Solid Waste Advisory Committee

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 124. The following acts or parts of acts are each repealed:

1. RCW 70.95.040 (Solid waste advisory committee--Members--Meetings--Travel expenses--"Governor's award of excellence.") and 1991 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;
2. RCW 70.95.050 (Solid waste advisory committee--Staff services and facilities) and 1969 ex.s. c 134 s 5;
3. RCW 70.95.070 (Review of standards prior to adoption--Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s. c 41 s 4 & 1969 ex.s. c 134 s 7; and
4. RCW 70.105.060 (Review of rules, regulations, criteria and fee schedules) and 1975-'76 2nd ex.s. c 101 s 6.

Sec. 125. RCW 70.95.030 and 2004 c 101 s 1 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) ~~("Committee" means the state solid waste advisory committee.~~
- ~~(4)~~ (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- ~~(5)~~ (4) "Department" means the department of ecology.
- ~~(6)~~ (5) "Director" means the director of the department of ecology.
- ~~(7)~~ (6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- ~~(8)~~ (7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- ~~(9)~~ (8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- ~~(10)~~ (9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- ~~(11)~~ (10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.
- ~~(12)~~ (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
- ~~(13)~~ (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- ~~(14)~~ (13) "Local government" means a city, town, or county.
- ~~(15)~~ (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.
- ~~(16)~~ (15) "Multiple family residence" means any structure housing two or more dwelling units.
- ~~(17)~~ (16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- ~~(18)~~ (17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

~~((19))~~ (18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

~~((20))~~ (19) "Residence" means the regular dwelling place of an individual or individuals.

~~((21))~~ (20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

~~((22))~~ (21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

~~((23))~~ (22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

~~((24))~~ (23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

~~((25))~~ (24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

~~((26))~~ (25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

~~((27))~~ (26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in ~~(RCW 70.95.030)~~ this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

~~((28))~~ (27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

~~((29))~~ (28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 126. RCW 43.21A.520 and 1989 c 431 s 47 are each amended to read as follows:

(1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning products;
- (c) Pest control products;
- (d) Automotive, marine, and related maintenance products;
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) ~~(The state solid waste advisory committee shall establish an environmental excellence product award subcommittee to develop and recommend criteria for awarding environmental excellence awards for products. The subcommittee shall also review award~~

ONE HUNDRED SECOND DAY, APRIL 23, 2009

applications and make recommendations to the department. The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee.

—(3)) Products receiving an environmental excellence award pursuant to this section shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

Sec. 127. RCW 70.105.010 and 1989 c 376 s 1 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or the director's designee.

(3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) (~~"Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.~~)

—(10)) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

((11)) (10) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

((12)) (11) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

((13)) (12) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

2009 REGULAR SESSION

((14)) (13) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

((15)) (14) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

((16)) (15) "Local government" means a city, town, or county.

((17)) (16) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

((18)) (17) "Service charge" means an assessment imposed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

Sec. 128. RCW 70.105.160 and 1998 c 245 s 110 are each amended to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in RCW 70.105.150, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed rules, the department shall conduct public hearings regarding the best management practices for the various waste categories studied by the department. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in RCW 70.105.150 for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. (~~The solid waste advisory committee shall review the studies and the new or modified rules.~~)

The studies shall be updated at least once every five years. The funding for these studies shall be from the hazardous waste control and elimination account, subject to legislative appropriation.

Water Supply Advisory Committee

NEW SECTION. Sec. 129. RCW 70.119A.160 (Water supply advisory committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

Sec. 130. RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each amended to read as follows:

(1) It is the intent of the legislature that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

(2) The requirements of this section shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

(3) For the purposes of this section:

(a) Water use efficiency includes conservation planning requirements, water distribution system leakage standards, and water conservation performance reporting requirements; and

(b) "Municipal water supplier" and "municipal water supply purposes" have the meanings provided by RCW 90.03.015.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

(4) To accomplish the purposes of this section, the department shall adopt rules necessary to implement this section by December 31, 2005. The department shall:

(a) Develop conservation planning requirements that ensure municipal water suppliers are: (i) Implementing programs to integrate conservation with water system operation and management; and (ii) identifying how to appropriately fund and implement conservation activities. Requirements shall apply to the conservation element of water system plans and small water system management programs developed pursuant to chapter 43.20 RCW. In establishing the conservation planning requirements the department shall review the current department conservation planning guidelines and include those elements that are appropriate for rule. Conservation planning requirements shall include but not be limited to:

(A) Selection of cost-effective measures to achieve a system's water conservation objectives. Requirements shall allow the municipal water supplier to select and schedule implementation of the best methods for achieving its conservation objectives;

(B) Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation;

(C) Evaluation of each system's water distribution system leakage and, if necessary, identification of steps necessary for achieving water distribution system leakage standards developed under (b) of this subsection;

(D) Collection and reporting of water consumption and source production and/or water purchase data. Data collection and reporting requirements shall be sufficient to identify water use patterns among utility customer classes, where applicable, and evaluate the effectiveness of each system's conservation program. Requirements, including reporting frequency, shall be appropriate to system size and complexity. Reports shall be available to the public; and

(E) Establishment of minimum requirements for water demand forecast methodologies such that demand forecasts prepared by municipal water suppliers are sufficient for use in determining reasonably anticipated future water needs;

(b) Develop water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water distribution systems in a condition that results in leakage rates in compliance with the standards. Limits shall be developed in terms of percentage of total water produced and/or purchased and shall not be lower than ten percent. The department may consider alternatives to the percentage of total water supplied where alternatives provide a better evaluation of the water system's leakage performance. The department shall institute a graduated system of requirements based on levels of water system leakage. A municipal water supplier shall select one or more control methods appropriate for addressing leakage in its water system;

(c) Establish minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance. The objective of setting conservation goals is to enhance the efficient use of water by the water system customers. Performance reporting shall include:

(i) Requirements that municipal water suppliers adopt and achieve water conservation goals. The elected governing board or governing body of the water system shall set water conservation goals for the system. In setting water conservation goals the water supplier may consider historic conservation performance and conservation investment, customer base demographics, regional climate variations, forecasted demand and system supply characteristics, system financial viability, system reliability, and affordability of water rates. Conservation goals shall be established by the municipal water supplier in an open public forum;

(ii) Requirements that the municipal water supplier adopt schedules for implementing conservation program elements and achieving conservation goals to ensure that progress is being made toward adopted conservation goals;

(iii) A reporting system for regular reviews of conservation performance against adopted goals. Performance reports shall be available to customers and the public. Requirements, including reporting frequency, shall be appropriate to system size and complexity;

(iv) Requirements that any system not meeting its water conservation goals shall develop a plan for modifying its conservation program to achieve its goals along with procedures for reporting performance to the department;

(v) If a municipal water supplier determines that further reductions in consumption are not reasonably achievable, it shall identify how current consumption levels will be maintained;

(d) Adopt rules that, to the maximum extent practical, utilize existing mechanisms and simplified procedures in order to minimize the cost and complexity of implementation and to avoid placing unreasonable financial burden on smaller municipal systems.

~~(5) (The department shall establish an advisory committee to assist the department in developing rules for water use efficiency. The advisory committee shall include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross-section of municipal water suppliers, a water utility conservation professional, tribal governments, the department of ecology, and any other members determined necessary by the department. The department may use the water supply advisory committee created pursuant to RCW 70.119A.160 augmented with additional participants as necessary to comply with this subsection to assist the department in developing rules.~~

~~(6))~~ (6) The department shall provide technical assistance upon request to municipal water suppliers and local governments regarding water conservation, which may include development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

~~((7))~~ (6) To ensure compliance with this section, the department shall establish a compliance process that incorporates a graduated approach employing the full range of compliance mechanisms available to the department.

~~((8))~~ (7) Prior to completion of rule making required in subsection (4) of this section, municipal water suppliers shall continue to meet the existing conservation requirements of the department and shall continue to implement their current water conservation programs.

Sec. 131. RCW 90.86.030 and 2005 c 60 s 3 are each amended to read as follows:

(1) The joint legislative committee on water supply during drought shall convene from time to time at the call of the chair when a drought conditions order under RCW 43.83B.405 is in effect, or when the chair determines, in consultation with the department of ecology, that it is likely that such an order will be issued within the next year.

(2) The committee may request and review information relating to water supply conditions in the state, and economic, environmental, and other impacts relating to decreased water supply being experienced or anticipated. The governor's executive water emergency committee, the department of ecology, ~~((the water supply advisory committee))~~ and other state agencies with water management or related responsibilities shall cooperate in responding to requests from the committee.

(3) During drought conditions in which an order issued under RCW 43.83B.405 is in effect, the department of ecology shall provide to the committee no less than monthly a report describing drought response activities of the department and other state and federal agencies participating on the water supply availability committee. The report shall include information regarding applications for, and approvals and denials of emergency water withdrawals and temporary changes or transfers of, water rights under RCW 43.83B.410.

(4) The committee from time to time shall make recommendations to the senate and house of representatives on

ONE HUNDRED SECOND DAY, APRIL 23, 2009

budgetary and legislative actions that will improve the state's drought response programs and planning.

Well Drilling Technical Advisory Group

NEW SECTION. **Sec. 132.** RCW 18.104.190 (Technical advisory group) and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

Sec. 133. RCW 18.104.040 and 1993 c 387 s 4 are each amended to read as follows:

The department shall have the power:

(1) To issue, deny, suspend or revoke licenses pursuant to the provisions of this chapter;

(2) At all reasonable times, to enter upon lands for the purpose of inspecting, taking measurements from, or tagging any well, constructed or being constructed;

(3) To call upon or receive professional or technical advice from the department of health(~~(the technical advisory group created in RCW 18.104.190;))~~) or any other public agency or person;

(4) To adopt rules, in consultation with the department of health (~~(and the technical advisory group created in RCW 18.104.190; governing licensing and well construction)),~~ as may be appropriate to carry out the purposes of this chapter. The rules adopted by the department may include, but are not limited to:

(a) Standards for the construction and maintenance of wells and their casings;

(b) Methods of capping, sealing, and decommissioning wells to prevent contamination of groundwater resources and to protect public health and safety;

(c) Methods of artificial recharge of groundwater bodies and of construction of wells which insure separation of individual water bearing formations;

(d) The manner of conducting and the content of examinations required to be taken by applicants for license hereunder;

(e) Requirements for the filing of notices of intent, well reports, and the payment of fees;

(f) Reporting requirements of well contractors;

(g) Limitations on well construction in areas identified by the department as requiring intensive control of withdrawals in the interests of sound management of the groundwater resource;

(5) To require the operator in the construction of a well and the property owner in the maintenance of a well to guard against waste and contamination of the groundwater resources;

(6) To require the operator to place a well identification tag on a new well and on an existing well on which work is performed after the effective date of rules requiring well identification tags and to place or require the owner to place a well identification tag on an existing well;

(7) To require the well owner to repair or decommission any well:

(a) That is abandoned, unusable, or not intended for future use; or

(b) That is an environmental, safety, or public health hazard.

Sec. 134. RCW 18.104.043 and 2005 c 84 s 2 are each amended to read as follows:

(1) If requested in writing by the governing body of a local health district or county, the department by memorandum of agreement may delegate to the governing body the authority to administer and enforce the well tagging, sealing, and decommissioning portions of the water well construction program.

(2) The department shall determine whether a local health district or county that seeks delegation under this section has the resources, capability, and expertise, including qualified field inspectors, to administer the delegated program. If the department determines the local government has these resources, it shall notify well contractors and operators of the proposal. The department shall accept written comments on the proposal for sixty days after the notice is mailed.

(3) If the department determines that a delegation of authority to a local health district or county to administer and enforce the well sealing and decommissioning portions of the water well construction

2009 REGULAR SESSION

program will enhance the public health and safety and the environment, the department and the local governing body may enter into a memorandum of agreement setting forth the specific authorities delegated by the department to the local governing body. The memorandum of agreement must be, at a minimum, reviewed annually. The department(~~(in consultation with the technical advisory group, created under RCW 18.104.190;))~~) shall adopt rules outlining the annual review and reporting process. A detailed summary of the review must be made available to well contractors and operators upon request and be published on the department's web site.

(4) With regard to the portions of the water well construction program delegated under this section, the local governing agency shall exercise only the authority delegated to it under this section. If, after a public hearing, the department determines that a local governing body is not administering the program in accordance with this chapter, it shall notify the local governing body of the deficiencies. If corrective action is not taken within a reasonable time, not to exceed sixty days, the department by order shall withdraw the delegation of authority.

(5) The department shall promptly furnish the local governing body with a copy of each water well report and notification of start cards received in the area covered by a delegated program.

(6) The department and the local governing body shall coordinate to reduce duplication of effort and shall share all appropriate information including technical reports, violations, and well reports.

(7) Any person aggrieved by a decision of a local health district or county under a delegated program may appeal the decision to the department. The department's decision is subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

(8) The department shall not delegate the authority to license well contractors, renew licenses, receive notices of intent to commence constructing a well, receive well reports, or collect state fees provided for in this chapter.

Sec. 135. RCW 18.104.049 and 1993 c 387 s 7 are each amended to read as follows:

The department by rule shall adopt procedures to permit a well operator to modify construction standards to meet unforeseen circumstances encountered during the construction of a well. (~~(The procedures shall be developed in consultation with the technical advisory group established in RCW 18.104.190;))~~)

Sec. 136. RCW 18.104.100 and 2005 c 84 s 5 are each amended to read as follows:

(1) Licenses issued pursuant to this chapter shall be renewed every two years. A license shall be renewed upon payment of a renewal fee and completion of continuing education requirements and receipt of a completed license renewal application. If a licensee fails to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education, the license shall be suspended at the end of its effective term. The licensee is not allowed to perform work authorized by their license during the time that it is suspended. The licensee is allowed thirty days to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education for the renewal period. Continuing education obtained during the thirty-day suspension period may be applied only to the next renewal period. If a licensee fails to submit an application for renewal, the renewal fee, and proof of completion of the required continuing education by the end of the thirty-day suspension period, the license expires. The department shall adopt rules(~~(in consultation with the technical advisory group created under RCW 18.104.190;))~~) that allow for an extension of the thirty-day suspension period for certain situations that are beyond the control of the licensee. The rules must also allow for a retirement or inactive license.

(2) A person whose license has expired must apply for a new license as provided in this chapter. The department may waive the requirement for a written examination and on-site testing for a person whose license has expired.

(3) The department may refuse to renew a license if the licensee has not complied with an order issued by the department or has not

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

paid a penalty imposed in accordance with this chapter, unless the order or penalty is under appeal.

(4) The department may issue a conditional license to enable a former licensee to comply with an order to correct problems with a well.

Sec. 137. RCW 18.104.200 and 2005 c 84 s 6 are each amended to read as follows:

(1) A person seeking a new license or to renew an existing license under this chapter must demonstrate a willingness to maintain a high level of professional competency by completing continuing education programs as required by the department by rule. The department shall not approve any continuing education program unless: (a) It is offered by an approved provider; (b) it is open to all persons licensed or pursuing a license under this chapter; and (c) the fees charged are reasonable for all persons desiring to attend the program.

(2) The department ~~(in consultation with the technical advisory group created in RCW 18.104.190)~~ shall adopt rules governing continuing education programs. At a minimum, the rules must establish: A method of approving providers of continuing education; a criteria to evaluate the offerings, workshops, courses, classes, or programs; a criteria for assigning credits; and a criteria for reporting and verifying completion.

(3) The department shall support approved providers by providing, upon request and at the department's discretion, technical assistance and presenters for continuing education offerings.

(4) The department shall maintain a current list of all continuing education offerings by approved providers and ensure that the list is available to all licensees by request. The list must also be posted on the department's web site.

Lieutenant Governor Appointments and Assignments

Sec. 138. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

- (a) Capitol furnishings preservation committee, RCW 27.48.040;
- (b) Washington higher education facilities authority, RCW 28B.07.030;
- (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
- (d) State finance committee, RCW 43.33.010;
- (e) State capitol committee, RCW 43.34.010;
- (f) Washington health care facilities authority, RCW 70.37.030;
- (g) State medal of merit nominating committee, RCW 1.40.020;
- (h) Medal of valor committee, RCW 1.60.020; and
- (i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- (a) ~~(Organized crime advisory board, RCW 43.43.858;~~
- ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;
- ~~(c))~~ (b) Office of public defense advisory committee, RCW 2.70.030;
- ~~(d))~~ (c) Washington state gambling commission, RCW 9.46.040;
- ~~(e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
- ~~(f))~~ (e) State building code council, RCW 19.27.070;
- ~~(g))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;
- ~~(h))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;
- ~~(i))~~ (h) Joint administrative rules review committee, RCW 34.05.610;
- ~~(j))~~ (i) Capital projects advisory review board, RCW 39.10.220;

- ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
- ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;
- ~~((m))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;
- ~~((n))~~ (m) Legislative oral history ~~(advisory)~~ committee, RCW ~~(43.07.230)~~ 44.04.325;
- ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
- ~~((p))~~ (o) State investment board, RCW 43.33A.020;
- ~~((q))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;
- ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
- ~~((s))~~ (r) Information services board, RCW 43.105.032;
- ~~((t))~~ ~~K-20 educational network board, RCW 43.105.800;~~
- ~~((u))~~ (s) Municipal research council, RCW 43.110.010;
- ~~((v))~~ (t) Council for children and families, RCW 43.121.020;
- ~~((w))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;
- ~~((x))~~ (v) Community economic revitalization board, RCW 43.160.030;
- ~~((y))~~ (w) Washington economic development finance authority, RCW 43.163.020;
- ~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~
- ~~((aa))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;
- ~~((bb))~~ (y) Legislative children's oversight committee, RCW 44.04.220;
- ~~((cc))~~ (z) Joint legislative audit and review committee, RCW 44.28.010;
- ~~((dd))~~ (aa) Joint committee on energy supply and energy conservation, RCW 44.39.015;
- ~~((ee))~~ (bb) Legislative evaluation and accountability program committee, RCW 44.48.010;
- ~~((ff))~~ (cc) Agency council on coordinated transportation, RCW 47.06B.020;
- ~~((gg))~~ (dd) Manufactured housing task force, RCW 59.22.090;
- ~~((hh))~~ (ee) Washington horse racing commission, RCW 67.16.014;
- ~~((ii))~~ (ff) Correctional industries board of directors, RCW 72.09.080;
- ~~((jj))~~ (gg) Joint committee on veterans' and military affairs, RCW 73.04.150;
- ~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~
- ~~((ll))~~ ~~Puget Sound council, RCW 90.71.030;~~
- ~~((mm))~~ (hh) Joint legislative committee on water supply during drought, RCW 90.86.020;
- ~~((nn))~~ (ii) Statute law committee, RCW 1.08.001; and
- ~~((oo))~~ (jj) Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 139. A new section is added to chapter 34.05 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 34.05.610 (joint administrative rules review committee).

NEW SECTION. Sec. 140. A new section is added to chapter 43.185B RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.185B.020 (affordable housing advisory board).

NEW SECTION. Sec. 141. A new section is added to chapter 43.20A RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.20A.685 (council on aging).

NEW SECTION. Sec. 142. A new section is added to chapter 70.94 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.94.650(6) (agricultural burning practices and research task force).

ONE HUNDRED SECOND DAY, APRIL 23, 2009

NEW SECTION. Sec. 143. A new section is added to chapter 28B.108 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.108.030 (American Indian endowed scholarship advisory and selection commission).

NEW SECTION. Sec. 144. A new section is added to chapter 46.66 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 46.66.010 (auto theft prevention authority). During the temporary suspension, the powers, duties, and authority of the auto theft prevention authority shall be assumed by the executive board of the Washington association of sheriffs and police chiefs within the current resources of the association.

NEW SECTION. Sec. 145. A new section is added to chapter 70.195 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.195.010 (birth-to-six interagency coordinating council).

NEW SECTION. Sec. 146. The following act is temporarily suspended until July 1, 2011: 2007 c 354 s 12 (uncodified) (career and technical education curricula advisory committee).

NEW SECTION. Sec. 147. A new section is added to chapter 43.31 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.31.504 (child care facility fund committee).

NEW SECTION. Sec. 148. A new section is added to chapter 26.19 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 26.19.025 (child support guidelines and review report work group).

NEW SECTION. Sec. 149. A new section is added to chapter 35.78 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

- (1) RCW 35.78.020 (city and county design standards); and
- (2) RCW 43.32.010.

NEW SECTION. Sec. 150. A new section is added to chapter 43.32 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

- (1) RCW 35.78.020 (city and county design standards); and
- (2) RCW 43.32.010.

Sec. 151. RCW 18.235.020 and 2009 c 102 s 5 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Collection agencies under chapter 19.16 RCW;

~~(xx) Whitewater river outfitters under chapter 79A.60 RCW;~~

~~and~~ ~~((~~xx~~))~~ (xxi) Home inspectors under chapter 18.280 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

~~(ii) ((The Washington state collection agency board established in chapter 19.16 RCW;~~

~~—(iii))~~ (iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

~~((~~iv~~))~~ (iii) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

~~((~~v~~))~~ (iv) The state board of registration for landscape architects established in chapter 18.96 RCW; and

~~((~~vi~~))~~ (v) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 152. RCW 19.16.100 and 2003 c 203 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself or herself in his or her own name;

(c) Any person who in attempting to collect or in collecting his or her own claim uses a fictitious name or any name other than his or her own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer;

(c) Any person whose collection activities are carried on in his, her, or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to: Trust companies; savings and loan associations; building and loan associations; abstract companies

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

doing an escrow business; real estate brokers; property management companies collecting assessments, charges, or fines on behalf of condominium unit owners associations, associations of apartment owners, or homeowners' associations; public officers acting in their official capacities; persons acting under court order; lawyers; insurance companies; credit unions; loan or finance companies; mortgage banks; and banks;

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account;

(e) An "out-of-state collection agency" as defined in this chapter; or

(f) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of the person is not the collection of debts.

(4) "Out-of-state collection agency" means a person whose activities within this state are limited to collecting debts from debtors located in this state by means of interstate communications, including telephone, mail, or facsimile transmission, from the person's location in another state on behalf of clients located outside of this state, but does not include any person who is excluded from the definition of the term "debt collector" under the federal fair debt collection practices act (15 U.S.C. Sec. 1692a(6)).

(5) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(6) "Statement of account" means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

(7) "Director" means the director of licensing.

(8) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(9) "Licensee" means any person licensed under this chapter.

(10) (~~"Board" means the Washington state collection agency board.~~
~~---(H))~~) "Debtor" means any person owing or alleged to owe a claim.

~~((H2))~~ (11) "Commercial claim" means any obligation for payment of money or thing of value arising out of any agreement or contract, express or implied, where the transaction which is the subject of the agreement or contract is not primarily for personal, family, or household purposes.

Sec. 153. RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended to read as follows:

On or about the first day of February in each year, the director shall cause to be made available at reasonable expense to a licensee a copy of this chapter, a copy of the current rules and regulations of the director(~~(, and board,))~~ and such other materials as the director or board may prescribe.

NEW SECTION. Sec. 154. A new section is added to chapter 19.16 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011:

1. RCW 19.16.280 (Board created--Composition of board--Qualification of members) and 1971 ex.s. c 253 s 19;
2. RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal) and 1971 ex.s. c 253 s 20;
3. RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and 1971 ex.s. c 253 s 21;
4. RCW 19.16.310 (Board--Compensation--Reimbursement of travel expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971 ex.s. c 253 s 22;
5. RCW 19.16.320 (Board--Territorial scope of operations) and 1971 ex.s. c 253 s 23;
6. RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253 s 24;
7. RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;
8. RCW 19.16.351 (Additional powers and duties of board) and 2002 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;

9. RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s 4 & 1971 ex.s. c 253 s 32; and

10. RCW 19.16.420 (Copy of this chapter, rules and regulations available to licensee) and 1971 ex.s. c 253 s 33.

NEW SECTION. Sec. 155. A new section is added to chapter 72.78 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 72.78.030 (community transition coordination networks advisory committee).

NEW SECTION. Sec. 156. A new section is added to chapter 70.198 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 79.198.020 (deaf and hard of hearing advisory council).

NEW SECTION. Sec. 157. A new section is added to chapter 28A.175 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.175.075 (drop-out prevention state-level leadership group).

NEW SECTION. Sec. 158. A new section is added to chapter 43.06B RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.06B.010 (education ombudsman appointment committee).

NEW SECTION. Sec. 159. A new section is added to chapter 44.39 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 44.39.010 (joint committee on energy supply and energy conservation).

NEW SECTION. Sec. 160. A new section is added to chapter 38.52 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 38.52.530 (enhanced 911 advisory committee).

NEW SECTION. Sec. 161. A new section is added to chapter 43.22 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.22.420 (factory assembled structures advisory board).

NEW SECTION. Sec. 162. The following act is temporarily suspended until July 1, 2011: 2007 c 357 s 2 (uncodified) (joint legislative task force on family leave insurance).

NEW SECTION. Sec. 163. A new section is added to chapter 28A.300 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.300.450 (financial literacy public-private partnership).

NEW SECTION. Sec. 164. A new section is added to chapter 43.31 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.31.425 (Hanford area economic investment fund committee).

NEW SECTION. Sec. 165. A new section is added to chapter 70.47A RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 70.47A.100 (health insurance partnership board).

NEW SECTION. Sec. 166. A new section is added to chapter 28B.115 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.115.050 (health professional loan repayment and scholarship advisory committee).

NEW SECTION. Sec. 167. RCW 79A.30.030 (Washington state horse park authority--Formation--Powers--Articles of incorporation--Board) and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

NEW SECTION. Sec. 168. A new section is added to chapter 77.85 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 77.85.200 (lower Columbia fish recovery board).

ONE HUNDRED SECOND DAY, APRIL 23, 2009

NEW SECTION. Sec. 169. A new section is added to chapter 28A.305 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.305.219 (mathematics advisory panel and science advisory panel).

NEW SECTION. Sec. 170. A new section is added to chapter 1.40 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 1.40.020 (medal of merit committee).

NEW SECTION. Sec. 171. A new section is added to chapter 1.60 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 1.60.020 (state medal of valor committee).

NEW SECTION. Sec. 172. A new section is added to chapter 13.60 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 13.60.120 (missing and exploited children task force).

NEW SECTION. Sec. 173. A new section is added to chapter 43.147 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: Chapter 43.147 RCW (Pacific Northwest economic region delegate council and executive committee).

NEW SECTION. Sec. 174. A new section is added to chapter 28B.10 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28B.10.922 (performance agreement committee).

NEW SECTION. Sec. 175. A new section is added to chapter 28A.195 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.195.050 (private school advisory committee).

NEW SECTION. Sec. 176. A new section is added to chapter 36.102 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 36.102.040 (public stadium authority advisory committee).

NEW SECTION. Sec. 177. A new section is added to chapter 41.04 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 41.04.276 (select committee on pension policy).

NEW SECTION. Sec. 178. The following act is temporarily suspended until July 1, 2011: 2008 c 195 s 2 (uncodified) (recreation on state trust lands work group).

NEW SECTION. Sec. 179. A new section is added to chapter 74.18 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 74.18.070 (rehabilitation council for the department of services for the blind).

NEW SECTION. Sec. 180. A new section is added to chapter 28A.600 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.600.130 (scholars advisory and selection committee).

NEW SECTION. Sec. 181. A new section is added to chapter 28A.160 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.160.195 (school bus equipment and specifications committee).

NEW SECTION. Sec. 182. The following acts or parts of acts are each repealed: 2007 c 520 s 6016 (uncodified) (joint legislative task force on school construction funding); and

2007 c 520 s 6025 (uncodified) (study committee on public infrastructure programs and funding structures).

NEW SECTION. Sec. 183. A new section is added to chapter 28A.525 RCW to read as follows:

2009 REGULAR SESSION

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.525.025 (school facilities citizen advisory panel).

NEW SECTION. Sec. 184. A new section is added to chapter 43.210 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 43.210.030 (small business export finance assistance center board).

NEW SECTION. Sec. 185. A new section is added to chapter 28A.175 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 28A.175.075 (state-level leadership group).

NEW SECTION. Sec. 186. A new section is added to chapter 2.53 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 2.53.040 (task force on statewide protocols for dissolution cases).

NEW SECTION. Sec. 187. A new section is added to chapter 58.24 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 58.24.020 (survey advisory board).

NEW SECTION. Sec. 188. A new section is added to chapter 44.55 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 44.55.020 (joint legislative oversight committee on trade policy).

NEW SECTION. Sec. 189. The following act is temporarily suspended until July 1, 2011: 2007 c 288 s 2 (uncodified) (joint legislative task force on underground economy in the construction industry).

NEW SECTION. Sec. 190. A new section is added to chapter 90.86 RCW to read as follows:

The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 90.86.010 (joint legislative committee on water supply during drought).

NEW SECTION. Sec. 191. The activities of the following boards and commissions shall be suspended until July 1, 2011:

- (1) The joint select committee on beer and wine regulation; and
- (2) The committee on legislative old timers events.

NEW SECTION. Sec. 192. The following acts or parts of acts are each temporarily suspended until July 1, 2011: RCW 90.56.120 (oil spill advisory council--Meetings--Travel expenses and compensation).

NEW SECTION. Sec. 193. A new section is added to chapter 43.20A RCW to read as follows:

The following committees established pursuant to authority granted in RCW 43.20A.350 are each suspended until July 1, 2011:

- (1) Economic services advisory committee;
- (2) Medicaid school administrative match advisory committee;
- (3) Family to family advisory council, region 3.

Commission on Equipment

NEW SECTION. Sec. 194. The following acts or parts of acts are each repealed:

1. RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;
2. RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 & 1963 c 204 s 2;
3. RCW 46.38.030 (Effective date of rules, etc. of vehicle safety equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, & 1963 c 204 s 3;
4. RCW 46.38.040 (Appointment of commissioner and alternate commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;
5. RCW 46.38.050 (Cooperation of state agencies with vehicle equipment safety commission) and 1963 c 204 s 5;
6. RCW 46.38.060 (State officers for the filing of documents and receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

7. RCW 46.38.070 (Vehicle equipment safety commission to submit budgets to director of financial management) and 1979 c 151 s 160 & 1963 c 204 s 7;

8. RCW 46.38.080 (State auditor to inspect accounts of vehicle equipment safety commission) and 1963 c 204 s 8; and

9. RCW 46.38.090 (Withdrawal from compact, "executive head" defined) and 1963 c 204 s 9.

Western States School Bus Safety Commission

NEW SECTION. **Sec. 195.** The following acts or parts of acts are each repealed:

(1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88 s 1; and

(2) RCW 46.39.020 (Designation of Washington state commissioners) and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

NEW SECTION. **Sec. 196.** The traumatic brain injury grant advisory board must be dissolved by July 1, 2010. The traumatic brain injury council shall assume all duties and powers of the traumatic brain injury grant advisory board necessary to retain any federal grants.

Sec. 197. RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs.
- (2) "Director" means the director of the department of veterans affairs.
- (3) "Committee" means the veterans affairs advisory committee.
- ~~((4) "Board" means the veterans innovations program board.))~~

Sec. 198. RCW 43.60A.080 and 1995 c 25 s 1 are each amended to read as follows:

(1) There is hereby created a veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The committee shall be composed of seventeen members to be appointed by the governor, and shall consist of the following:

(a) One representative of the Washington soldiers' home and colony at Orting and one representative of the Washington veterans' home at Retsil. Each home's resident council may nominate up to three individuals whose names are to be forwarded by the director to the governor. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(b) One representative each from the three congressionally chartered or nationally recognized veterans service organizations as listed in the current "Directory of Veterans Service Organizations" published by the United States department of veterans affairs with the largest number of active members in the state of Washington as determined by the director. The organizations' state commanders may each submit a list of three names to be forwarded to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(c) Ten members shall be chosen to represent those congressionally chartered or nationally recognized veterans service organizations listed in the directory under (b) of this subsection and having at least one active chapter within the state of Washington. Up to three nominations may be forwarded from each organization to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(d) Two members shall be veterans at large. Any individual or organization may nominate a veteran for an at-large position. Organizational affiliation shall not be a prerequisite for nomination or appointment. All nominations for the at-large positions shall be forwarded by the director to the governor.

(e) No organization shall have more than one official representative on the committee at any one time.

(f) In making appointments to the committee, care shall be taken to ensure that members represent all geographical portions of the

state and minority viewpoints, and that the issues and views of concern to women veterans are represented.

(2) All members shall have terms of four years. In the case of a vacancy, appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member may serve more than two consecutive terms, with vacancy appointments to an unexpired term not considered as a term. Members appointed before June 11, 1992, shall continue to serve until the expiration of their current terms; and then, subject to the conditions contained in this section, are eligible for reappointment.

(3) The committee shall adopt an order of business for conducting its meetings.

(4) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable; and

(c) To exercise the powers granted under RCW 43.60A.160 through 43.60A.185 related to the competitive grant program.

(5) Members of the committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. **Sec. 199.** The following acts or parts of acts are each repealed:

1. RCW 43.60A.170 (Competitive grant program--Veterans innovations program board--Travel expenses) and 2006 c 343 s 5;

2. RCW 43.131.405 (Veterans innovations program--Termination) and 2006 c 343 s 10; and

3. RCW 43.131.406 (Veterans innovations program--Repeal) and 2006 c 343 s 11.

NEW SECTION. **Sec. 200.** The HIV policy collaborative established under RCW 43.70.040 must be dissolved by July 1, 2010. The HIV/AIDS education program review panel must assume all duties and powers of the HIV policy collaborative necessary to retain any federal grants.

NEW SECTION. **Sec. 201.** By July 1, 2010, the governor shall recommend to the legislature which of the boards and commissions, created either by statute or by action of the executive branch, shall receive state funding, those whose activities shall be suspended, and those which shall be terminated either by legislative or executive branch action.

NEW SECTION. **Sec. 202.** (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. **Sec. 203.** Any agency or state or local government entity that is required by statute to consult with a board or commission suspended or eliminated by this act shall instead seek informed opinions from other individuals or groups engaged in similar activities, as the director or governing body feels is appropriate.

NEW SECTION. **Sec. 204.** Section 18 of this act expires June 1, 2013.

NEW SECTION. **Sec. 205.** Sections 151 through 153 of this act expire July 1, 2011.

NEW SECTION. **Sec. 206.** Subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 207.** Sections 2 through 31, 98, 99, 167, 182, 183, 192, 194, 195, 202, and 203 of this act are necessary

ONE HUNDRED SECOND DAY, APRIL 23, 2009

for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 2009.

NEW SECTION. Sec. 208. Sections 32 through 97 and 100 through 137 of this act take effect June 30, 2010."

Senator Pridemore spoke in favor of adoption of the striking amendment.

MOTION

Senator King moved that the following amendment by Senators King and Pridemore to the striking amendment be adopted.

On page 82, line 1 strike all material through "corporation." On line 20 of page 84

On page 137, line 17 of the title amendment, after "16.57.353," strike "46.09.020,"

On page 138, line 30 of the title amendment, after "71.09.320" strike "46.09.280"

Senators King and Pridemore spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Pridemore on page 82, line 1 to the striking amendment to Senate Bill No. 5995.

The motion by Senator King carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pridemore moved that the following amendment by Senator Pridemore to the striking amendment be adopted.

On page 130, line 30 of the amendment, after "c 520" strike "s 6025" and insert "s 6026"

Senator Pridemore spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 130, line 30 to the striking amendment to Senate Bill No. 5995.

The motion by Senator Pridemore carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore as amended to Senate Bill No. 5995.

The motion by Senator Pridemore carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "2009;" strike the remainder of the title and insert "amending RCW 18.06.080, 70.128.163, 18.44.011, 18.44.195, 18.44.221, 18.44.251, 19.146.225, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.43.930, 43.43.938, 43.43.962, 43.43.934, 38.52.530, 49.26.120, 48.62.061, 48.62.161, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130, 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 16.57.353, 46.09.020, 18.210.010, 18.210.050,

2009 REGULAR SESSION

18.210.060, 70.118.110, 43.43.866, 43.10.240, 18.200.010, 18.200.050, 18.200.070, 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 43.15.020, 18.235.020, 19.16.100, 19.16.420, 43.60A.010, and 43.60A.080; reenacting and amending RCW 70.105D.030 and 74.15.030; adding a new section to chapter 34.05 RCW; adding a new section to chapter 43.185B RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 28B.108 RCW; adding a new section to chapter 46.66 RCW; adding a new section to chapter 70.195 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 26.19 RCW; adding a new section to chapter 35.78 RCW; adding a new section to chapter 43.32 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 72.78 RCW; adding a new section to chapter 70.198 RCW; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 44.39 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW; adding a new section to chapter 13.60 RCW; adding a new section to chapter 43.147 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 36.102 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 74.18 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 43.210 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 58.24 RCW; adding a new section to chapter 44.55 RCW; adding a new section to chapter 90.86 RCW; creating new sections; repealing RCW 28B.04.085, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510, 79A.25.220, 19.146.280, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 43.360.040, 28B.116.040, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, 74.32.180, 28B.50.254, 18.250.030, 43.63A.068, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 70.198.010, 43.43.932, 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 16.57.015, 71.09.320, 46.09.280, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 70.119A.160, 18.104.190, 79A.30.030, 46.38.010, 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 46.39.010, 46.39.020, 43.60A.170, 43.131.405, and 43.131.406; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 2007 c 520 s 6016 (uncodified); repealing 2007 c 520 s 6026 (uncodified); providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Schoesler and Parlette spoke in favor of passage of the bill.

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5995.

exercise powers of its forming governments.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

MOTION

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Senator Jarrett moved that the following striking amendment by Senator Jarrett and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.34 RCW to read as follows:

Excused: Senator Fraser

ENGROSSED SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(1) As limited in subsection (3) of this section, a watershed management partnership formed or qualified under the authority of RCW 39.34.200 and 39.34.210, including the separate legal entity established by such a partnership under RCW 39.34.030(3)(b) to conduct the cooperative undertaking of the partnership under the same statutory authority, may exercise the power of eminent domain as provided in chapter 8.12 RCW.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

(2) The eminent domain authority granted under subsection (1) of this section may be exercised only for those utility purposes for which the watershed partnership was formed and is limited solely to providing water services to its customers.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House concurs in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1332, 1332-S AMS JARR S3091.1 and refuses to concur in amendment 1332-S AMS CARR KIRC 013 and ask the Senate to recede therefrom. and the same is herewith transmitted.

(3) Subsection (1) of this section applies only to a watershed management partnership that:

(a) Was formed or qualified before July 1, 2006, under the authority of RCW 39.34.200 and 39.34.210;

(b) Is not engaged in planning or in implementing a plan for a water resource inventory area under the terms of chapter 90.82 RCW;

BARBARA BAKER, Chief Clerk

MOTION

Senator Jarrett moved that the Senate recede from its position on the Senate amendment to Substitute House Bill No. 1332.

(c) Is composed entirely of cities and water-sewer districts authorized to exercise the power of eminent domain in the manner provided by chapter 8.12 RCW; and

(d) Is governed by a board of directors consisting entirely of elected officials from the cities and water-sewer districts that constitute the watershed management partnership.

The President declared the question before the Senate to be motion by Senator Jarrett that the Senate recede from its position on the Senate amendment to Substitute House Bill No. 1332.

(4) A watershed management partnership exercising authority under this section shall:

(a) Comply with the notice requirements of RCW 8.25.290;

(b) Provide notice to the city, town, or county with jurisdiction over the subject property by certified mail thirty days prior to the partnership board authorizing condemnation; and

The motion by Senator Jarrett carried and the Senate receded from its amendment to Substitute House Bill No. 1332 by voice vote.

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising eminent domain authority under this section.

MOTION

On motion of Senator Jarrett, the rules were suspended and Substitute House Bill No. 1332 was returned to second reading for the purposes of amendment.

(5) The legislature is currently unaware of any information suggesting that the expected use by the watershed management partnership of the Lake Tapps water supply will have a significantly adverse effect on surrounding communities. However, if the watershed management partnership's Lake Tapps water supply operations result in a negative impact to the water supplies of a city that is not a member of the watershed management partnership and the city has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, the city claiming a negative impact under this subsection must notify the watershed management partnership of their claim and give the partnership at least sixty days to resolve the claimed impact. If the watershed management partnership fails to resolve the claimed negative impact or disputes that the negative impact exists, the city claiming the negative impact under this subsection may pursue existing legal remedies in accordance with state and federal law. If a court determines that a negative impact has occurred as provided under this subsection, the watershed management partnership shall implement a remedy acceptable to the claiming city. If the affected city or cities and the watershed management partnership cannot

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1332, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell)

Granting authority of a watershed management partnership to

ONE HUNDRED SECOND DAY, APRIL 23, 2009

agree on the terms required under this subsection, the court shall establish the terms for the remedy required under this subsection."

Senator Jarrett spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jarrett and others to Substitute House Bill No. 1332.

The motion by Senator Jarrett carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "and adding a new section to chapter 39.34 RCW."

MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1332 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett, Roach and Kauffman spoke in favor of passage of the bill.

MOTION

On motion of Senator Stevens, Senator Pflug was excused.

Senator Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1332 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1332 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Hargrove, Holmquist, Morton and Stevens

Excused: Senator Fraser

SUBSTITUTE HOUSE BILL NO. 1332 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Jacobsen: "While all the members are still here I want to just announce that tomorrow at noon we'll dedicate on the campus here a butternut tree dedicated to Martin Luther King and George Washington Bush who was the first African American settler in the state of Washington. The tree that's out there, that's already been transplanted, is actually a direct descendent of the one he brought out with him when he came out in his covered wagon in

2009 REGULAR SESSION

about the 1850's. He ended up coming to Washington State because here he could be free and practice to be a farmer whereas in Oregon they would of treated as being discriminated against and so practice, be a farmer, whereas in Oregon, they would've been treated as a, had been discriminated against and so it's a chance to see a little bit of history. He was quite a guy. I didn't realize this, he fought in the Battle of New Orleans for the United States and also came out here as a trapper with the Hudson's Bay Company and then later on, after he'd settled in Missouri, he turned around and decided he was going to emigrate out of Missouri and come out where he could be free and ended up living in Washington State. There's only, as far as I can tell, only one blotch on the family history. His son, the eldest, William Owens Bush, served twice in the Washington State Legislature and, to my dismay, in 1890 introduced a bill establishing an institution that is now Washington State University. Thank you Mr. President."

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5617 and again asks Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate adhere to its position and refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5617.

The President declared the question before the Senate to be motion by Senator Kauffman that the Senate adhere to its position and refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5617.

The motion by Senator Kauffman carried and the Senate insisted on its position in the House amendment(s) to Engrossed Senate Bill No. 5617 by voice vote.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 5574 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Clibborn, Eddy, and Shea
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5574 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

ONE HUNDRED SECOND DAY, APRIL 23, 2009

2009 REGULAR SESSION

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5574 and the House amendment(s) there to: Senators Kohl-Welles, Kauffman and Holmquist.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5840. The Speaker has appointed the following members as Conferees:

Representatives McCoy, Kessler, and Crouse.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 5840 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5840 and the House amendment(s) there to: Senators Brown, Rockefeller and Honeyford.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 8:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 24, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 24, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Berkey.

The Sergeant at Arms Color Guard consisting of Pages Randy Fishman and Jonathon Peterson, presented the Colors. Pastor Gregory Christopher of Shiloh Baptist Church of Tacoma offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 23, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

H. JEFFERY HOWARD, appointed April 9, 2009, for the term ending December 5, 2012, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8658

By Senators McAuliffe, Parlette, Murray, Regala, Kauffman, McDermott, Marr, King, Oemig, Hewitt, Eide, and Kohl-Welles

WHEREAS, The arts, including dance, music, theatre, and visual arts, are defined as a core content area in Washington State's definition of basic education, and considered an essential component of the complete education that should be provided for all students; and

WHEREAS, Learning in and through the arts enables students to develop critical thinking and problem-solving skills, imagination

and creativity, discipline, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding, which supports academic success across the curriculum as well as personal growth outside the classroom; and

WHEREAS, Imagination and creativity are increasingly understood as critical capacities needed for success in life in the twenty-first century and students learn these skills through meaningful learning in the arts; and

WHEREAS, The arts can bring every academic subject to life and that the integration of the arts within the broader academic curriculum, including reading, mathematics, science, and social studies, can enhance student engagement, extend student learning, and deepen student understanding of all the academic content areas; and

WHEREAS, The arts can transform our schools into havens of creativity and exploration places where students want to learn, teachers want to teach, and all members of the learning community are more engaged and motivated; and

WHEREAS, We applaud the efforts and dedication of educators and advocates around the state, and we call for school and community leaders to continue to broaden and strengthen their arts education focus in order to ensure equity of access to arts learning for all students;

NOW, THEREFORE, BE IT RESOLVED, That the Senate reaffirms the importance of the arts as an essential part of a complete education for all students; and

BE IT FURTHER RESOLVED, That May 2009 is recognized by the Governor as Arts Education Month in Washington State, and all communities are encouraged to celebrate the arts with meaningful activities and programs for students, teachers, and the public that demonstrate learning and understanding in the arts, and all citizens are urged to become interested in and give full support to quality school arts programs for children and youth.

Senators McAuliffe, Eide, Kohl-Welles, McDermott, Franklin and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Washington Alliance for Arts Education who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9033, John Ellis, as a member of the Gambling Commission, be confirmed.

Senator Delvin spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Berkey, Brown and Tom were excused.

APPOINTMENT OF JOHN ELLIS

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9033, John Ellis as a member of the Gambling Commission.

At 11:53 a.m., on motion of Senator McDermott, the Senate was declared to be recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9041, Earl Hale, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Eide, Fairley, Hobbs and McAuliffe were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, McCaslin, Morton and Roach were excused.

APPOINTMENT OF EARL HALE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9041, Earl Hale as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9041, Earl Hale as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yeas: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Franklin, Fraser, Haugen, Hewitt, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hargrove, Hatfield and Kline

Excused: Senators Eide, Fairley, Hobbs, Jacobsen, McAuliffe and Morton

Gubernatorial Appointment No. 9041, Earl Hale, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2009

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9033, John Ellis as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yeas: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nays: Senator Kauffman

Excused: Senator Berkey

Gubernatorial Appointment No. 9033, John Ellis, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

At 10:29 a.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:51 a.m. by President Owen.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House grants the request of Senate for a conference on SECOND SUBSTITUTE SENATE BILL NO. 5433. The Speaker has appointed the following members as Conferees:

Representatives Hunter, Nelson and Orcutt.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 5433 and the House amendment(s) thereto: Senators Tom, Regala and King.

MOTION

On motion of Senator McDermott, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator McDermott, Senators Franklin and Jacobsen were excused.

MOTION

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

MR. PRESIDENT:

MESSAGE FROM THE HOUSE

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 and asks Senate to recede therefrom. and the same is herewith transmitted.

April 8, 2009

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1701 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1701 and ask the House to concur hereon.

The motion by Senator Kastama carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1701 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5013 with the following amendments: 5013.E AMH BARC 025 & 5013.E AMH GOOD BARC 034

On page 4, line 8, after "as" strike "processing ex parte orders," and insert "~~((processing ex parte orders,))~~"

On page 4, line 12, after "(12)" insert "For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 24, after "(28)" strike all material through "(29)" on line 28

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 19, after "(4)" insert "(a)"

On page 3, after line 30, insert the following:

"(b) For preparing a copy of any instrument, document, or file without a seal, the clerk may waive all or part of the fees established in (a) of this subsection for members of the news media as defined in RCW 5.68.010(5)."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in House amendment number 621 to Engrossed Senate Bill No. 5013 and ask the House to recede therefrom.

Senators Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in House amendment number 621 to Engrossed Senate Bill No. 5013 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in House amendment number 621 to Engrossed Senate Bill No. 5013 and asked the House to recede therefrom by voice vote.

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5263 with the following amendment: 5263-S.E AMH DICK ADAM 067

On page 3, line 37, after "activities" insert ". However, a school security officer may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of the device that is equivalent to the training received by commissioned law enforcement officers. A school security officer who has completed the necessary training to possess a device listed in subsection (1)(f) of this section may not use the device on or against a student unless the student's behavior poses a threat of great bodily harm, as defined in 9A.04.110, or loss of life. For the purposes of this subsection (3)(b), "school security officer" means a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House receded in its amendment to SENATE BILL NO. 5359. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5359 AMH HUNS REIL 037, and passed the bill as amended by the House.

On page 1, line 14, after "other." Strike "(No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot.))" and insert "No paper ballot or ballot card may be marked by or at the direction of an election official in any way that would permit the identification of the person who voted that ballot."

On page 1, line 17, after "(2)" remove all material through "official." on page 2, line 15 and insert "An elections official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

Senator Oemig moved that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

Senator Oemig spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Oemig that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Oemig carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5359 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Fraser and Schoesler

Excused: Senators Eide, Hobbs, Jacobsen and McAuliffe

SENATE BILL NO. 5359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Delvin, Senator Schoesler was excused.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5525 with the following amendment: 5525 AMH WAYS H3348.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2007 c 483 s 304 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) (Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or

both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(i) A sex offense;

(ii) A violent offense;

(iii) A crime against persons as defined in RCW 9.94A.411;

(iv) A felony that is domestic violence as defined in RCW 10.99.020;

(v) A violation of RCW 9A.52.025 (residential burglary);

(vi) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(vii) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(C) Has no prior conviction for:

(i) A sex offense;

(ii) A violent offense;

(iii) A crime against persons as defined in RCW 9.94A.411;

(iv) A felony that is domestic violence as defined in RCW 10.99.020;

(v) A violation of RCW 9A.52.025 (residential burglary);

(vi) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(vii) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community supervision, community placement, or community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

~~(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.~~

~~(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.~~

~~(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;~~

~~(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;~~

~~(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;~~

~~(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;~~

~~(e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;~~

~~(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;~~

~~(3)) An offender may earn early release time as authorized by section 3 of this act.~~

~~(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;~~

~~((4)) (3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:~~

~~(i) The offender has a medical condition that is serious enough to require costly care or treatment;~~

~~(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and~~

~~(iii) Granting the extraordinary medical placement will result in a cost savings to the state.~~

~~(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.~~

2009 REGULAR SESSION

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(e) Persistent offenders are not eligible for extraordinary medical placement;

~~((5)) (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;~~

~~((6)) (5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to ((subsection (2)(e))) section 3(5)(d) of this ((section)) act;~~

~~((7)) (6) The governor may pardon any offender;~~

~~((8)) (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and~~

~~((9)) (8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.~~

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540(~~—however persistent offenders are not eligible for extraordinary medical placement~~)).

Sec. 2. RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) ~~((Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003,~~

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

the aggregate earned release time may not exceed ten percent of the sentence.

~~(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.~~

~~(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:~~

~~(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;~~

~~(B) Is not confined pursuant to a sentence for:~~

~~(I) A sex offense;~~

~~(II) A violent offense;~~

~~(III) A crime against persons as defined in RCW 9.94A.411;~~

~~(IV) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(V) A violation of RCW 9A.52.025 (residential burglary);~~

~~(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(C) Has no prior conviction for:~~

~~(I) A sex offense;~~

~~(II) A violent offense;~~

~~(III) A crime against persons as defined in RCW 9.94A.411;~~

~~(IV) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(V) A violation of RCW 9A.52.025 (residential burglary);~~

~~(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and~~

~~(E) Has not committed a new felony after July 22, 2007, while under community custody;~~

~~(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.~~

~~(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b);~~

~~(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.~~

~~(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.~~

~~(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;~~

~~(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;~~

2009 REGULAR SESSION

~~(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;~~

~~(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;~~

~~(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;~~

~~(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;~~

~~(3)) An offender may earn early release time as authorized by section 3 of this act.~~

~~(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;~~

~~((4)) (3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:~~

~~(i) The offender has a medical condition that is serious enough to require costly care or treatment;~~

~~(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and~~

~~(iii) Granting the extraordinary medical placement will result in a cost savings to the state.~~

~~(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.~~

~~(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.~~

~~(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.~~

~~(e) Persistent offenders are not eligible for extraordinary medical placement;~~

~~((5)) (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;~~

~~((6)) (5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to ((subsection (2))) section 3(5)(d) of this ((section)) act;~~

~~((7)) (6) The governor may pardon any offender;~~

~~((8)) (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section;~~

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

~~((9))~~ (8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

~~((10))~~ (9) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540(~~(—however persistent offenders are not eligible for extraordinary medical placement)~~).

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who is convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 4. The department shall report to the legislature and the appropriate committees by December 1, 2009, the number of rental vouchers issued to offenders pursuant to this act, any sanction history for offenders after they received the vouchers, and additional information tracked by the department that may assist the legislature in evaluating the rental voucher program.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009.

NEW SECTION. Sec. 6. Section 1 of this act expires August 1, 2009.

NEW SECTION. Sec. 7. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

Senator Carrell moved that the Senate concur in the House amendment(s) to Senate Bill No. 5525.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Senate Bill No. 5525.

MOTION

On motion of Senator Hatfield, Senator Fraser was excused.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5525 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 10; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug and Sheldon

Excused: Senators Eide, Fraser, Hobbs, Jacobsen, McAuliffe and Schoesler

SENATE BILL NO. 5525, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5734 with the following amendment: 5734-S AMH ENGR H3287.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.067 and 2007 c 355 s 7 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2012-13 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3)(a) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2012-13 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Governing boards shall be required to

provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, each college in the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. Colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with ~~((2009-10))~~ 2015-16, other than summer term, shall be as charged during the ~~((2008-09))~~ 2014-15 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle-income resident law students.

(9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

(10) Any tuition increases above seven percent shall fund costs of instruction, library and student services, utilities and maintenance, other costs related to instruction as well as institutional financial aid. Through 2010-11, any funding reductions to instruction, library and student services, utilities and maintenance and other costs related to instruction shall be proportionally less than other program areas including administration.

NEW SECTION. Sec. 2. (1) Within existing resources, the joint legislative audit and review committee shall complete a systemic performance audit of the state universities, regional universities, and The Evergreen State College. The purpose of the audit is to create a transparent link between revenues, expenditures, and performance outcomes as outlined in the performance agreements developed under RCW 28B.10.920 and the strategic master plan for higher education as adopted by the legislature. The study shall:

(a) Identify standardized categories of costs that will allow comparison across various administrative, student support, and academic functions;

(b) Based on available management data, estimate current annual costs at each institution for the various cost categories;

(c) Based on available management data, identify fund sources that support the cost categories at each institution; and

(d) Identify barriers or gaps in data linking revenues, expenditures, and performance agreement outcome measures.

(2) The auditor shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2010. The report shall include, but is not limited to, the following elements as they relate to the purpose of the audit:

(a) The identification of cost savings and programs or services that could be eliminated;

(b) Analysis of gaps or overlaps in programs or services and recommendations to correct gaps or overlaps;

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

(c) Feasibility of pooling technology systems or elements of technology systems pursuant to chapter . . . RCW (Second Substitute House Bill No. 1946), Laws of 2009;

(d) Recommendations for statutory or regulatory changes that may be necessary for the state universities, regional universities, and The Evergreen State College to meet performance agreement objectives mutually agreed upon pursuant to RCW 28B.10.922; and

(e) Recommendations on the development of a uniform higher education performance, budgeting, accounting, and reporting system."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5734.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Kauffman, Senator Franklin was excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5734.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5734 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5734, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5734, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McDermott, Murray, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Honeyford, McCaslin, Morton, Oemig, Pflug, Roach and Sheldon

Excused: Senators Eide, Fraser, Hobbs, Jacobsen and McAuliffe
SUBSTITUTE SENATE BILL NO. 5734, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5892 with the following amendment: 5892-S.E AMH ENGR H3392.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.41.190 and 2006 c 233 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, any pharmacist filling a prescription under a state purchased health care program as defined in RCW 41.05.011(2) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of a immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

~~((2))~~ (b) When a substitution is made under (a) of this subsection ~~((1) of this section)),~~ the dispensing pharmacist shall notify the prescribing practitioner of the specific drug and dose dispensed.

(2)(a) A state purchased health care program may impose limited restrictions on an endorsing practitioner's authority to write a prescription to dispense as written only under the following circumstances:

(i) There is statistical or clear data demonstrating the endorsing practitioner's frequency of prescribing dispensed as written for nonpreferred drugs varies significantly from the prescribing patterns of his or her peers;

(ii) The medical director of a state purchased health program has: (A) Presented the endorsing practitioner with data that indicates the endorsing practitioner's prescribing patterns vary significantly from his or her peers, (B) provided the endorsing practitioner an opportunity to explain the variation in his or her prescribing patterns to those of his or her peers, and (C) if the variation in prescribing patterns cannot be explained, provided the endorsing practitioner sufficient time to change his or her prescribing patterns to align with those of his or her peers; and

(iii) The restrictions imposed under (a) of this subsection (2) must be limited to the extent possible to reduce variation in prescribing patterns and shall remain in effect only until such time as the endorsing practitioner can demonstrate a reduction in variation in line with his or her peers.

(b) A state purchased health care program may immediately designate an available, less expensive, equally effective generic product in a previously reviewed drug class as a preferred drug, without first submitting the product to review by the pharmacy and therapeutics committee established pursuant to RCW 70.14.050.

(c) For a patient's first course of treatment within a therapeutic class of drugs, a state purchased health care program may impose limited restrictions on endorsing practitioners' authority to write a prescription to dispense as written, only under the following circumstances:

(i) There is a less expensive, equally effective therapeutic alternative generic product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation;

(iii) Notwithstanding the limitation set forth in (c)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the brand name drug be prescribed as the first course of treatment;

(iv) The state purchased health care program may provide, where available, prescription, emergency room, diagnosis, and hospitalization history with the endorsing practitioner; and

(v) Specifically for antipsychotic restrictions, the state purchased health care program shall effectively guide good practice without interfering with the timeliness of clinical decision making. Department of social and health services prior authorization programs must provide for responses within twenty-four hours and at least a seventy-two hour emergency supply of the requested drug.

(d) If, within a therapeutic class, there is an equally effective therapeutic alternative over-the-counter drug available, a state purchased health care program may designate the over-the-counter drug as the preferred drug.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

(e) A state purchased health care program may impose limited restrictions on endorsing practitioners' authority to prescribe pharmaceuticals to be dispensed as written for a purpose outside the scope of their approved labels only under the following circumstances:

(i) There is a less expensive, equally effective on-label product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation; and

(iii) Notwithstanding the limitation set forth in (e)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the drug be prescribed for a covered off-label purpose.

(f) The provisions of this subsection related to the definition of medically necessary, prior authorization procedures and patient appeal rights shall be implemented in a manner consistent with applicable federal and state law.

(3) Notwithstanding the limitations in subsection (2) of this section, for refills for an antipsychotic, antidepressant, antiepileptic, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks by no more than forty-eight weeks, the pharmacist shall dispense the prescribed nonpreferred drug.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5892.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

MOTION

On motion of Senator Oemig, Senator Kauffman was excused.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5892.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5892 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5892, as amended by the House.

POINT OF INQUIRY

Senator Pflug: "Would Senator Keiser yield to a question? Senator Keiser, is it your understanding that nothing in subsection two sub c of Senate Bill No. 5892 is intended to allow a state purchase health care program to establish or implement an automatic antipsychotic fail first therapy treatment regimen requiring a patient to start a pharmaceutical therapy regimen in which the least

expensive drug option must be found ineffective before the patient is provided access to more expensive pharmaceutical agents?"

Senator Keiser: "Yes, it is my understanding that Senate Bill No. 5892 will not establish or implement an automatic fail first therapy treatment regimen for antipsychotic medications."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5892, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Holmquist, Honeyford, King, McCaslin, Morton, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Eide, Hobbs, Jacobsen, Kauffman and McAuliffe

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House receded from its amendment. Under suspension of rules ENGROSSED SENATE BILL NO. 5894 was returned to second reading for the purpose of an amendment. The House has adopted the following amendment: 5894.E AMH ROLF MUNN 224, and passed the bill as amended by the House.

On page 3, line 6, after "finds," strike "with or without a hearing" and insert "after a hearing" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5894.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown and Jarrett were excused.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5894.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5894 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5894, as amended by the House.

ROLL CALL

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5894, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Benton

Excused: Senators Brown, Eide and Jacobsen

ENGROSSED SENATE BILL NO. 5894, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6108 with the following amendment: 6108-S.E AMH CONW STET 042

On page 2, after line 1, insert the following:

"Sec. 2. RCW 67.70.340 and 2005 c 369 s 4 are each amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the two funds most impacted by this potential event are the student achievement fund and the education construction account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the student achievement fund and the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The student achievement fund and the education construction account are expected to collectively receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the student achievement fund and the education construction account is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the student achievement fund and the education construction account to bring the total revenue up to one hundred two million dollars. The funds transferred from the shared game lottery account under this subsection must be divided between the student achievement fund and the education construction account in a manner consistent with RCW 67.70.240(3).

(3) (a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in RCW 43.20A.892, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(4) The commission shall transfer the remaining net revenues, if any, derived from the shared game lottery "Powerball" authorized in section 1(1) of this act after the transfers pursuant to this section into the state general fund for the student achievement program under RCW 28A.505.220.

~~((4))~~ (5) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the general fund."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6108.
Senators Prentice and Sheldon spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6108.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6108 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6108, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Fairley, Hargrove, Haugen, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Swecker

Excused: Senators Brown, Eide and Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9145, Bernal Baca, as a member of the State Board of Education, be confirmed.

Senators Prentice and Keiser spoke in favor of passage of the motion.

APPOINTMENT OF BERNAL BACA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9145, Bernal Baca as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9145, Bernal Baca as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide and Jacobsen

Gubernatorial Appointment No. 9145, Bernal Baca, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

On motion of McDermott, the rules were suspended and the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

MOTION

On motion of Senator Marr, Senators Brown and Rockefeller were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9043, Russell D. Hauge; Gubernatorial Appointment No. 9045, Ann C. Heath; Gubernatorial Appointment No. 9089, Lenell Nussbaum and Gubernatorial Appointment No. 9097, Lynda J. Ring Erickson as members of the Sentencing Guidelines Commission be confirmed.

Senator Kline spoke in favor of the motion.

APPOINTMENT OF RUSSELL D. HAUGE

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9043, Russell D. Hauge; Gubernatorial Appointment No. 9045, Ann C. Heath;

Gubernatorial Appointment No. 9089, Lenell Nussbaum and Gubernatorial Appointment No. 9097, Lynda J. Ring Erickson as members of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9043, Russell D. Hauge as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Jacobsen, Prentice and Rockefeller

APPOINTMENT OF ANN C. HEATH

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9045, Ann C. Heath, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Jacobsen, Prentice and Rockefeller

APPOINTMENT OF LENELL NUSSBAUM

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9089, Lenell Nussbaum as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Jacobsen, Prentice and Rockefeller

APPOINTMENT OF LYNDA J. RING ERICKSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9097, Lynda J. Ring Erickson as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Jacobsen, Prentice and Rockefeller

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

Gubernatorial Appointment No. 9043, Russell D. Hauge; Gubernatorial Appointment No. 9045, Ann C. Heath; Gubernatorial Appointment No. 9089, Lenell Nussbaum and Gubernatorial Appointment No. 9097, Lynda J. Ring Erickson, having received the constitutional majority were declared confirmed as members of the Sentencing Guidelines Commission.

MOTION

Senator Kline moved that Gubernatorial Appointment No. 9105, Dan Satterberg; Gubernatorial Appointment No. 9128, Stephen Warning and Gubernatorial Appointment No. 9147, Paul A. Pastor as members of the Sentencing Guidelines Commission be confirmed.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Marr, Senator Brown was excused.

Senator Kline spoke in favor of the motion.

APPOINTMENT OF DAN SATTERBERG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9105, Dan Satterberg; Gubernatorial Appointment No. 9128, Stephen Warning and Gubernatorial Appointment No. 9147, Paul A. Pastor as members of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9105, Dan Satterberg as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide and Jacobsen

APPOINTMENT OF STEPHEN WARNING

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9128, Stephen Warning as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide and Jacobsen

APPOINTMENT OF PAUL A. PASTOR

2009 REGULAR SESSION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9147, Paul A. Pastor as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide and Jacobsen

Gubernatorial Appointment No. 9105, Dan Satterberg; Gubernatorial Appointment No. 9128, Stephen Warning and Gubernatorial Appointment No. 9147, Paul A. Pastor, having received the constitutional majorities were declared confirmed as members of the Sentencing Guidelines Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9026, Edward Davila, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Holmquist, Senator Honeyford was excused.

APPOINTMENT OF EDWARD DAVILA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9026, Edward Davila as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9026, Edward Davila as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Eide, Honeyford and Jacobsen

Gubernatorial Appointment No. 9026, Edward Davila, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9014, Ethelda Burke, as a member of the Higher Education Coordinating Board, be confirmed.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

Senator Fraser spoke in favor of the motion.

thought I'd just take this moment to wish my nephew Daniel a happy third birthday."

APPOINTMENT OF ETHELDA BURKE

MOTION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9014, Ethelda Burke as a member of the Higher Education Coordinating Board.

On motion of Senator McDermott, the Senate reverted to the first order of business.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9014, Ethelda Burke as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

REPORTS OF STANDING COMMITTEES

April 24, 2009

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SB 6162 Prime Sponsor, Senator Prentice: Relating to criminal justice. Reported by Committee on Ways & Means

Excused: Senators Eide and Jacobsen
Gubernatorial Appointment No. 9014, Ethelda Burke, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Pflug.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Passed to Committee on Rules.

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9003, Dan Altmayer, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

April 24, 2009
2SHB 2130 Prime Sponsor, Committee on Finance: Concerning tax incentives for renewable energy manufacturing facilities. Reported by Committee on Ways & Means

Senator Keiser spoke in favor of the motion.

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

APPOINTMENT OF DAN ALTMAYER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9003, Dan Altmayer as a member of the Board of Trustees, Highline Community College District No. 9.

Passed to Committee on Rules.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9003, Dan Altmayer as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

April 24, 2009
HB 2331 Prime Sponsor, Representative Darneille: Concerning the existing document recording fee for services for the homeless. Reported by Committee on Ways & Means

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Pflug and Schoesler.

Excused: Senators Eide and Jacobsen

Gubernatorial Appointment No. 9003, Dan Altmayer, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

Passed to Committee on Rules.

PERSONAL PRIVILEGE

Senator McDermott: "As the paperwork is being passed out, I

April 24, 2009
ESHB 2344 Prime Sponsor, Committee on Ways & Means: Regarding resident undergraduate tuition. Reported by Committee on Ways & Means

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules.

April 24, 2009

SHB 2346 Prime Sponsor, Committee on Ways & Means: Concerning crisis residential centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland; Parlette and Pflug.

Passed to Committee on Rules.

April 24, 2009

SHB 2356 Prime Sponsor, Committee on Ways & Means: Revising student achievement fund allocations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brandland and Pflug.

Passed to Committee on Rules.

April 24, 2009

EHB 2358 Prime Sponsor, Representative Conway: Increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; McDermott; Oemig; Pridemore; Regala and Rockefeller.

2009 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Parlette; Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules.

MOTION

On motion of Senator McDermott, the rules were suspended and all the measures listed on the Standing Committee report were placed on the day's second reading calendar.

MOTION

At 2:57 p.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:03 p.m. by President Owen.

MOTION

On motion of Senator McDermott, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352. The Speaker has appointed the following members as Conferees:

Representatives Clibborn, Lias and Roach.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
SUBSTITUTE HOUSE BILL NO. 1119,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED HOUSE BILL NO. 1815,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1239,
SUBSTITUTE HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1758,

ONE-HUNDRED THIRD DAY, APRIL 24, 2009
 SUBSTITUTE HOUSE BILL NO. 1845,
 and the same are herewith transmitted.

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2331, by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby

Concerning the existing document recording fee for services for the homeless.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

POINT OF ORDER

Senator Honeyford: "I believe this measure may require a super-majority vote under provisions of Initiative 960. House Bill No. 2331 adds twenty dollars to the filing fee recording documents within the county auditor or with the county auditor. Sixty percent of those funds are retained by the county to fight homelessness while forty percent goes to the state to fight homelessness. This bill raises state revenue. The fiscal note indicates the bill raised twenty million, six hundred ninety seven thousand, six hundred dollars in the state's home security fund account each biennium. This document recording fee is not a fee but a tax. There's no nexus between those paying the tax and those, use of those funds. The tax is paid by anyone recording a document with the county auditor. This includes documents which includes judgements, liens, deeds, mortgages, death certificates, birth certificates and marriage dissolutions. Those benefitting from this tax are the homeless and society as a whole, thus would be more properly termed a tax within a fee. My inquiry, Mr. President, is as to the application of the provision of 960 to this matter and whether a super-majority vote is needed for final passage."

Senator Tom spoke against the point of order.

MOTION

On motion of Senator McDermott, further consideration of House Bill No. 2331 was deferred and the bill held its place on the second reading calendar.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the points of order raised by Senators Brandland and King as to whether the floor amendments are beyond the scope and object of Substitute House Bill 1597, the President finds and rules as follows:

It is fair to characterize the underlying bill as being an omnibus measure which makes numerous corrections, technical changes,

clarifications, and administrative changes to various state and local tax provisions. One of the amendments at issue relates to the point at which natural and manufactured gas is taxed; the other amendment relates to the taxation of bunker fuel.

The Senators are correct that the amendments may be properly viewed as fairly substantive changes to Washington's tax law. In and of itself, however, this argument is not dispositive. The question is not whether or not major policy changes are being proposed; rather, the question is whether those policy changes fit within the subject matter of the underlying bill. The body—and, for that matter, the individual members—may have different opinions as to what may properly be termed a technical clean-up bill. It is for this reason that the President does not rely on such shorthand descriptions for his analysis, but instead compares the amendments to the plain language of the underlying bill in its entirety. In this case, the President believes that this omnibus bill contains a host of substantive tax changes which can include the subjects within the proposed amendments.

For these reasons, the President finds that the amendments are within the scope and object of the underlying bill and properly before the body for consideration."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9095, Barbara Reid, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF BARBARA REID

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9095, Barbara Reid as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9095, Barbara Reid as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Eide

Gubernatorial Appointment No. 9095, Barbara Reid, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9127, Mario M. Villanueva, as a member of the Housing Finance Commission, be confirmed.

APPOINTMENT OF MARIO M. VILLANUEVA

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9127, Mario M. Villanueva as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9127, Mario M. Villanueva as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Eide

Gubernatorial Appointment No. 9127, Mario M. Villanueva, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, by House Committee on Capital Budget (originally sponsored by Representatives White, Dunshee and Kenney)

Concerning construction financing for colleges and universities.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.210 and 1985 c 390 s 20 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund(~~(; and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter)~~) to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized

in RCW 28B.20.725(5).

Sec. 2. RCW 28B.15.310 and 1985 c 390 s 22 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid (~~into the state treasury~~) and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 3. RCW 28B.20.720 and 1985 c 390 s 39 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the University of Washington bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the University of Washington bond retirement)) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund(~~(; and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter)~~);

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall))~~ While any ~~((of such))~~ bonds issued in accordance with the provisions of this chapter or any interest thereon remain~~((s))~~ unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 4. RCW 28B.30.740 and 1985 c 390 s 44 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the Washington State University bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

state treasury)) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall))~~ While any ~~((of such))~~ bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in ~~((subdivision (5) of))~~ RCW 28B.30.750(5). As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 5. RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used ~~((exclusively))~~ to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended ~~((exclusively))~~ to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets,

and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 6. RCW 28B.50.360 and 2005 c 488 s 922 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be ~~((exclusively))~~ devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended ~~((exclusively))~~ to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW."

On page 1, line 2 of the title, after "universities;" strike the remainder of the title and insert "and amending RCW 28B.15.210, 28B.15.310, 28B.20.720, 28B.30.740, 28B.35.370, and 28B.50.360."

The President declared the question before the Senate to be the motion by Senator Fraser to not adopt of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2254.

The motion by Senator Fraser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser and Brandland be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.210 and 1985 c 390 s 20 are each amended to read as follows:

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund(~~(, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter)~~) to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5).

Sec. 2. RCW 28B.15.310 and 1985 c 390 s 22 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid (~~(into the state treasury)~~) and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 3. RCW 28B.20.720 and 1985 c 390 s 39 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the University of Washington bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the (~~(state treasury and credited to a special trust fund to be known as the University of Washington bond retirement)~~) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund(~~(, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter)~~);

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

(~~(Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall.)~~) While any (~~(of such)~~) bonds issued in accordance with the provisions of this chapter or any interest thereon remain(~~(s)~~) unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW

28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 4. RCW 28B.30.740 and 1985 c 390 s 44 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the Washington State University bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the (~~(state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury)~~) fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

(~~(Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall.)~~) While any (~~(of such)~~) bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in (~~(subdivision (5) of)~~) RCW 28B.30.750(5). As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

Sec. 5. RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used (~~(exclusively)~~) to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended ~~((exclusively))~~ to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 6. RCW 28B.50.360 and 2005 c 488 s 922 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be ~~((exclusively))~~ devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended ~~((exclusively))~~ to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7. RCW 28B.20.715 and 1985 c 390 s 38 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of the University of Washington or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

- (a) The date of issue; and
- (b) The series of the issue and be consecutively numbered within the series; and

(c) That, except as otherwise provided in subsection (8)(c) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of the University of Washington that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

~~The proceeds of the sale of all bonds((exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and)) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs.~~

Sec. 8. RCW 28B.20.735 and 1985 c 390 s 40 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment ~~((derived from the building fees))~~ as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 9. RCW 28B.30.730 and 2002 c 238 s 302 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
- (a) An obligation, either general or special, of the state; or
- (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;
 - (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
 - (5) Shall be payable both principal and interest out of the bond retirement fund;
 - (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
 - (7) Shall be sold in such manner and at such price as the board may prescribe;
 - (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;
 - (b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;
 - (c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;
 - (d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;
 - (e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of Washington State University that are not subject to appropriation by

2009 REGULAR SESSION

the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

The proceeds of the sale of all bonds (~~shall be deposited in the state treasury to the credit of the Washington State University building account and~~) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investable balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the Washington State University building account to the state general fund such amounts as reflect the excess fund balance of the account.))"~~

Senators Fraser and Brandland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Brandland to Engrossed Substitute House Bill No. 2254.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "universities;" strike the remainder of the title and insert "and amending RCW 28B.15.210, 28B.15.310, 28B.20.720, 28B.30.740, 28B.35.370, 28B.50.360, 28B.20.715, 28B.20.735, and 28B.30.730."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 2254 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2254 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2254 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Eide

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2339, by House Committee on Ways & Means (originally sponsored by Representatives Kessler,

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

Seaquist, Roberts, Williams, Simpson, Nelson, Ormsby, Dunshee, Goodman, Pedersen, Cody, Hasegawa, Kirby, Maxwell, Upthegrove, Finn, Eddy, Hunt, Orwall, Rolfes, Morrell, Kenney, Clibborn, Morris, Green, Kagi, Chase, Sells, Wood, Flannigan, Ericks, McCoy, Campbell, Appleton, Pettigrew, White, Blake, Linville, Wallace, Conway, Carlyle, Miloscia, Takko, O'Brien, Hurst and Van De Wege)

MOTION

Senator King moved that the following striking amendment by Senators King and Delvin be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.15.020 and 2007 c 241 s 27 are each amended to read as follows:

The habitat conservation account is established in the state treasury. The board shall administer the account in accordance with chapter 79A.25 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the board. By January 1, 2010, the state treasurer shall transfer from the habitat conservation account to the parks renewal and stewardship account created in RCW 79A.05.215, five million seven hundred fifty thousand dollars.

Sec. 2. RCW 79A.15.120 and 2009 c 16 s 2 are each amended to read as follows:

(1) The riparian protection account is established in the state treasury. The board must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The board may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) The board may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

(9) In determining acquisition priorities with respect to the riparian protection account, the board must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of

Requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation.

The measure was read the second time.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and Benton be adopted.

On page 1, line 17, after "owner" strike "actively opting not" and insert "not actively opting"

On page 1, line 18, after "that the" strike "opt-out" and insert "opt-in"

Senator Holmquist spoke in favor of adoption of the amendment.

Senators Jacobsen and Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Benton on page 1, line 17 to Substitute House Bill No. 2339.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, line 1, after "displayed in", insert "at least fourteen point bold font in"

Senator Benton spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 1 to Substitute House Bill No. 2339 was withdrawn.

MOTION

Senator Becker moved that the following amendment by Senator Becker and others be adopted.

On page 2, line 3, after "renewal." insert "The department shall post signs at each location where vehicles may be registered notifying the public that the donation authorized in this section is voluntary."

Senators Becker and Schoesler spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker and others on page 2, line 3 to Substitute House Bill No. 2339.

The motion by Senator Becker failed and the amendment was not adopted by a rising vote.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

(10) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the board and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

(11) By January 1, 2010, the state treasurer shall transfer from the riparian protection account to the parks renewal and stewardship account created in RCW 79A.05.215, five million seven hundred fifty thousand dollars.

Sec. 3. RCW 79A.15.130 and 2007 c 241 s 38 are each amended to read as follows:

(1) The farmlands preservation account is established in the state treasury. The board will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2)(a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

(b) If a city or county acquires a property through this program in fee simple, the city or county shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city or county shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any

moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities and counties may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The board may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) The acquisition of a property right in a project under this section by a county or city does not provide a right of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

(6) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a city or county to fund operation or maintenance of areas acquired under this chapter.

(7) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) The board may not approve a local project where the local agency's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's share.

(9) In determining the acquisition priorities, the board must consider, at a minimum, the following criteria:

(a) Community support for the project;

(b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;

(c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;

(d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(e) Benefits to salmonids;

(f) Benefits to other fish and wildlife habitat;

(g) Integration with recovery efforts for endangered, threatened, or sensitive species;

(h) The viability of the site for continued agricultural production, including, but not limited to:

(i) Soil types;

(ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;

(iii) Suitability for producing different types or varieties of crops;

(iv) Farm-to-market access;

(v) Water availability; and

(i) Other community values provided by the property when used as agricultural land, including, but not limited to:

(i) Viewshed;

(ii) Aquifer recharge;

(iii) Occasional or periodic collector for storm water runoff;

(iv) Agricultural sector job creation;

(v) Migratory bird habitat and forage area; and

(vi) Educational and curriculum potential.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

(10) In allotting funds for environmental enhancement or restoration projects, the board will require the projects to meet the following criteria:

(a) Enhancement or restoration projects must further the ecological functions of the farmlands;

(b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;

(c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and

(d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the board and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

(12) By January 1, 2010, the state treasurer shall transfer from the farmlands preservation account to the parks renewal and stewardship account created in RCW 79A.05.215, five million seven hundred fifty thousand dollars.

Sec. 4. RCW 79A.25.060 and 2007 c 241 s 43 are each amended to read as follows:

The outdoor recreation account is created in the state treasury. Moneys in the account are subject to legislative appropriation. The board shall administer the account in accordance with chapter 79A.15 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the board.

Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation, may be deposited into the account.

By January 1, 2010, the state treasurer shall transfer from the outdoor recreation account to the parks renewal and stewardship account created in RCW 79A.05.215, five million seven hundred fifty thousand dollars.

Sec. 5. RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature. All transfers into the parks renewal and stewardship account from the riparian protection account, the habitat conservation account, the outdoor recreation account, and the farmlands preservation account must be used for the maintenance and operations of state parks.

On page 1, line 1 of the title, after "Relating to", strike the remainder of the title and insert "providing funding for the maintenance and operations of state parks; amending RCW 79A.15.020, 79A.15.120, 79A.15.130, 79A.25.060, and 79A.05.215."

Senators King, Sheldon, Benton and Schoesler spoke in favor of adoption of the striking amendment.

Senators Prentice, Jacobsen and Fraser spoke against adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators King and Delvin to Substitute House Bill No. 2339.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator King and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brandland, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Eide

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2339 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Brandland, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Swecker and Tom

Voting nay: Senators Benton, Berkey, Carrell, Delvin, Hewitt, Holmquist, Kastama, King, McCaslin, Morton, Murray, Pflug, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Eide

SUBSTITUTE HOUSE BILL NO. 2339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5963 with the following amendments: 5963-S AMH GREE REIN 072, 5963-S AMH GREE REIN 071 & 5963-S AMH CONW REIN 077

On page 2, line 9, after "(1)(b)(i)" insert "or (2)(b)(i)"

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

On page 2, line 12, after "(1)(b)(v) through (x)" insert "or (2)(b)(v) through (x)"

On page 3, line 12, after "(1)(b)(iv) or (xi)" insert "or (2)(b)(iv) or (xi)"

On page 19, line 33, after "and" strike "for"

On page 22, beginning on line 2, after "amount" strike "Good cause reasons to leave work are limited to reasons listed in (b) of this subsection."

On page 23, line 18, after "beliefs;" strike "or"

On page 23, line 23, after "program" insert the following:

": or

(xi) The individual left work because continuing in employment would work an unreasonable hardship on the individual. "Unreasonable hardship" means a result not due to the individual's voluntary action that would cause a reasonable person to leave that employment. The circumstances must be based on existing facts, not conjecture, and the reasons for leaving work must be significant. An individual seeking to demonstrate unreasonable hardship must show that:

(A) The individual left work primarily for reasons connected with his or her employment;

(B) The work-connected reasons were of such a compelling nature they would have caused a reasonably prudent person to leave work; and

(C) The individual first exhausted all reasonable alternatives before leaving work, unless pursuing reasonable alternatives would have been futile"

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010, and before January 3, 2016:

(i) Except as provided in (ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.--- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than eight months of unemployment benefits.

(c) For claims with an effective date on or after January 3, 2016,

an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.22.010 and 1993 c 483 s 15 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks:

(a) The rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

(5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(8) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; or

(b) For an individual who is eligible for emergency unemployment compensation during the extended benefit period beginning February 15, 2009, the period consisting of the week ending February 28, 2009, through the week ending May 29, 2010.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular

benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954."

Remember the sections consecutively and correct any internal references accordingly.

On page 24, after line 2, insert the following:

"**NEW SECTION. Sec. 6.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Marr moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5963 and ask the House to recede therefrom.

POINT OF ORDER

Senator Keiser: "Thank you Mr. President. Under Senate Rule No. 67 the Senate may consider whether or not to concur on single amendments that were passed by the other body. Those amendments are House amendments No. 556, 549 and amendment 550. I therefore demand under Senate Rule 31 that the question be divided with a separate vote on each of the House amendments and I demand a roll call vote."

Senator Keiser demanded a roll call.

The President declared that one-sixth of the Senate did not support the demand and the demand was not sustained.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be motion by Senator Marr that the Senate refuse to concur in House amendment No. 556 to Substitute Senate Bill No. 5963 and ask the House to recede therefrom.

The motion by Senator Marr carried and the Senate refused to concur in the House amendment No. 556 to Substitute Senate Bill No. 5963 and asked the House to recede therefrom by voice vote.

Pursuant to Senate Rule 31, the President declared the question before the Senate to be motion by Senator Marr that the Senate refuse to concur in the House Amendment No. 549 to Substitute Senate Bill No. 5963 and ask the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Brown: "Thank you Mr. President. There appears to be some confusion among the members on which amendment we're considering. Would it be appropriate for someone to clarify which amendment we're considering?"

REPLY BY THE PRESIDENT

President Owen: "It would have been Senator prior to the vote but now we're in the middle of a vote and the division has been called for so we much take the division at this time."

MOTION

Senator Brown: "Mr. President, I move that the senate go at ease subject to the call of the President."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, the President still believes that we are in the middle of a vote and so your motion would not appropriate until after the vote count has been taken. Senator Brown, the amendment number the President would be happy to restate what that is, which is Amendment Number 549."

PARLIAMENTARY INQUIRY

Senator Brown: "Thank you Mr. President, I'd like the members to have it in front of them. Would it be appropriate for the members to have the amendment in front of them Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, the difficulty is is that the rules say that you cannot interrupt a vote. Now, let me check and see if that includes a standing vote or just a roll call vote. Let the President take a moment to examine. Senator Kohl-Welles."

PARLIAMENTARY INQUIRY

Senator Kohl-Welles: "I was standing up actually to speak about that amendment and so that people would understand which amendment we were talking about. You did not call on me and..."

REPLY BY THE PRESIDENT

President Owen: "Senator Kohl-Welles, at the time, and again the President has reminded members to say, 'Mr. President' when you want to speak. I, sometimes I'm looking down. sometimes I'm not, but the President was not aware. as a matter of fact, what I saw was, Senator Brown stand up, Senator Brown sit down, Senator

Kohl-Welles stand up, Senator Kohl-Welles sit down and Senator Kohl-Welles stand up again. Then I saw you Senator, so the President was somewhat confused at the point, at that point and so he continued on with the vote. Where we are at this point is, the voice vote has been taken, a division has been called for. Let the President look and see if, in fact, we can interrupt a division and if we can, we will."

REMARKS BY THE PRESIDENT

President Owen: "Senator Brown, the President has looked at the rules and he finds that the rules are clear as to the taking of the Yeas and Nays during a roll call. It is not clear during the taking the vote during the division. The President believes that it is only appropriate that the members know specifically what they are voting on and the President is going to rule that your point is well taken and the President is going to allow for an explanation of the amendment that we are voting on. The President is not going to allow for a debate upon that motion. So, if someone would like to explain what that amendment is, the President would be happy to entertain that at this time. Senator Kohl-Welles."

PARLIAMENTARY INQUIRY

Senator Kastama: "I see that on the screen that this is a motion to concur with amendment number 549 and yet I believe I heard you say the motion was to not concur. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct, the motion is to not concur."

Senator Kohl-Welles spoke on the motion to not concur.

The motion by Senator Marr carried and the Senate refused to concur in the House amendment No. 549 to Substitute Senate Bill No. 5963 and asked the House to recede therefrom by a rising vote.

Pursuant to Senate Rule 31, the President declared the question before the Senate to be motion by Senator Marr that the Senate refuse to concur in the House Amendment No. 550 to Substitute Senate Bill No. 5963 and ask the House to recede therefrom.

Senator Holmquist, spoke in favor of the motion to not concur.

POINT OF ORDER

Senator Keiser: "I thought that this was not to be a speech for or against the amendment but an explanation of the amendment."

REPLY BY THE PRESIDENT

President Owen: "No, Senator Keiser, that's not correct. The difference was we were in the middle of a vote last time. The President allowed for an explanation. You are now allowed to debate to, your heart's content up-to three minutes. As the President will reiterate, Senator Holmquist, up to three minutes."

Senators King, Honeyford, Sheldon and Hargrove spoke in favor of not to concur.

Senators Keiser and Kohl-Welles spoke against the motion to not concur.

The motion by Senator Marr carried and the Senate refused to concur in the House Amendment No. 550 to Substitute Senate Bill No. 5963 and asked the House to recede therefrom by a rising vote.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

PARLIAMENTARY INQUIRY

Senator Keiser: "When we did the first vote on Amendment Number 556, is my concern that members did not understand what we were voting on and that the resulting vote may have been an error. If I could just explain what Amendment Number 556 is, perhaps we could include it?"

REPLY BY THE PRESIDENT

President Owen: "Senator Keiser, the President believes that your only remedy is a motion to reconsider but not to stand up and make an explanation at this time. That would be neither a point of order nor would it be in order."

PARLIAMENTARY INQUIRY

Senator Keiser: "Mr. President, may I make a motion to reconsider the vote on Amendment Number 556?"

REPLY BY THE PRESIDENT

President Owen: "Senator Keiser, in clarification, you must have been on the prevailing side in order to make a motion to reconsider and I'm pretty sure..."

PARLIAMENTARY INQUIRY

Senator Keiser: "May I explain what this amendment is?"

REPLY BY THE PRESIDENT

President Owen: "Senator Keiser, that would not be in order at this time."

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5768 with the following amendment: 5768-S.E AMH ENGR H3051.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The legislature finds that the replacement of the vulnerable state route number 99 Alaskan Way viaduct is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 99 Alaskan Way viaduct is susceptible to damage, closure, or catastrophic failure from earthquakes and tsunamis. Additionally, the viaduct serves as a vital route for freight and passenger vehicles through downtown Seattle.

Since 2001, the department has undertaken an extensive evaluation of multiple options to replace the Alaskan Way viaduct, including an initial evaluation of seventy-six conceptual alternatives and a more detailed analysis of five alternatives in 2004. In addition to a substantial technical review, the department has also undertaken considerable public outreach, which included consultation with a stakeholder advisory committee that met sixteen times over a thirteen-month period.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state shall take the necessary steps to

expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(2) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars and must also include no more than four hundred million dollars in toll revenue. These funds must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(3) The department shall provide updated cost estimates for construction of the bored tunnel and also for the full Alaskan Way viaduct replacement project to the legislature and governor by January 1, 2010. The department must also consult with independent tunnel engineering experts to review the estimates and risk assumptions. The department shall not enter into a design-build contract for construction of the bored tunnel until the report in this section has been submitted.

(4) Any contract the department enters into related to construction of the deep bored tunnel must include incentives and penalties to encourage on-time completion of the project and to minimize the potential for cost overruns.

(5) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, construction of all aspects of the project, specifically including but not limited to information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(6)(a) The city and county departments of transportation shall be responsible for the cost, delivery, and associated risks of the project components for which each department is responsible, as outlined in the January 13, 2009, letter of agreement signed by the governor, city, and county.

(b) The state's contribution shall not exceed two billion four hundred million dollars. If costs exceed two billion four hundred million dollars, no more than four hundred million of the additional costs shall be financed with toll revenue. Any costs in excess of two billion eight hundred million dollars shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep bore tunnel.

(7) Compression brakes may be used by authorized motor vehicles in the deep bore tunnel in a manner consistent with the requirements of RCW 46.37.395.

NEW SECTION. Sec. 2. The department of transportation must prepare a traffic and revenue study for a state route number 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The department shall regularly report to the transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility. The study must include the following information:

(1) An analysis of the potential diversion from state route number 99 to other parts of the transportation system resulting from tolls on the facility;

(2) An analysis of potential mitigation measures to offset or reduce diversion from state route number 99;

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

(3) A summary of the amount of revenue generated from tolling the deep bore tunnel; and

(4) An analysis of the impact of tolls on the performance of the facility.

The department must provide the results of the study to the governor and the legislature by January 2010.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5768.

Senators Haugen and Swecker spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5768.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5768 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5768, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5768, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Hargrove, Holmquist, Kilmer, McCaslin, Morton, Roach and Stevens

Excused: Senator Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Eddy, Maxwell and Liias)

Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor.

The measure was read the second time.

MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge.

It is further the intent of the legislature to expedite the replacement of the floating bridge in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

It is further the intent of the legislature that the provisions of this act not be construed to preclude continued work on the east side of the state route number 520 corridor.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund state route number 520 corridor projects, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section, or associated with state route number 520 corridor projects beginning July 1, 2010, that are eligible under RCW 47.56.820.

(4) Until July 1, 2010, the proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment of state route number 520, must be used only to fund the construction of the replacement state route number 520 floating bridge.

(5) The department may carry out the construction and

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) The state route number 520 work group is created. The work group shall consist of the following members:

- (i) The chairs and ranking minority members of the transportation committees of the legislature;
- (ii) The legislators from the forty-third legislative district;
- (iii) The legislators from the forty-eighth legislative district;
- (iv) The governor or the governor's designee; and
- (v) The member of the transportation commission representing King county.

(b) The work group members shall elect two cochairs to consist of one legislative member representing the east side of the state route number 520 corridor and one legislative member representing the west side of the state route number 520 corridor. The work group shall conduct at least three meetings consisting of an initial meeting, a midcourse meeting, and a final meeting.

(2) The state route number 520 work group, in consultation with the department, must:

(a) After consultation with legislators representing the primary users of the state route number 520 corridor, review and recommend a financing strategy to fund the projects in the state route number 520 corridor, as developed by the department, that reflects the design options recommended under (b) of this subsection. The financing strategy must be based on a total cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars; and

(b) After consultation with neighborhood and community groups in the area impacted by the westside landing and with legislators representing the primary users of the state route number 520 corridor, consider design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. The work group must work with the department to review and evaluate the design options.

(3) All design options considered or recommended by the state route number 520 work group must adhere to RCW 47.01.408.

(4) The state route number 520 work group must recommend design options that meet the region's mobility needs while providing appropriate mitigation for the neighborhood and communities in the area directly impacted by the projects.

(5) The state route number 520 work group must present a final report with recommendations on financing and design options to the legislature and the governor by January 1, 2010. The recommendations will inform the supplemental draft environmental impact statement process for the state route number 520 corridor. The process must continue through 2009.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the replacement state route number 520 floating bridge project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 5. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account,

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund,

the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)((a)) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease.

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."

On page 1, line 2 of the title, after "corridor;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the motion by Senator Jarrett to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2211.

The motion by Senator Jarrett carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Jarrett moved that the following striking amendment by Senators Jarrett and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the state authorize early tolling on the state route number 520 corridor in order to secure the authority to spend federal grant moneys provided to Washington state as part of the urban partnership grant program.

It is further the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge and necessary landings.

It is further the intent of the legislature to expedite the replacement of the floating bridge and necessary landings in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the replacement state route number 520 floating bridge and necessary landings, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520, must be used only to fund the construction of the replacement state route number 520 floating bridge and necessary landings.

(5) The department may carry out the construction and improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) The state route number 520 work group is created. The work group shall consist of the following members:

- (i) The legislators from the forty-third legislative district;
- (ii) The legislators from the forty-eighth legislative district;
- (iii) The secretary of transportation;

(iv) Two legislators from each of the forty-sixth and forty-fifth legislative districts as jointly determined by the speaker of the house of representatives and the president of the senate;

(v) The chairs of the transportation committees of the legislature, who may each appoint one additional legislator from the joint transportation committee representing a legislative district outside of the state route number 520 corridor; and

(vi) The member of the transportation commission representing King county.

(b) The work group members shall elect two cochairs to consist of one legislative member representing the east side of the state route number 520 corridor and one legislative member representing the west side of the state route number 520 corridor. The work group shall conduct at least three meetings consisting of an initial meeting, a midcourse meeting, and a final meeting.

(2) The state route number 520 work group must:

(a) Review and recommend a financing strategy, in conjunction with the department, to fund the projects in the state route number 520 corridor that reflects the design options recommended under (b) of this subsection. The financing strategy must be based on a total cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars;

(b) Recommend design options that provide for a full state route number 520 corridor project, including projects in the corridor for which the department applies for federal stimulus funds provided in the American recovery and reinvestment act of 2009, that meets the needs of the region's transportation system while providing appropriate mitigation for the neighborhood and communities in the area directly impacted by the project; and

(c) Present a final report with recommendations on financing and design options to the legislature and the governor by January 1, 2010. The recommendations will inform the supplemental draft environmental impact statement process for the state route number 520 corridor. The process must continue through 2009.

(3) All design options considered or recommended by the state route number 520 work group must adhere to RCW 47.01.408.

(4) The state route number 520 work group shall form a westside subgroup to conduct a detailed review and make recommendations on design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. The westside subgroup shall consult with neighborhood and community groups impacted by the potential design options. The work group may form an eastside subgroup to review current design options on the east side of the corridor, which extends from the east end of the floating bridge to state route number 202.

(5) The state route number 520 work group shall consult with the governor and legislators representing the primary users of the state route number 520 corridor.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge and necessary landings, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge and necessary landings; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge and necessary landings.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge and necessary landings, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the replacement state route number 520 floating bridge project and necessary landings in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 5. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative

2009 REGULAR SESSION

account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)((a)) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease.

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."
MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Swecker to the striking amendment be adopted.

On page 1, line 21 of the amendment, after "corridor." insert "However, the legislature shall not consider the assessment of tolls on Interstate 90 across Lake Washington if the number of lanes is reduced from the current amount."

Senators Pflug and Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Jarrett spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Swecker on page 1, line 21 to the striking amendment to Engrossed Substitute House Bill No. 2211.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Pflug and Swecker to the striking amendment and the amendment was not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Absent: Senator Brandland
Excused: Senator Eide

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and Swecker to the striking amendment be adopted.

On page 1, after line 24 of the amendment, insert the following:

"It is further the intent of the legislature that the pontoons for the replacement state route number 520 floating bridge be designed in such a manner as to allow for the connection of an adjoining second pontoon bridge."

Senators Pflug and Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Jarrett spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and Swecker on page 1, after line 24 to the striking amendment to Engrossed Substitute House Bill No. 2211.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Pflug and Swecker to the striking amendment and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senator Eide

MOTION

Senator Murray moved that the following amendment by Senator Murray to the striking amendment be adopted.

On page 2, line 6, after "202", strike everything through "portion of the state route number 520 corridor" and insert the following:

" and that portion of Interstate 90 between the junctions of Interstate 5 and Interstate 405. The toll being imposed by this section shall be charged only for travel on the floating bridge portions of the state number 520 corridor."

WITHDRAWAL OF AMENDMENT

On motion of Senator Murray, the amendment by Senator Murray on page 2, line 6 to the striking amendment to Engrossed Substitute House Bill No. 2211 was withdrawn.

MOTION

Senator Murray moved that the following amendment by Senator Murray to the striking amendment be adopted.

On page 2, line 35, strike all of section 3, and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) The state route number 520 work group is created. The work group shall consist of the following members:

- (i) The governor
- (ii) The mayor of Seattle
- (iii) The executive of king county

(2) The state route 520 work group must:

(a) Review and recommend a financing strategy to fund projects in the state route number 520 corridor that reflects the design option recommended under subsection (b) of this subsection. The financing strategy must be based on a total cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars;

(b) Conduct a detailed review of design options and make a recommendation on a design option for the westside of the corridor, which extends from the west end of the floating bridge to Interstate 5. The work group shall also consult with the neighborhoods and community groups impacted by the potential design options and develop an appropriate mitigation plan based on the design option selected for recommendation.

(c) Present a final report with recommendations on financing and a westside design option to the legislature by January 1, 2010. The recommendation will inform the supplemental draft environmental impact statement process for the state route number 520 corridor. The process must continue through 2009."

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

On motion of Senator Murray, the amendment by Senator Murray on page 2, line 35 to the striking amendment to Engrossed Substitute House Bill No. 2211 was withdrawn.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 3, beginning on line 3 of the amendment, after "(i)" strike all material through "(iii)" on line 5

On page 3, at the beginning of line 6 of the amendment, strike "(iv)" and insert "(ii)"

On page 3, line 6 of the amendment, after "forty-sixth" insert ", first, fifth, forty-eighth, forty-third,"

On page 3, line 8 of the amendment, after "senate;" insert "and"

On page 3, beginning on line 9 of the amendment, strike all material through "(vi)" on line 13 and insert "(iii)"

On page 4, beginning on line 5 of the amendment, strike all of subsections (4) and (5)

Re-number the remaining subsection consecutively.

Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senator Jarrett spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 3 to the striking amendment to Engrossed Substitute House Bill No. 2211.

The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Jarrett and others to Engrossed Substitute House Bill No. 2211.

The motion by Senator Jarrett carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "corridor;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 2211 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett, Hargrove, Swecker, Haugen spoke in favor of passage of the bill.

Senators Murray and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2211. as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2211 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown,

Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Marr, McAuliffe, McDermott, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kline, Kohl-Welles, McCaslin, Morton, Murray, Pflug, Roach, Schoesler, Stevens and Zarelli

Excused: Senator Eide

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Kastama moved that the rules be suspended and, having voted on the prevailing side, gave notice of immediate reconsideration of the vote by which the Senate refused to concur in House Amendment No. 556 to Substitute Senate Bill No. 5963 and asked House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Kastama that the rules be suspended and the Senate immediately reconsider the vote by which the Senate refused to concur in House Amendment No. 556 to Substitute Senate Bill No. 5963 and asked House to recede therefrom.

The motion by Senator Kastama carried and the Senate immediately reconsidered the vote by which the Senate refused to concur in House Amendment No. 556 to Substitute Senate Bill No. 5963 and asked House to recede therefrom by voice vote.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate refuse to concur in House Amendment No. 556 to Substitute Senate Bill No. 5963 and ask House to recede therefrom.

Senator Kastama spoke against the motion.

The motion by Senator Marr failed and the Senate concurred in House Amendment No. 556 to Substitute Senate Bill No. 5963 by voice vote.

MOTION

At 6:29 p.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 10:24 p.m. by President Owen.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

ONE-HUNDRED THIRD DAY, APRIL 24, 2009

2009 REGULAR SESSION

On motion of Senator McDermott, the Senate advanced to the fifth order of business.

THOMAS HOEMANN, Secretary of the Senate

INTRODUCTION AND FIRST READING

SB 6189 by Senators Kohl-Welles, Franklin, Keiser, Murray, McDermott, Kline, Ranker, Regala, Prentice, Rockefeller, Fairley, Tom, Hargrove and Fraser

AN ACT Relating to providing grants to increase dental and medical services by a voter-approved sales and use tax on candy; amending RCW 82.08.0293 and 82.12.0293; creating a new section; making an appropriation; providing a contingent effective date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1244 by House Committee on Ways & Means (originally sponsored by Representatives Linville, Alexander and Ericks)

AN ACT Relating to fiscal matters; amending RCW 2.68.020, 28A.160.130, 28B.105.110, 35.104.060, 38.52.106, 41.48.060, 41.50.110, 43.03.310, 43.08.190, 43.09.260, 43.09.282, 43.09.475, 43.10.180, 43.17.390, 43.19.501, 43.21A.667, 43.79.201, 43.79.460, 43.79.480, 43.83B.360, 43.155.050, 43.215.125, 43.325.040, 43.330.250, 46.66.080, 50.16.010, 66.08.170, 67.70.190, 70.93.180, 71.24.310, 74.08A.340, 74.13.621, 77.12.820, 77.32.010, 79.64.040, 79A.25.080, 79.105.150, 80.36.430, 86.26.007, 2.68.020, 28B.50.837, 28B.67.030, 28B.76.565, 28B.76.610, 28B.105.110, 41.45.230, 43.30.305, and 71.24.310; amending 2009 c 4 ss 101, 110, 112, 118, 124, 128, 129, 135, 140, 143, 145, 148, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 219, 221, 222, 223, 225, 301, 302, 303, 307, 308, 311, 402, 501, 502, 504, 505, 506, 603, 606, 609, 610, 613, 614, 615, 616, 801, and 802 (uncodified); amending 2008 c 329 ss 151, 201, 223, 504, 505, 506, 508, 509, 510, 512, 516, 701, 702, 703, 704, 705, 706, 707, and 714 (uncodified); amending 2007 c 522 ss 712, 804, 802, and 803 (uncodified); reenacting and amending RCW 43.135.045, 46.09.170, 67.40.040, and 70.105D.070; adding a new section to chapter 43.70 RCW; adding new sections to 2007 c 522 (uncodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 10:26 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Saturday, April 25, 2009.

BRAD OWEN, President of the Senate

ONE-HUNDRED FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, April 25, 2009

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators King, Regala and Tom.

The Sergeant at Arms Color Guard consisting of Legislative Assistant's Ashley Lara and Barrett Pryce, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 25, 2009

ESHB 1244 Prime Sponsor, Committee on Ways & Means: Making operating appropriations for fiscal years 2007-2009 and 2009-2011. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Brandland; Honeyford; Parlette; Pflug and Schoesler.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 1224 was placed on the day's second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

April 24, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LORNA WALSH, appointed April 9, 2009, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 2242,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Zarelli moved adoption of the following resolution:

**SENATE RESOLUTION
8665**

By Senators Zarelli and Hobbs

WHEREAS, The 98th Medical Detachment was activated in October 1944 and, after serving in New Guinea in the Pacific theater, went on to participate in fourteen campaigns in Vietnam; and

WHEREAS, Since permanently locating at Fort Lewis in October 1993 and becoming dedicated to combat stress control the 98th Medical Detachment has been to Cuba, Korea, Thailand, Bosnia-Herzegovina, and Iraq; and

WHEREAS, The 98th Medical Detachment deployed in 2003 to northern and central Iraq for sixteen consecutive months in support of Operation Iraqi Freedom, and to southern Iraq from April 2005 to March 2006; and

WHEREAS, On May 1, 2008, the 98th Medical Detachment began its third Iraq deployment, serving the entire 4th Infantry Division, Multi-National Division - Baghdad, and all units stationed at Camp Victory and Camp Liberty; and

WHEREAS, The mission of the 98th Medical Detachment is to help soldiers cope with stress resulting from the constant grind of a

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

combat zone, homefront issues or other mental challenges associated with being in theater, so they may return to duty rather than to a mental health facility or require evacuation for mental health reasons; and

WHEREAS, The work of the 98th Medical Detachment includes one-on-one counseling, group counseling, instruction in stoicism and posttraumatic growth, training thousands upon thousands of soldiers and their leaders to recognize signs of mental challenges in others and to take action, and encouraging soldiers to seek assistance with mental challenges; and

WHEREAS, A number of Senate staff members were honored to "adopt" the 98th Medical Detachment and provide "care packages" from the homefront during the holiday season of 2008-09; and

WHEREAS, The members of the 98th Medical Detachment returned safely to Fort Lewis on March 14, 2009, from their most recent deployment to Iraq;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 98th Medical Detachment for its service to the United States and is pleased to have its members call Fort Lewis and the state of Washington their home; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the commanders of the 98th Medical Detachment, the 62nd Medical Brigade, and the 4th Infantry Division.

Senators Zarelli, Hobbs and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

The motion by Senator Zarelli carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 98th Medical Detachment, the 62nd Medical Brigade and the 4th Infantry Division and their families who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9070, M. A. Leonard, as a member of the Housing Fiance Commission, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Pridemore and Tom were excused.

MOTION

On motion of Senator Brandland, Senators King and Morton were excused.

MOTION

On motion of Senator Hatfield, Senator Fairley was excused.

APPOINTMENT OF M. A. LEONARD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9070, M. A. Leonard as a member of the Housing Fiance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9070, M. A. Leonard as a member of the Housing Fiance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Absent: Senator Regala

Excused: Senators King and Tom

Gubernatorial Appointment No. 9070, M. A. Leonard, having received the constitutional majority was declared confirmed as a member of the Housing Fiance Commission.

MOTION

On motion of Senator Honeyford, the request for a ruling on the point of order on House Bill No. 2331 was withdrawn.

MOTION

At 10:29 a.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 p.m. by the President Pro Tempore.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McDermott moved that Gubernatorial Appointment No. 9123, Beth Thew, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senator McDermott spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Berkey, Brown, Fairley and Prentice were excused.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

APPOINTMENT OF BETH THEW

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9123, Beth Thew as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9123, Beth Thew as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Jacobsen and Kauffman

Excused: Senators Brown and Fairley

Gubernatorial Appointment No. 9123, Beth Thew, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The Speaker ruled the Senate amendment to HOUSE BILL NO. 1238 to be beyond scope & object of the bill. House refuses to concur in said amendment and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on House Bill No. 1238 and pass the bill without the Senate amendment(s).

Senator Hargrove spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on House Bill No. 1238 and pass the bill without Senate amendment(s).

The motion by Senator Hargrove carried and the Senate receded from its position on House Bill No. 1238 and pass the bill without the Senate amendment(s) by a voice vote.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1238, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Absent: Senators Jacobsen and Regala

Excused: Senators Brown and Fairley

HOUSE BILL NO. 1238, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

MOTION

On motion of Senator Marr, Senators Brown, Kastama and Regala were excused.

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The Speaker has signed the following:

SENATE BILL NO. 5107,
 SUBSTITUTE SENATE BILL NO. 5166,
 SUBSTITUTE SENATE BILL NO. 5252,
 SUBSTITUTE SENATE BILL NO. 5391,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
 SUBSTITUTE SENATE BILL NO. 5718,
 SUBSTITUTE SENATE BILL NO. 5723,
 SUBSTITUTE SENATE BILL NO. 5725,
 SUBSTITUTE SENATE BILL NO. 5732,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850,
 SUBSTITUTE SENATE BILL NO. 5931,
 SECOND SUBSTITUTE SENATE BILL NO. 5945,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
 SECOND SUBSTITUTE SENATE BILL NO. 5973,
 SENATE BILL NO. 5974,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,
 SUBSTITUTE SENATE BILL NO. 6009,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,
 SUBSTITUTE SENATE BILL NO. 6016,
 ENGROSSED SENATE BILL NO. 6033,
 SUBSTITUTE SENATE BILL NO. 6036,
 SENATE BILL NO. 6070,
 SUBSTITUTE SENATE BILL NO. 6088,
 SUBSTITUTE SENATE BILL NO. 6095,
 SENATE BILL NO. 6104,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
 SUBSTITUTE HOUSE BILL NO. 1119,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
 SUBSTITUTE HOUSE BILL NO. 1170,
 SECOND SUBSTITUTE HOUSE BILL NO. 1290,
 SUBSTITUTE HOUSE BILL NO. 1347,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
 SUBSTITUTE HOUSE BILL NO. 1555,
 SUBSTITUTE HOUSE BILL NO. 1592,
 ENGROSSED HOUSE BILL NO. 1616,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,
 ENGROSSED HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1919,
 ENGROSSED HOUSE BILL NO. 1986,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

ENGROSSED HOUSE BILL NO. 2040,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2227,

MOTION

ENGROSSED HOUSE BILL NO. 2299,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
HOUSE BILL NO. 2328,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2347,
HOUSE BILL NO. 2349,
HOUSE BILL NO. 2359,

On motion of Senator Fraser, the rules were suspended and Engrossed Substitute House Bill No. 1379 was returned to second reading for the purposes of amendment.

SECOND READING

and the same are herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, by House Committee on Local Government & Housing (originally sponsored by Representatives Seaquist, Angel and Liias)

BARBARA BAKER, Chief Clerk

Regarding moratoria and other interim official controls adopted under the shoreline management act.

MESSAGE FROM THE HOUSE

The measure was read the second time.

April 24, 2009

MOTION

MR. PRESIDENT:

The Speaker has signed the following:
SECOND SUBSTITUTE HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1103,
HOUSE BILL NO. 1148,
SECOND SUBSTITUTE HOUSE BILL NO. 1172,
HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 2208
and the same are herewith transmitted.

Senator Fraser moved that the following striking amendment by Senator Fraser and others be adopted:

Strike everything after the enacting clause and insert the following:

BARBARA BAKER, Chief Clerk

"NEW SECTION. Sec. 1. The legislature recognizes that cities and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

MESSAGE FROM THE HOUSE

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

April 24, 2009

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
and the same are herewith transmitted.

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

BARBARA BAKER, Chief Clerk

(2)(a) A local government adopting a moratorium or control under this section must:

MESSAGE FROM THE HOUSE

(i) Hold a public hearing on the moratorium or control;
(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

April 24, 2009

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;

MR. PRESIDENT:

The Speaker ruled the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 to be beyond scope & object of the bill. House refuses to concur in said amendment and asks the Senate to recede therefrom.

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

MOTION

Senator Fraser moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1379.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the

Senator Fraser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1379 by voice vote.

1952

JOURNAL OF THE SENATE

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter."

Senator Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser and others to Engrossed Substitute House Bill No. 1379.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1379 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1379 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Kohl-Welles

Excused: Senator Brown

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1527 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position on House Bill No. 1527 and pass the bill without the Senate amendment(s).

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position on House Bill No. 1527 and pass the bill without Senate amendment(s).

The motion by Senator Keiser carried and the Senate receded from its position on House Bill No. 1527 and pass the bill without the Senate amendment(s) by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1527, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

HOUSE BILL NO. 1527, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
SECOND SUBSTITUTE HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1119,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
HOUSE BILL NO. 1148,
SUBSTITUTE HOUSE BILL NO. 1170,
SECOND SUBSTITUTE HOUSE BILL NO. 1172,
SECOND SUBSTITUTE HOUSE BILL NO. 1290,
SUBSTITUTE HOUSE BILL NO. 1347,
HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
SUBSTITUTE HOUSE BILL NO. 1555,
SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED HOUSE BILL NO. 1616,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,
ENGROSSED HOUSE BILL NO. 1815,
SUBSTITUTE HOUSE BILL NO. 1919,
ENGROSSED HOUSE BILL NO. 1986,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,
ENGROSSED HOUSE BILL NO. 2040,
SUBSTITUTE HOUSE BILL NO. 2208,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227,
ENGROSSED HOUSE BILL NO. 2299,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
HOUSE BILL NO. 2328,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2347,
HOUSE BILL NO. 2349,
HOUSE BILL NO. 2359,

MESSAGE FROM THE HOUSE

April 23, 2009

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(originally sponsored by Representatives Goodman, Roberts, Walsh, Dickerson, Darnelle, Kagi and Nelson)

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1776 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1776.

The President declared the question before the Senate to be motion by Senator Tom that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1776.

The motion by Senator Tom carried and the Senate receded from its amendments to Substitute House Bill No. 1776.

MOTION

On motion of Senator Tom, the rules were suspended and Substitute House Bill No. 1776 was returned to second reading for the purposes of amendment.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1776 was deferred and the bill held its place on the second reading calendar.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1782.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1782.

The motion by Senator Hargrove carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1782.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute House Bill No. 1782 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, by House Committee on Early Learning & Children's Services

Concerning parent participation in dependency matters.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Regala and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that when children have been found dependent and placed in out-of-home care, the likelihood of reunification with their parents diminishes significantly after fifteen months. The legislature also finds that early and consistent parental engagement in services and participation in appropriate parent-child contact and visitation increases the likelihood of successful reunifications. The legislature intends to promote greater awareness among parents in dependency cases of the importance of active participation in services, visitation, and case planning for the child, and the risks created by failure to participate in their child's case over the long term.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty- four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE"

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

court-appointed lawyer you must contact: _____ (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number) .

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

- (1) Notify the child's school that the child is in out-of-home placement;
- (2) Enroll the child in school;
- (3) Request the school transfer records;
- (4) Request and authorize evaluation of special needs;
- (5) Attend parent or teacher conferences;
- (6) Excuse absences;
- (7) Grant permission for extracurricular activities;
- (8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and
- (9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of social and health services or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and

consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

- (a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or (legal) custodian; and
- (b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 3. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 5. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable

future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; ~~(or)~~

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE"

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Regala and Stevens to Engrossed Substitute House Bill No. 1782.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.065, 13.34.145, and 13.34.180; reenacting and amending RCW 13.34.062; and creating a new section."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1782 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1782 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1782 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Fraser moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1619.

The President declared the question before the Senate to be

motion by Senator Fraser that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1619.

The motion by Senator Fraser carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1619 by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended and Engrossed Substitute House Bill No. 1619 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Capital Budget (originally sponsored by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Lias, Green, Miloscia, Orwall, Maxwell and Simpson)

Concerning the use of capital projects funds by school districts.

The measure was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Brandland be adopted:

On page 1, line 3 of the title, after "28A.320.330;" insert "and"

On page 1, line 3 of the title, after "section" strike ";" and providing an expiration date"

On page 1, beginning on line 5, strike section 1, through page 2 line 3, and renumber the sections consecutively.

On page 2, line 35, after "major repairs," insert "exterior painting of facilities,"

On page 4, line 12, after "service regulations." insert "Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund."

On page 5, line 16, strike "NEW SECTION. Sec. 4." This act expires July 1, 2013."

Senator Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Brandland to Engrossed Substitute House Bill No. 1619.

The motion by Senator Fraser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1619 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1619 as amended by the Senate and the bill passed the Senate by the following vote:

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Bill No. 5200 and asked the House to recede therefrom by voice vote.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

MESSAGE FROM THE HOUSE

April 23, 2009

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5913 and asks Senate to concur thereon.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pflug moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5913.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pflug that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5913.

The motion by Senator Pflug carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5913 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5913, as amended by the House.

MOTION

Senator Rockefeller moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 2116 and ask the House to concur thereon.

Senators Rockefeller and Honeyford spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 2116 and ask the House to concur thereon.

The motion by Senator Rockefeller carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2116 and asked the House to concur thereon by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5913, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

SUBSTITUTE SENATE BILL NO. 5913, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2009

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5200 and again asks Senate to concur thereon.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2009

MOTION

Senator Kline moved that the Senate insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate insist on its position on the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate insisted on its position in the House amendment(s) to Engrossed Senate

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6173 with the following amendment: 6173 AMH ENGR H3446.E

Strike everything after the enacting clause and insert the following:

**"PART I
FINDING AND INTENT**

NEW SECTION. Sec. 101. The legislature finds that the department of revenue's 2008 compliance study estimates that

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

sales tax noncompliance exceeds well over one hundred million dollars annually in unpaid state and local sales and use taxes.

The legislature intends to address this significant problem by eliminating the use of resale certificates to document wholesale purchases. Resale certificates will be replaced with seller's permits, which will be issued by the department of revenue only to those businesses that make wholesale purchases, such as retailers, wholesalers, manufacturers, and qualified contractors. Businesses that do not make wholesale purchases, such as most service businesses, will not be entitled to a seller's permit.

**PART II
REPLACING RESALE CERTIFICATES WITH
SELLER'S PERMITS
ISSUED BY THE DEPARTMENT OF REVENUE**

NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follows:

(1) Taxpayers seeking a new seller's permit or to renew or reinstate a seller's permit, other than taxpayers subject to the provisions of section 202 of this act, must apply to the department in a form and manner prescribed by the department. The department must rule on applications within sixty days of receiving a complete application. An application must be denied if the department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a seller's permit. The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title. The department's decision whether to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the seller's permit application, and other information available to the department.

(2) Notwithstanding subsection (1) of this section, the department may issue a seller's permit to a taxpayer that has not applied for the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3) Seller's permits issued by the department will be in a form prescribed by the department, which may include an electronic form, and must contain a unique identifying number assigned by the department.

(4)(a) Except as otherwise provided in this section, seller's permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b) A seller's permit issued to taxpayers who register with the department under RCW 82.32.030 after January 1, 2009, is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (4).

(c) A seller's permit is no longer valid if the permit holder's certificate of registration is revoked by the department or the person otherwise ceases to engage in business.

(5)(a) The department may revoke a seller's permit of a taxpayer for any of the following reasons:

(i) The taxpayer used or allowed or caused its seller's permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the seller's permit for the purchase;

(ii) The department issued the seller's permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the seller's permit would be in the best interest of collecting taxes due under this title.

2009 REGULAR SESSION

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a seller's permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose seller's permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a seller's permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(6) The department may provide lists of valid and revoked seller's permit numbers on its web site.

(7) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a seller's permit. Such review must be consistent with the requirements of chapter 34.05 RCW.

(8) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a seller's permit or uniform exemption certificate authorized under RCW 82.04.470 and the consequences of misusing such permits or exemption certificates.

NEW SECTION. Sec. 202. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Contractors seeking a new seller's permit or to renew or reinstate a seller's permit must apply to the department in a form and manner prescribed by the department.

(b) As part of the application, the contractor must report the dollar amount of all purchases of materials and labor during the preceding twelve months for retail construction activity, speculative building, public road construction, and government contracting. If the contractor was not engaged in business as a contractor during the preceding twelve months, the contractor may provide an estimate of the dollar amount of purchases of materials and labor for retail construction activity, speculative building, public road construction, and government contracting during the twelve-month period for which the seller's permit will be valid.

(c) The department must rule on applications within sixty days of receiving a complete application.

(d)(i) An application must be denied if:

(A) The department determines that the applicant is not entitled to make purchases at wholesale;

(B) The application contains any material misstatement;

(C) The application is incomplete; or

(D) Less than twenty-five percent of the taxpayer's total dollar amount of actual or, if applicable, estimated material and labor purchases as reported on the application is for retail construction activity performed by the applicant. However, the department may approve an application not meeting the criteria in this subsection (1)(d)(i)(D) if the department is satisfied that approval is unlikely to jeopardize collection of the taxes due under this title.

(ii) The department may also deny an application if the department determines that denial would be in the best interest of collecting taxes due under this title.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(e) Applications to renew a seller's permit may not be made more than ninety days before the expiration of the seller's permit.

(2) Sellers' permits issued by the department will be in a form prescribed by the department, which may include an electronic form, and must contain a unique identifying number assigned by the department.

(3)(a) Sellers' permits issued, renewed, or reinstated under this section will be valid for a period of twelve months from the date of issuance, renewal, or reinstatement.

(b) A seller's permit is no longer valid if the permit holder's certificate of registration is revoked by the department or the person otherwise ceases to engage in business.

(4)(a) The department may revoke a seller's permit of a contractor for any of the following reasons:

(i) The contractor used or allowed or caused its seller's permit to be used to purchase any item or service without payment of sales tax, but the contractor or other purchaser was not entitled to use the seller's permit for the purchase;

(ii) The department issued the seller's permit to the contractor in error;

(iii) The department determines that the contractor is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the seller's permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the contractor of its right to a review by the department.

(c) The department may refuse to reinstate a seller's permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a contractor whose seller's permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a seller's permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide lists of valid and revoked sellers' permit numbers on its web site.

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a seller's permit. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a seller's permit or uniform exemption certificate authorized under RCW 82.04.470 and the consequences of misusing such permits or exemption certificates.

(8) As used in this section, the following definitions apply:

(a) "Contractor" means a person who engages in any retail construction activity, or who engages in any activity that brings the person within the definition of consumer in RCW 82.04.190 (3) or (6), or who is a speculative builder as defined by rule of the department.

(b) "Government contracting" means the activity described in RCW 82.04.190(6).

(c) "Public road construction" means the activity described in RCW 82.04.190(3).

(d) "Retail construction activity" means any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c).

(e) "Speculative building" means the activities of a speculative builder as the term "speculative builder" is defined by rule of the department.

NEW SECTION. Sec. 203. A new section is added to chapter 82.32 RCW to read as follows:

The department of revenue must, by January 1, 2011, develop a system, as resources permit, allowing sellers to voluntarily verify through electronic means the validity of sellers' permits presented to sellers from their customers.

NEW SECTION. Sec. 204. A new section is added to chapter 82.32 RCW to read as follows:

A person must, upon request of the department, provide the department with a copy of all sellers' permits, or uniform exemption certificates as authorized in RCW 82.04.470, accepted by that person during the period specified by the department.

Sec. 205. RCW 82.04.470 and 2007 c 6 s 1201 are each amended to read as follows:

(1) Unless a seller has taken from the buyer a ~~((resale certificate))~~ seller's permit, the burden of proving that a sale of tangible personal property, extended warranty, or of services, was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a ~~((resale certificate))~~ seller's permit at the time of the sale, have a ~~((resale certificate))~~ seller's permit on file at the time of the sale, or obtain a ~~((resale certificate))~~ seller's permit from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department ~~((of revenue))~~ that show the sale was properly made without payment of retail sales tax.

(3) ~~((The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.~~

~~((4) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information))~~ A seller's permit must contain such information as required by the department, which may include, but is not limited to:

(a) The name and address of the buyer;

(b) The ~~((uniform business identifier or revenue registration number of the buyer, if the buyer is required to be registered))~~ seller's permit number issued by the department;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are ~~((exempt))~~ otherwise to be purchased at wholesale, unless the buyer presents a blanket ~~((resale certificate))~~ seller's permit;

(e) The date on which the ~~((certificate))~~ permit was provided to the seller;

(f) A statement that the items or services purchased either:

(i) Are purchased for resale in the regular course of business; or
(ii) are ~~((exempt from tax pursuant to statute))~~ otherwise purchased at wholesale;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the ~~((certificate))~~ permit and that misuse of the resale ~~((or exemption))~~ privilege claimed on the ((certificate)) permit subjects the buyer to ~~((a penalty of fifty percent of the tax due))~~ revocation of the seller's permit, penalties as provided in RCW 82.32.290 and 82.32.291, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the ~~((certificate))~~ permit, printed in a legible fashion;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(i) The signature of the authorized individual; ~~((and))~~

(j) The name of the seller;

(k) The date the permit was issued, renewed, or reinstated by the department;(l) The date that the permit expires;(m) Instructions for renewing the permit; and(n) A statement that the department is authorized to obtain information concerning the buyer's purchase of items or services under the permit from the seller to verify whether the buyer was authorized to purchase such items or services without payment of retail sales tax.~~((5))~~ (4) Subsection ~~((4))~~ (3)(h)(i) and ~~((and))~~ (j) of this section does not apply if the ~~((certificate))~~ permit is provided in a format other than paper. If the ~~((certificate))~~ permit is provided in a format other than paper, the name of the individual providing the ~~((certificate))~~ permit must be included in the ~~((certificate))~~ permit.(5)(a) In lieu of a seller's permit issued by the department under section 201 or 202 of this act, a seller may accept from a buyer that is not required to be registered with the department under RCW 82.32.030 a properly completed:(i) Uniform sales and use tax exemption certificate developed by the multistate tax commission; or(ii) Uniform exemption certificate approved by the streamlined sales and use tax agreement governing board.(b) A seller who accepts a properly completed exemption certificate as authorized in (a) of this subsection is relieved of the obligation to collect and remit retail sales tax.(6) In lieu of a seller's permit issued by the department under section 201 or 202 of this act, a seller may accept from a buyer that is required to be registered with the department under RCW 82.32.030 a properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing board as long as that certificate includes the seller's permit number issued by the department to the buyer.(7) As used in this section, "seller's permit" means documentation issued by the department under section 201 or 202 of this act and provided by a buyer to a seller to substantiate a wholesale sale.**Sec. 206.** RCW 82.08.050 and 2007 c 6 s 1202 are each amended to read as follows:

(1) The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060.

(2) The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(3) In case any seller fails to collect the tax herein imposed or, having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer a ~~((resale certificate))~~ seller's permit or uniform exemption certificate authorized under RCW 82.04.470, a copy of a direct pay permit issued under RCW 82.32.087, a direct mail form under RCW 82.32.730(5), or other information required under the streamlined sales and use tax agreement, or information required under rules adopted by the department.

(4) Sellers shall not be relieved from personal liability for the amount of the tax unless they maintain proper records of exempt transactions and provide them to the department when requested.

(5) Sellers are not relieved from personal liability for the amount of tax if they fraudulently fail to collect the tax or if they solicit purchasers to participate in an unlawful claim of exemption.

(6) Sellers are not relieved from personal liability for the amount of tax if they accept an exemption certificate from a purchaser claiming an entity-based exemption if:

(a) The subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller in Washington; and

(b) Washington provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in Washington. Graying out exemption reason types on a uniform form and posting it on the department's web site is a clear and affirmative indication that the grayed out exemptions are not available.

(7)(a) Sellers are relieved from personal liability for the amount of tax if they obtain a fully completed exemption certificate or capture the relevant data elements required under the streamlined sales and use tax agreement within ninety days, or a longer period as may be provided by rule by the department, subsequent to the date of sale.

(b) If the seller has not obtained an exemption certificate or all relevant data elements required under the streamlined sales and use tax agreement within the period allowed subsequent to the date of sale, the seller may, within one hundred twenty days, or a longer period as may be provided by rule by the department, subsequent to a request for substantiation by the department, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

(c) Sellers are relieved from personal liability for the amount of tax if they obtain a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The department may not request from a seller renewal of blanket certificates or updates of exemption certificate information or data elements if there is a recurring business relationship between the buyer and seller. For purposes of this subsection (7)(c), a "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months.

(8) The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter is guilty of a misdemeanor.

(9) The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

(10) Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

(11) Notwithstanding subsections (1) through (10) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

- (i) The storage, dissemination, or display of advertising;
- (ii) The taking of orders; or
- (iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(12) Subsection (11) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(13) For purposes of this section, "seller" includes a certified service provider, as defined in RCW 82.32.020, acting as agent for the seller.

Sec. 207. RCW 82.08.130 and 1993 sp.s. c 25 s 702 are each amended to read as follows:

(1) If a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a ~~((resale certificate))~~ seller's permit or, if eligible, a uniform exemption certificate authorized under RCW 82.04.470 for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a ~~((resale certificate))~~ seller's permit or uniform exemption certificate authorized under RCW 82.04.470 that are used by the buyer and remit the deferred sales tax on the articles to the department.

(2) A buyer who pays a tax on all purchases and subsequently resells an article or service at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction or credit on the buyer's tax return equal to, in the case of a deduction, the cost to the buyer of the property or service resold upon which retail sales tax has been paid, and in the case of a credit, the amount of state and local sales taxes paid with respect to the property or service resold. The deduction or credit is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles or services were purchased, the date of the purchase, the type of articles or services, the amount of the purchase, and the tax that was paid.

(3) The department ~~((shall))~~ must provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later ~~((sold at wholesale))~~ resold without intervening use by the buyer or for purchases that would otherwise have met the definition of wholesale sale if the buyer had provided the seller with a seller's permit or uniform exemption certificate as authorized in RCW 82.04.470.

(4) Nothing in this section may be construed to authorize a deduction or credit in respect to the purchase of services if the services are not of a type that can be sold at wholesale under the definition of wholesale sale in RCW 82.04.060.

Sec. 208. RCW 82.14B.042 and 2002 c 341 s 10 are each amended to read as follows:

(1) The state enhanced 911 excise taxes imposed by this chapter must be paid by the subscriber to the local exchange company providing the switched access line or the radio

communications service company providing the radio access line, and each local exchange company and each radio communications service company shall collect from the subscriber the full amount of the taxes payable. The state enhanced 911 excise taxes required by this chapter to be collected by the local exchange company or the radio communications service company are deemed to be held in trust by the local exchange company or the radio communications service company until paid to the department. Any local exchange company or radio communications service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company or radio communications service company fails to collect the state enhanced 911 excise tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the local exchange company or the radio communications service company is personally liable to the state for the amount of the tax, unless the local exchange company or the radio communications service company has taken from the buyer in good faith ~~((a properly executed resale certificate under RCW 82.14B.200))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the state enhanced 911 tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, or to the department, constitutes a debt from the subscriber to the local exchange company or the radio communications service company. Any local exchange company or radio communications service company that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state enhanced 911 excise taxes required by this chapter to be collected by the local exchange company or the radio communications service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company or the radio communications service company the state enhanced 911 excise taxes imposed by this chapter and the local exchange company or the radio communications service company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the local exchange company or the radio communications service company, regardless of when the tax is collected by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec. 209. RCW 82.14B.200 and 2002 c 341 s 12 are each amended to read as follows:

(1) Unless a local exchange company or a radio communications service company has taken from the buyer ~~((a resale certificate or equivalent document under RCW 82.04.470))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line or radio access line was not a sale to a subscriber or was not otherwise subject to the tax is upon the person who made the sale.

(2) If a local exchange company or a radio communications service company does not receive ~~((a resale certificate))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the tax at the time of the sale, have ~~((a resale certificate))~~ such documentation on file at the time of the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

sale, or obtain ((a resale certificate)) such documentation from the buyer within a reasonable time after the sale, the local exchange company or the radio communications service company remains liable for the tax as provided in RCW 82.14B.042, unless the local exchange company or the radio communications service company can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of the state enhanced 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state enhanced 911 excise taxes due but not paid as a result of the improper use of ((a resale certificate)) documentation stating that the buyer is not a subscriber or is otherwise not liable for the state enhanced 911 tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec. 210. RCW 82.32.087 and 2001 c 188 s 2 are each amended to read as follows:

(1) The director may grant a direct pay permit to a taxpayer who demonstrates, to the satisfaction of the director, that the taxpayer meets the requirements of this section. The direct pay permit allows the taxpayer to accrue and remit directly to the department use tax on the acquisition of tangible personal property or sales tax on the sale of or charges made for labor and/or services, in accordance with all of the applicable provisions of this title. Any taxpayer that uses a direct pay permit shall remit state and local sales or use tax directly to the department. The agreement by the purchaser to remit tax directly to the department, rather than pay sales or use tax to the seller, relieves the seller of the obligation to collect sales or use tax and requires the buyer to pay use tax on the tangible personal property and sales tax on the sale of or charges made for labor and/or services.

(2)(a) A taxpayer may apply for a permit under this section if the taxpayer (i) is subject to mandatory use of electronic funds transfer under RCW 82.32.080; or (ii) makes purchases subject to the taxes imposed under chapter 82.08 or 82.12 RCW in excess of ten million dollars per calendar year.

(b) Application for a permit must be made in writing to the director in a form and manner prescribed by the department. A taxpayer who transacts business in two or more locations may submit one application to cover the multiple locations.

(c) The director shall review a direct pay permit application in a timely manner and shall notify the applicant, in writing, of the approval or denial of the application. The department shall approve or deny an application based on the applicant's ability to comply with local government use tax coding capabilities and responsibilities; requirements for vendor notification; recordkeeping obligations; electronic data capabilities; and tax reporting procedures. Additionally, an application may be denied if the director determines that denial would be in the best interest of collecting taxes due under this title. The department shall provide a direct pay permit to an approved applicant with the notice of approval. The direct pay permit shall clearly state that the holder is solely responsible for the accrual and payment of the tax imposed under chapters 82.08 and 82.12 RCW and that the seller is relieved of liability to collect tax imposed under chapters 82.08 and 82.12 RCW on all sales to the direct pay permit holder. The taxpayer may petition the director for reconsideration of a denial.

(d) A taxpayer who uses a direct pay permit must continue to maintain records that are necessary to a determination of the tax liability in accordance with this title. A direct pay permit is not transferable and the use of a direct pay permit may not be assigned to a third party.

(3) Taxes for which the direct pay permit is used are due and payable on the tax return for the reporting period in which the taxpayer (a) receives the tangible personal property purchased or in which the labor and/or services are performed or (b) receives an invoice for such property or such labor and/or services, whichever period is earlier.

(4) The holder of a direct pay permit shall furnish a copy of the direct pay permit to each vendor with whom the taxpayer has opted to use a direct pay permit. Sellers who make sales upon which the sales or use tax is not collected by reason of the provisions of this section, in addition to existing requirements under this title, shall maintain a copy of the direct pay permit and any such records or information as the department may specify.

(5) A direct pay permit is subject to revocation by the director at any time the department determines that the taxpayer has violated any provision of this section or that revocation would be in the best interests of collecting the taxes due under this title. The notice of revocation must be in writing and is effective either as of the end of the taxpayer's next normal reporting period or a date deemed appropriate by the director and identified in the revocation notice. The taxpayer may petition the director for reconsideration of a revocation and reinstatement of the permit.

(6) Any taxpayer who chooses to no longer use a direct pay permit or whose permit is revoked by the department, shall return the permit to the department and immediately make a good faith effort to notify all vendors to whom the permit was given, advising them that the permit is no longer valid.

(7) Except as provided in this subsection, the direct pay permit may be used for any purchase of tangible personal property and any retail sale under RCW 82.04.050. The direct pay permit may not be used for:

(a) Purchases of meals or beverages;

(b) Purchases of motor vehicles, trailers, boats, airplanes, and other property subject to requirements for title transactions by the department of licensing;

(c) Purchases for which a ((resale certificate)) seller's permit or uniform exemption certificate authorized under RCW 82.04.470 may be used;

(d) Purchases that meet the definitions of RCW 82.04.050 (2) (e) and (f), (3) (a) through (d), (f), and (g), and (5); or

(e) Other activities subject to tax under chapter 82.08 or 82.12 RCW that the department by rule designates, consistent with the purposes of this section, as activities for which a direct pay permit is not appropriate and may not be used.

Sec. 211. RCW 82.32.290 and 1985 c 414 s 2 are each amended to read as follows:

(1)(a) It shall be unlawful:

(i) For any person to engage in business without having obtained a certificate of registration as provided in this chapter;

(ii) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business without having obtained a certificate of registration as provided in this chapter;

(iii) For any person to tear down or remove any order or notice posted by the department;

(iv) For any person to aid or abet another in any attempt to evade the payment of any tax or any part thereof;

(v) For any purchaser to fraudulently sign or furnish to a seller a ((resale certificate)) seller's permit or uniform exemption certificate authorized under RCW 82.04.470 without intent to resell the property purchased; or

(vi) For any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the department or its duly authorized agent; or to fail or refuse to permit the inspection or appraisal of any property by the department or its duly authorized agent; or to refuse to offer testimony or produce any record as required.

(b) Any person violating any of the provisions of this subsection (1) shall be guilty of a gross misdemeanor in accordance with chapter 9A.20 RCW.

(2)(a) It shall be unlawful:

(i) For any person to engage in business after revocation of a certificate of registration;

(ii) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

engage in business after revocation of a certificate of registration; or

(iii) For any person to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof.

(b) Any person violating any of the provisions of this subsection (2) shall be guilty of a class C felony in accordance with chapter 9A.20 RCW.

(3) In addition to the foregoing penalties, any person who knowingly swears to or verifies any false or fraudulent return, or any return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury in the second degree; and any company for which a false return, or a return containing a false statement, as aforesaid, is made, shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars. All penalties or punishments provided in this section shall be in addition to all other penalties provided by law.

Sec. 212. RCW 82.32.291 and 1993 sp.s. c 25 s 703 are each amended to read as follows:

Any person who uses a (~~resale certificate~~) seller's permit to purchase items or services without payment of sales tax, or who uses a uniform exemption certificate developed by the multistate tax commission or approved by the streamlined sales and use tax agreement governing board to claim a purchase for resale exemption, and who is not entitled to use the seller's permit or exemption certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. The department may waive the penalty imposed under this section if it finds that the use of the seller's permit or exemption certificate was due to circumstances beyond the taxpayer's control or if the seller's permit or exemption certificate was properly used for purchases for dual purposes. The department shall define by rule what circumstances are considered to be beyond the taxpayer's control.

Sec. 213. RCW 82.32.330 and 2008 c 81 s 11 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense (~~PROVIDED, That~~). However, data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information

from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information (~~shall be~~) are confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) This section does not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director (~~shall~~) prescribes by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person (~~PROVIDED, That~~). However, tax information not received from the taxpayer (~~shall~~) must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department (~~shall~~) is not (~~be~~) required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(j) Disclosing any such return or tax information to the Department of Justice, including the Bureau of Alcohol, Tobacco, Firearms and Explosives within the Department of Justice, the Department of Defense, the Immigration and Customs Enforcement and the Customs and Border Protection agencies of the United States Department of Homeland Security, the Coast Guard of the United States, and the United States Department of Transportation, or any authorized representative ~~(thereof)~~ of these federal agencies, for official purposes;

(k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, seller's permit numbers and the status of such permits, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection ~~((shall))~~ must not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(m) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(n) Disclosing such return or tax information to the United States department of agriculture for the limited purpose of investigating food stamp fraud by retailers;

(o) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the department for a filed tax warrant, judgment, or lien against the real property;

(p) Disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded;

(q) Disclosing such return or tax information in the possession of the department relating to the administration or enforcement of the real estate excise tax imposed under chapter 82.45 RCW, including information regarding transactions exempt or otherwise not subject to tax; or

Ⓡ) Disclosing to local taxing jurisdictions the identity of sellers granted relief under RCW 82.32.430(5)(b)(i) and the period for which relief is granted.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure

must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department ~~((shall))~~ must, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence ~~((shall))~~ must clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department ~~((shall))~~ must reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), (i), (j), or (n) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person ~~((shall))~~ must forfeit such office or employment and ~~((shall be))~~ is incapable of holding any public office or employment in this state for a period of two years thereafter.

Sec. 214. RCW 82.72.040 and 2004 c 254 s 6 are each amended to read as follows:

(1) Telephone program excise taxes must be paid by the subscriber to the local exchange company providing the switched access line, and each local exchange company shall collect from the subscriber the full amount of the taxes payable. Telephone program excise taxes to be collected by the local

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

exchange company are deemed to be held in trust by the local exchange company until paid to the department. Any local exchange company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company fails to collect telephone program excise taxes or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the local exchange company is personally liable to the state for the amount of the tax, unless the local exchange company has taken from the buyer in good faith ~~((a properly executed resale certificate under RCW 82.72.070))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes.

(3) The amount of tax, until paid by the subscriber to the local exchange company or to the department, constitutes a debt from the subscriber to the local exchange company. Any local exchange company that fails or refuses to collect telephone program excise taxes as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any telephone excise tax is guilty of a misdemeanor.

(4) If a subscriber has failed to pay to the local exchange company the telephone program excise taxes and the local exchange company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the local exchange company, regardless of when the tax is collected by the department. Telephone program excise taxes are due as provided under RCW 82.72.050.

Sec. 215. RCW 82.72.070 and 2004 c 254 s 9 are each amended to read as follows:

(1) Unless a local exchange company has taken from the buyer ~~((a resale certificate or equivalent document under RCW 82.04.470))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes, the burden of proving that a sale of the use of a switched access line was not a sale to a subscriber or was otherwise not subject to telephone program excise taxes is upon the person who made the sale.

(2) If a local exchange company does not receive ~~((a resale certificate))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes at the time of the sale, have ~~((a resale certificate))~~ such documentation on file at the time of the sale, or obtain ~~((a resale certificate))~~ such documentation from the buyer within a reasonable time after the sale, the local exchange company remains liable for the telephone program excise taxes as provided in RCW 82.72.040, unless the local exchange company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of telephone program excise taxes.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on telephone program excise taxes that are due but not paid as a result of the improper use of ~~((a resale certificate))~~ documentation stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec. 301. RCW 82.04.050 and 2007 c 54 s 4 and 2007 c 6 s 1004 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a ~~((resale certificate under))~~ seller's permit or uniform exemption certificate in conformity with RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an

**PART III
TECHNICAL CHANGES**

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) Persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A

consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a ~~(resale certificate under)~~ seller's permit or uniform exemption certificate in conformity with RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(9) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(10) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

(11) The term shall not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

**PART IV
MISCELLANEOUS**

NEW SECTION. Sec. 401. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 402. This act must be liberally construed in order to carry out its purposes.

NEW SECTION. Sec. 403. This act takes effect January 1, 2010.

NEW SECTION. Sec. 404. The effective date in section 403 of this act may not be construed as preventing the department of revenue from accepting applications for, or issuing, seller's permits before January 1, 2010, adopting rules, or taking any other action before January 1, 2010, necessary to ensure the effective implementation of this act.

NEW SECTION. Sec. 405. By December 1, 2009, the finance committee of the house of representatives and the joint legislative task force on the underground economy in the Washington state construction industry, shall each prepare a report that reviews the issues and concerns that need to be addressed by the legislature as a result of the changes made in this act. The reports shall include any recommendations on potential modifications to the provisions of this act. The department of revenue shall provide necessary support and information.

NEW SECTION. Sec. 406. Part headings used in this act are not any part of the law."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Senate Bill No. 6173.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Senate Bill No. 6173.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6173 by voice vote.

MOTION

On motion of Senator Hobbs, Senator Hatfield was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6173, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6173, as amended by the House, and the bill passed the

Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

SENATE BILL NO. 6173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5889. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5589-S.E AMH QUAL H3425.4, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year.))~~ (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ~~((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year.))~~ The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1) through (8)))~~ (a) through ~~((8))~~ (h) of this ~~((section))~~ subsection. The school district plan shall include the following:

~~((1))~~ (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((a))~~ (i) Achievement goals for the students;

~~((b))~~ (ii) Roles of the student, parents, or guardians and teachers in the plan;

~~((c))~~ (iii) Communication procedures regarding student accomplishment; and

~~((d))~~ (iv) Plan reviews and adjustments processes;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

~~((4))~~ (d) How state level and classroom assessments are used to inform instruction;

~~((5))~~ (e) How focused and intentional instructional strategies have been identified and implemented;

~~((6))~~ (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((7))~~ (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((8))~~ (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ~~((annually))~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~((and regulations))~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ~~((and regulations))~~ shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~((print and distribute the))~~ provide to appropriate school officials and personnel, access and notice of these rules ((and regulations)) of the state board of health ((above provided to appropriate school officials and personnel)). Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is

required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ~~((print and distribute))~~ provide access to appropriate school officials the rules ~~((and regulations))~~ adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 6. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ~~((booklet))~~ outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 7. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 8. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade];))~~ the seventh or eighth ~~((grades [grade]))~~ grade, and the eleventh or twelfth ~~((grades [grade]))~~ grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 9. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

Sec. 10. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be ~~((provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system))~~ made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ~~((all other))~~ public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 11. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 12. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 13. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational

pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ~~((school-to-work transition;))~~ tech prep, ~~((vocational-technical))~~ career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 15. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification ~~((annually or upon enrollment))~~, upon request, to parents or guardians of students and employees describing the school's pest control

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat,

such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 17. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 18. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts. If a vision professional who donates his or her services identifies a vision defect sufficient to affect a student's learning, the vision professional must notify the school nurse and/or the school principal in writing and may not contact the student's parents or guardians directly. A school official shall inform parents or guardians of students in writing that a visual examination was recommended, but may not communicate the name or contact information of the vision professional conducting the screening.

Sec. 19. RCW 28A.655.065 and 2008 c 170 s 205 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean

grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant. Effective September 1, 2009, collection of work samples may be submitted only in content areas where meeting the state standard on the high school assessment is required for purposes of graduation.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28A.700.030, the superintendent of public instruction shall develop additional guidelines for collections of work samples that are tailored to different career and technical programs. The additional guidelines shall:

(i) Provide multiple examples of work samples that are related to the particular career and technical program;

(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and

(iii) Provide multiple examples of work samples drawn from career and technical courses.

(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create appropriate guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall

submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

NEW SECTION. Sec. 20. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

20.1.1.1. RCW 28A.230.092 (Washington state history and government-- Course content) and 2008 c 190 s 2;

20.1.1.2. RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;

20.1.1.3. RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;

20.1.1.4. RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;

20.1.1.5. RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;

20.1.1.6. RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

20.1.1.7. RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

20.1.1.8. RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;

20.1.1.9. RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

20.1.1.10. RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

20.1.1.11. RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

20.1.1.12. RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

20.1.1.13. RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

20.1.1.14. RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

20.1.1.15. RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990 1st ex.s. c 10 s 10;

20.1.1.16. RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

20.1.1.17. RCW 28A.630.881 (School-to-work transition project--Findings-- Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 21. Sections 11, 13, and 15 of this act expire July 1, 2011."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5889 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5811. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5811-S.E AMH KAGI H3432.4, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1).

(d) If a relative or other suitable person is not available, the court shall order continued shelter care ~~((or order placement with another suitable person, and the court))~~ and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection ~~((or with another suitable person under (d) of this subsection))~~.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 2. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) ~~((in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii)))~~ in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child, or (iii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, ~~((such))~~ the child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (B) a suitable person as described in this subsection (1)(b); and ~~((B))~~ (C) willing, appropriate, and available to care for the child. The court shall consider the child's existing relationships and attachments when determining placement.

(2) Placement of the child with a relative ~~((under this subsection))~~ or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter

2009 REGULAR SESSION

74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 3. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) ~~((Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,))~~ The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall ~~(also)~~:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 5. RCW 13.34.260 and 2003 c 226 s 2 are each amended to read as follows:

(1) In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child with a relative or other suitable person pursuant to RCW 13.34.130. Preferences such as family constellation, sibling relationships, ethnicity, and religion shall be considered when matching children to foster

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and shall be integrated through the foster care team.

(2) When a child is placed in out-of-home care, relatives, other suitable persons, and foster parents are encouraged to:

(a) Provide consultation to the foster care team based upon their experience with the child placed in their care;

(b) Assist the birth parents by helping them understand their child's needs and correlating appropriate parenting responses;

(c) Participate in educational activities, and enter into community-building activities with birth families and other foster families;

(d) Transport children to family time visits with birth families and assist children and their families in maximizing the purposefulness of family time.

(3) For purposes of this section, "foster care team" means the relative, other suitable person, or foster parent currently providing care, the currently assigned social worker, and the parent or parents; and "birth family" means the persons described in RCW 74.15.020(2)(a).

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 7. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis

of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

2009 REGULAR SESSION

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child age twelve years and older with a document containing the information described in RCW 74.13.031(16). The social worker shall explain the contents of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 9. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

~~((+))~~ (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

~~((2))~~ (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

~~((3))~~ (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

~~((+))~~ (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) At least six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to the prospective adoptive parent, in writing, information describing the limits of the adoption support program including the following information:

(a) The limits on monthly cash payments to adoptive families;

(b) The limits on the availability of children's mental health services and the funds with which to pay for these services;

(c) The process for accessing mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children; and

(e) That payment for residential or group care is not available for adopted children under the adoption support program.

Sec. 10. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; information on the limits of the adoption support program as provided in RCW 74.13.109(4); and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 11. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

~~((+))~~ (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

~~((2))~~ (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

~~((3))~~ (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

~~((4))~~ (d) The foster parent has advocated for services on behalf of the foster child;

~~((5))~~ (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

~~((6))~~ (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5811 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to SUBSTITUTE SENATE BILL NO. 5777. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5777-S AMH CODY H3433.1 and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.66 RCW to read as follows:

Any medicare eligible person who is rejected for medical reasons, is required to accept restrictive riders, an up-rated premium, or preexisting conditions limitations, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member as defined in RCW 48.41.030(14) shall be provided written notice from the issuer of medicare supplement coverage to whom application was made of the decision not to accept the person's application for enrollment, or to require such restrictions. The notice shall further state that the person is eligible for medicare part C coverage offered in the person's geographic area or coverage provided by the Washington state health insurance pool for Washington residents, and shall include information

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

about medicare part C plans offered in the person's geographic area, about the Washington state health insurance pool, and about available resources to assist the person in choosing appropriate coverage.

Sec. 2. RCW 48.41.060 and 2008 c 217 s 47 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every ~~((eighteen))~~ thirty-six months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially

request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 3. RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

~~((a))~~ (i) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

~~((b))~~ (ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

pool administrator pursuant to subsection (3) of this section;

~~((e))~~ (iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; ~~and~~

~~(d))~~ (iv) Any ~~(medicare eligible)~~ person ~~(upon providing)~~ becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, ~~((or))~~ (D) a preexisting conditions limitation ~~((or a))~~, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

(v) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(b) For purposes of (a)(v) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions and those persons ~~(whose benefits are duplicated under public programs)~~ who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)~~((d))~~ (a)(iv) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)~~((e))~~ (a)(iii) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)~~((e))~~ (a)(iii) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)~~((e))~~ (a)(iii) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)(i), ~~((b))~~ (ii), or ~~((d))~~ (iv) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)~~((b))~~ (a)(ii) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 4. RCW 48.41.100 and 2008 c 317 s 4 are each amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

~~((a))~~ (i) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

~~((b))~~ (ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

~~((e))~~ (iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

time of application to the pool, and who makes direct application to the pool; ~~(and~~

~~(d) Any medicare eligible person upon providing)~~ (iv) Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, ~~((or)) (D) a preexisting conditions limitation ~~((or a))~~, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and~~

(v) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(b) For purposes of (a)(v) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health

questionnaire, or pursuant to subsection (1)~~((d))~~ (a)(iv) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)~~((c))~~ (a)(iii) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)~~((c))~~ (a)(iii) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)~~((c))~~ (a)(iii) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)~~(i)~~, ~~((b))~~ (ii), or ~~((d))~~ (iv) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)~~((b))~~ (a)(ii) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

NEW SECTION. Sec. 5. The board of the Washington state health insurance pool shall conduct a study of options for equitable, stable, and broad-based funding sources for the operation of the pool. The board is authorized to solicit funds to conduct the study. The board shall report its findings and recommendations to the appropriate committees of the senate and house of representatives by December 15, 2009.

NEW SECTION. Sec. 6. Section 3 of this act takes effect if section 4, chapter 317, Laws of 2008 is null and void on the effective date of this act; otherwise section 3 of this act is null and void.

NEW SECTION. Sec. 7. Section 4 of this act takes effect if section 4, chapter 317, Laws of 2008 is in effect on the effective date of this act; otherwise section 4 of this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5777.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Senators Keiser and Parlette spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5777.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5777 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5777, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5777, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5777, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House receded in its amendment to SENATE BILL NO. 5554. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5554 AMH HASE CLYN 128 and passed the bill as amended by the House.

On page 4, at the beginning of line 12, insert the following:

"(a) Proposing training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces;"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5554.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5554.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5554 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5554, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

SENATE BILL NO. 5554, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to SUBSTITUTE SENATE BILL NO. 5431. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5431-S AMH KAGI H3436.1

On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060 and 13.34.130, placement of the child with a relative or other suitable person is the preferred option."

Beginning on page 1, line 14, after "care." strike all material through "and the" on page 2, line 3, and insert "and the department cannot locate an appropriate and available relative or other suitable person, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The"

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

If a child has been previously placed in out-of-home care and is subsequently returned to out-of-home care, and the department cannot locate an appropriate and available relative or other suitable person, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(1) The foster family home is available and willing to care for the child;

(2) The foster family is appropriate and able to meet the child's needs; and

(3) The placement is in the best interest of the child."

Correct the title.

and the same are herewith transmitted.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5431.

Senators Hargrove and Roach spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5431.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5431 by voice vote.

MOTION

On motion of Senator Kauffman, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5431, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5431, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5431, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to SENATE BILL NO. 5354. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5354 AMH SIMP MOET 395, and passed the bill as amended by the House.

Beginning on page 1, line 18, after "islands" strike all material through "boundaries" on page 2, line 4, and insert "that receives medical services from a hospital district, but is prevented by geography and the absence of contiguous boundaries from annexing to that district"

Beginning on page 2, line 16, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. ESTABLISHING A PUBLIC HOSPITAL CAPITAL FACILITY AREA--BALLOT PROPOSITIONS. (1)(a) Upon receipt of a completed petition to both establish a public hospital capital facility area and

submit a ballot proposition under section 7 of this act to finance public hospital capital facilities and other capital health care facilities, the legislative authority of the county in which a proposed public hospital capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed public hospital capital facility area and authorizing the public hospital capital facility area, if established, to finance public hospital capital facilities or other capital health care facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. A petition submitted under this section must be accompanied by a written request to establish a public hospital capital facility area that is signed by a majority of the commissioners of the public hospital district serving the proposed area.

(b) The ballot propositions must be submitted to voters of the proposed public hospital capital facility area at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed public hospital capital facility area is already holding a special election under RCW 29A.04.330. Approval of the ballot proposition to create a public hospital capital facility area requires a simple majority vote by the voters participating in the election.

(2) A completed petition submitted under this section must include:

(a) A description of the boundaries of the public hospital capital facility area; and

(b) A copy of a resolution of the legislative authority of each city, town, and hospital district with territory in the proposed public hospital capital facility area indicating both: (i) Approval of the creation of the proposed public hospital capital facility area; and (ii) agreement on how election costs will be paid for ballot propositions to voters that authorize the public hospital capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness."

On page 3, line 16, after "facility" insert "area"

On page 3, line 21, after "proposed" strike "district" and insert "public hospital capital facility area"

On page 5, at the beginning of line 36, strike "chapter 70.44 RCW" and insert "this chapter"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5354.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Senate Bill No. 5354.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5354 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354, as amended by the House.

Senator Roach spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354, as amended by the House, and the bill passed the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Hewitt, Morton, Pflug, Roach and Stevens

Excused: Senator Brown

SENATE BILL NO. 5354, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5288 with the following amendment: 5288-S.E AMH ENGR H3253.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.501 and 2005 c 362 s 1 are each amended to read as follows:

(1) ~~((When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories.~~

~~(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:~~

~~(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~(b) Regardless of the offender's or probationer's risk category if:~~

~~(i) The offender's or probationer's current conviction is for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(ii) The offender or probationer has a prior conviction for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(iii) The conditions of the offender's community custody, community placement, or community supervision or the probationer's supervision include chemical dependency treatment;~~

~~(iv) The offender) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:~~

~~(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:~~

~~(i) A violent offense;~~

~~(ii) A sex offense;~~

~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

~~(iv) Fourth degree assault; or~~

~~(v) Violation of a domestic violence court order; and~~

~~(b) Offenders convicted of:~~

~~(i) Sexual misconduct with a minor second degree;~~

~~(ii) Custodial sexual misconduct second degree;~~

~~(iii) Communication with a minor for immoral purposes; and~~

~~(iv) Failure to register pursuant to RCW 9A.44.130.~~

~~(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.~~

~~(3) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted pursuant to subsection (6) of this section, places the offender in one of the two highest risk categories.~~

~~(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~(a) Has a current conviction for a sex offense;~~

~~(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((iv) The offender) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

~~((3)) (5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), (3), or (4) of this section.~~

~~((4) This section expires July 1, 2010)) (6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody, community placement, or community supervision who may be subject to supervision under this section.~~

Sec. 2. RCW 9.94A.501 and 2008 c 231 s 24 are each amended to read as follows:

(1) ~~((When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories.~~

(2) The department shall supervise every offender sentenced to a term of community custody and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

~~(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~(b) Regardless of the offender's or probationer's risk category if:~~

~~(i) The offender's or probationer's current conviction is for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(ii) The offender or probationer has a prior conviction for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(iii) The conditions of the offender's community custody or the probationer's supervision include chemical dependency treatment;~~

~~(iv) The offender) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:~~

~~(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:~~

~~(i) A violent offense;~~

~~(ii) A sex offense;~~

~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

~~(iv) Fourth degree assault; or~~

~~(v) Violation of a domestic violence court order; and~~

~~(b) Offenders convicted of:~~

~~(i) Sexual misconduct with a minor second degree;~~

~~(ii) Custodial sexual misconduct second degree;~~

~~(iii) Communication with a minor for immoral purposes; and~~

~~(iv) Failure to register pursuant to RCW 9A.44.130.~~

~~(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.~~

~~(3) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted pursuant to subsection (6) of this section, classifies the offender as one who is at a high risk to reoffend.~~

~~(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~(a) Has a current conviction for a sex offense;~~

~~(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((*) The offender)) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

~~((**)) (5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), (3), or (4) of this section.~~

~~((***) This section expires July 1, 2010)) (6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section.~~

Sec. 3. RCW 9.94A.030 and 2008 c 276 s 309 and 2008 c 7 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed ~~((pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545;))~~ as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Title(s) 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(16) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(17) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson

(chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(18) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(19) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(20) "Department" means the department of corrections.

(21) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(22) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(23) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(24) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(25) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(30) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and

RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in ((RCW 9.94A.030)) this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by ((RCW 9.94A.030)) this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

- (xxiii) Reckless Endangerment (RCW 9A.36.050);
- (xxiv) Coercion (RCW 9A.36.070);
- (xxv) Harassment (RCW 9A.46.020); or
- (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(43) "Risk assessment" means the application of ~~((an objective))~~ the risk instrument ~~((supported by research and adopted by))~~ recommended to the department ~~((for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations))~~ by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(44) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(45) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(46) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(47) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(49) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(51) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(52) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(53) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(54) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(56) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 4. RCW 9.94A.030 and 2009 c 28 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or

through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

~~(6) ("Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.701, as established by the commission or the legislature under RCW 9.94A.850.~~

~~(7))~~ "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

~~((8))~~ (7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((9))~~ (8) "Confinement" means total or partial confinement.

~~((10))~~ (9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((11))~~ (10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((13))~~ (12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

~~((14))~~ (13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

~~((15))~~ (14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

~~((16))~~ (15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((17))~~ (16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((18))~~ (17) "Department" means the department of corrections.

~~((19))~~ (18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((20))~~ (19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((21))~~ (20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((22))~~ (21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((23))~~ (22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((24))~~ (23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((25))~~ (24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((26))~~ (25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((27))~~ (26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((28))~~ (27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((29))~~ (28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((30))~~ (29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(n) Rape in the third degree;
 (o) Robbery in the second degree;
 (p) Sexual exploitation;
 (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((31))~~ (30) "Nonviolent offense" means an offense which is not a violent offense.

~~((32))~~ (31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((33))~~ (32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((34))~~ (33) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in (~~RCW 9.94A.030~~) this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by (~~RCW 9.94A.030~~) this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((35))~~ (34) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (~~((35))~~) (34)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((36))~~ (35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((37))~~ (36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((38))~~ (37) "Public school" has the same meaning as in RCW 28A.150.010.

~~((39))~~ (38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((40))~~ (39) "Risk assessment" means the application of ~~((an objective))~~ the risk instrument ~~((supported by research and adopted by))~~ recommended to the department ~~((for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations))~~ by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((41))~~ (40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((42))~~ (41) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((43))~~ (42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((44))~~ (43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((45))~~ (44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((46))~~ (45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((47))~~ (46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((48))~~ (47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((49))~~ (48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((50))~~ (49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((51))~~ (50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((52))~~ (51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((53))~~ (52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((54))~~ (53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 5. RCW 9.94A.701 and 2009 c 28 s 10 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall ~~((impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer)),~~ in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507;

(b) A serious violent offense; or

(c) ~~((A crime against persons under RCW 9.94A.411(2);~~

~~((d) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;~~

~~((e) A felony offender under chapter 69.50 or 69.52 RCW))~~ A violation of RCW 9A.44.130(1)(a) committed on or after June 7, 2006, when a court sentences the person to a term of confinement of one year or less.

(2) ~~((If an offender is sentenced to a term of confinement of one year or less for a violation of RCW 9A.44.130(1)(a), the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer))~~ A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate; or

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000.

~~((3))~~ (4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

~~((4))~~ (5) If an offender is sentenced under the special sexual offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

~~((5))~~ (6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

2009 REGULAR SESSION

~~((6))~~ (7) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

~~((7) If the offender is a criminal street gang associate or member and is found guilty of unlawful possession of a firearm under RCW 9.41.040, the court shall impose a term of community custody under subsection (1)(d) of this section))~~ (8) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 6. RCW 9.94A.704 and 2009 c 28 s 12 are each amended to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions ~~((and duration of community custody))~~ on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(9)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.507, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (i) The crime of conviction;
- (ii) The offender's risk of reoffending;
- (iii) The safety of the community.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(10) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

Sec. 7. RCW 9.94A.707 and 2008 c 231 s 12 are each amended to read as follows:

(1) Community custody shall begin: (a) Upon completion of the term of confinement; or (b) ~~((at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) or (2), or (c)))~~ at the time of sentencing if no term of confinement is ordered.

(2) When an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of sentencing, unless otherwise ordered by the court.

~~((3) When an offender is sentenced to a community custody range pursuant to RCW 9.94A.701 (1) or (2), the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.))~~

Sec. 8. RCW 9.94A.850 and 2009 c 28 s 17 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of

standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

~~(5)((a) Not later than December 31 of each year, the commission may propose modifications to the community custody ranges to be included in sentences under RCW 9.94A.701. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.~~

~~-(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.~~

~~-(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.~~

~~-(6)) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.~~

NEW SECTION. Sec. 9. The department of corrections shall recalculate the term of community custody and reset the date that community custody will end for each offender currently in confinement or serving a term of community custody for a crime specified in RCW 9.94A.701. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

Sec. 10. 2008 c 231 s 6 (uncodified) is amended to read as follows:

The existing sentencing reform act contains numerous provisions for supervision of different types of offenders. This duplication has caused great confusion for judges, lawyers, offenders, and the department of corrections, and often results in inaccurate sentences. The clarifications in this act are intended to support continued discussions by the sentencing guidelines commission with the courts and the criminal justice community to identify and propose policy changes that will further simplify and improve the sentencing reform act relating to the supervision of offenders. The sentencing guidelines commission shall submit policy change proposals to the legislature on or before December 1, 2008.

Sections 7 through 58 of this act are intended to simplify the supervision provisions of the sentencing reform act and increase the uniformity of its application. These sections are not intended to either increase or decrease the authority of sentencing courts or the department relating to supervision, except for those provisions instructing the court to apply the provisions of the current community custody law to offenders sentenced after July 1, 2009, but who committed their crime prior to August 1, 2009, to the extent that such application is constitutionally permissible.

This will effect a change for offenders who committed their crimes prior to the offender accountability act, chapter 196, Laws of 1999. These offenders will be ordered to a term of community custody rather than community placement or community supervision. To the extent constitutionally permissible, the terms of the offender's supervision will be as provided in current law. With the exception of this change, the legislature does not intend to make, and no provision of sections 7 through 58 of this act may be construed as making, a substantive change to the supervision provisions of the sentencing reform act.

~~((It is the intent of the legislature to reaffirm that section 3, chapter 379, Laws of 2003, expires July 1, 2010:))~~

Sec. 11. RCW 9.95.220 and 1957 c 227 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever the state parole officer or other officer under whose supervision the probationer has been placed shall have reason to believe such probationer is violating the terms of his or her probation, or engaging in criminal practices, or is abandoned to improper associates, or living a vicious life, he or she shall cause the probationer to be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may rearrest any such person without warrant or other process. The court may thereupon in its discretion without notice revoke and terminate such probation. In the event the judgment has been pronounced by the court and the execution thereof suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory as the case may be. If the judgment has not been pronounced, the court shall pronounce judgment after such revocation of probation and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory, in accordance with the sentence imposed.

(2) If a probationer is being supervised by the department of corrections pursuant to RCW 9.95.204, the department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

Sec. 12. RCW 9.94A.633 and 2009 c 28 s 7 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the special sexual offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

(d) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(e) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

Sec. 13. RCW 9.94A.737 and 2007 c 483 s 305 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (3) of this section.

(2) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.

(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions,

supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(e) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned by the department pursuant to (c) of this subsection. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.740. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) If an offender has been arrested for a new felony offense while under community supervision, community custody, or community placement, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community supervision, community custody, or community placement.

(5) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as the result of action by the department.

(6) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(7) The hearing procedures required under subsection (6) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

(8) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

(9) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

(10) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

Sec. 14. RCW 9.94A.6332 and 2009 c 28 s 8 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special sexual offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(4) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

(5) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

NEW SECTION. Sec. 15. The legislature directs the sentencing guidelines commission to include in its biennial report to the legislature, as required by RCW 9.94A.850(2)(h)(iii), and due no later than December 1, 2011, an analysis of the impact on recidivism of the following:

(1) The supervision of offenders pursuant to sections 1 and 2 of this act;

(2) The department's authority to issue warrants for offenders under its supervision who are sentenced for misdemeanor and gross misdemeanor offenses in superior court; and

(3) The community custody terms of supervision pursuant to section 5 of this act.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

16.1.1.1. RCW 9.95.206 (Misdemeanant probation services--Offender classification system--Supervision standards) and 1996 c 298 s 2; and

16.1.1.2. RCW 9.95.212 (Standards for supervision of misdemeanant probationers) and 1998 c 245 s 2 & 1995 1st sp.s. c 19 s 31.

NEW SECTION. Sec. 17. 2008 c 231 s 60 (uncodified) is repealed.

NEW SECTION. Sec. 18. (1) Sections 1, 3, 11, 13, 16, 17, and 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

2009 REGULAR SESSION

(2) Sections 2, 4 through 10, 12, and 14 of this act take effect August 1, 2009.

NEW SECTION. Sec. 19. Sections 1, 3, and 13 of this act expire August 1, 2009.

NEW SECTION. Sec. 20. This act applies retroactively and prospectively regardless of whether the offender is currently on community custody or probation with the department, currently incarcerated with a term of community custody or probation with the department, or sentenced after the effective date of this section."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5288.

Senator Hargrove spoke in favor of the motion.

Senator Carrell spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5288.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5288 by voice vote.

Senators Carrell, Sheldon, Roach and Benton spoke against passage of the bill.

Senators Hargrove and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5288, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Eide, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Eide, pursuant to Rule 48, moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 6160 and the measure be placed on the day's second reading calendar.

The President declared the question before the Senate to be the motion by Senator Eide that the Committee on Rules be relieved of further consideration of Senate Bill No. 6160 and the measure be placed on the day's second reading calendar.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The motion by Senator Eide carried and Senate Bill No. 6160 was placed on the day's second reading calendar by voice vote.

MOTION

At 3:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:13 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1332,
 - ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
 - SUBSTITUTE HOUSE BILL NO. 1751,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
 - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

- SENATE BILL NO. 5359,
- SENATE BILL NO. 5470,
- SENATE BILL NO. 5525,
- SUBSTITUTE SENATE BILL NO. 5684,
- SUBSTITUTE SENATE BILL NO. 5734,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
- ENGROSSED SENATE BILL NO. 5894,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6169,

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House has receded in its amendment to SUBSTITUTE SENATE BILL NO. 5285. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5285-S AMH GOOD TANG 107, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 2008 c 211 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's

ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this

section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the

parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2. RCW 13.34.100 and 2000 c 124 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background ~~((file))~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian~~((s))~~ ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((f))~~ (f) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause

number of any case in which the court has removed the person for cause; ~~((and~~

~~((f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

~~((j))~~ (j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~((report))~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program ~~((the))~~ a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends (~~and the appointment shall be effective immediately~~). The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

(9) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointed for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3. RCW 26.12.175 and 2000 c 124 s 6 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. ~~((The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.))~~

(b) ~~((Unless otherwise ordered,))~~ The guardian ad litem's role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court ((concerning parenting arrangements for the child, and to represent the child's best interests)). The guardian ad litem shall always represent the best interests of the child. Guardians ad litem and investigators under this title may make recommendations based upon ~~((an independent investigation regarding the best interests of the child))~~ his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem

services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court- appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services that are not inconsistent with this section.

(3) Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem in the program. The background ((fite)) information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian((s)) ad litem's duties;

(c) Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((f))~~ (f) Number of appointments as a guardian ad litem and county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ~~(and~~

~~(f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~((report))~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem, the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately))~~. The court shall immediately appoint the person recommended by the program.

(5) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 4. RCW 26.12.177 and 2007 c 496 s 305 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under RCW 2.53.040, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem ~~((lacks the necessary expertise for the proceeding))~~ is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists

of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who ~~((misrepresents))~~ has been found to have misrepresented his or her qualifications ((pursuant to a grievance procedure established by the court)).

(3) The rotational registry system shall not apply to court-appointed special advocate programs." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5285.

Senators Regala and Roach spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5285.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5285 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5285, as amended by the House.

Senator Roach spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5285, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

SUBSTITUTE SENATE BILL NO. 5285, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate. The President is going to ask you for a point of personal privilege at this time if he may. I know that things are going to get a little crazy as we're trying to wrap up, possibly get out of order so, I brought a little help with me today. I would like you to say hello to my little friend. Hopefully, that will help but on a serious note and it has been brought to my attention by different members and both leadership and other members. We have a lot of difficult issues to finish to get out of here by tomorrow. There's going to be a lot of passion. There's going to be a lot of emotions. There's going to be a lot of differences. I would ask, you that you respect not only the differences of each others

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

philosophies but also respect each other. That you avoid rancor and assaults against each other, that you recognize that we don't always agree but we have a very important job to get done. I will do my best to keep order and I will do my best to not allow personal assaults and I'd appreciate your help in that way. It's not only my request but it's a request of many of you that have come and talked to me in the last couple of days. So, if we could respect that, we can do everything that we need to do to finish this incredible job. I have been here for thirty-three session, thirty-three years. One year we didn't have a session but thirty-two sessions. I know that you have the single most difficult task of all the years that I have ever been here and so I know it's going to get very passionate. It's going to get very emotional. So I ask your help in recognizing that we don't always agree, that we have significant differences, but that we respect each other. Thank you."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1287, by Representatives Morris, Bailey, Ericks, Hinkle, Sullivan and Priest

Concerning sales and use tax exemptions in respect to aircraft used in intrastate commuter operations.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1287.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1287 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Fraser and Tom

HOUSE BILL NO. 1287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "There was an error in the reading of the message from the House on the bills that were passed by the

House. One of them was stated as 2245. It should of been 2254. We will correct that in the record."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344, by House Committee on Ways & Means (originally sponsored by Representative Haigh)

Regarding resident undergraduate tuition.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment by Senator Sheldon be adopted.

On page 2, line 4, after "(2) insert "Tuition fees charged to resident undergraduates for the 2011-12 academic year shall not exceed the maximum of tuition fees that could have been charged in 2011-12 had the cap imposed under RCW 28B.15.068 remained in effect for the 2009-10 and 2010-11 academic years.

(3)"

On page 3, at the beginning of line 27 strike "(3)" and insert "(((3))) (4)"

On page 2, at the beginning of line 35, strike "(4)" and insert "(((4))) (5)"

On page 3, at the beginning of line 5, strike "(5)" and insert "(6)"

Senators Sheldon, Pflug, Shin and Roach spoke in favor of adoption of the amendment.

Senators Kilmer and Jacobsen spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Brown: "Mr. President, I wonder if you could remind us again that we're to address the President and not to people who may or may not be listening in."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, your point is well taken. Senator Jarrett."

Senators Jarrett and Kohl-Welles spoke against the adoption of the amendment.

Senator Carrell spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sheldon on page 2, line 4 to Engrossed Substitute House Bill No. 2344.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Sheldon and the amendment was adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Stevens, Swecker and Zarelli

SECOND READING

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

HOUSE BILL NO. 2331, by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby.

Concerning the existing document recording fee for services for the homeless.

The bill was read on Third Reading.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug and others be adopted.

On page 2, line 4, after "(2)" insert "Tuition fees charged to resident undergraduates for the 2011-12 academic year shall not exceed the maximum of tuition fees that could have been charged in 2011-12 had the cap imposed under this section remained in effect for the 2009-10 and 2010-11 academic years.

(3)"

Correct any internal references accordingly.

On page 2, at the beginning of line 27, strike "(3)" and insert "~~((3))~~ (4)"

On page 2, at the beginning of line 35, strike "(4)" and insert "~~((4))~~ (5)"

On page 3, at the beginning of line 5, strike "(5)" and insert "(6)"

On page 4, line 25, after "chapter ____" strike "RCW"

MOTION

On motion of Senator Prentice, the rules were suspended and House Bill No. 2331 was returned to second reading for the purpose of amendment.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Fraser be adopted.

On page 1, line 8, strike "~~((ten))~~ thirty" and insert "ten"

On page 1, line 10, after "law." Insert "During the 2009-11 and 2011-13 biennia, the surcharge shall be thirty dollars."

Senators Haugen and Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Fraser on page 1, line 8 to House Bill No. 2331.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug and others on page 2, line 4 to Engrossed Substitute House Bill No. 2344 was withdrawn.

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute House Bill No. 2344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Hargrove, Jacobsen and Kohl-Welles spoke in favor of passage of the bill.

Senators Schoesler, Pflug and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2344.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice be adopted.

On page 2, after "to" on line 25, insert "(a)"

On page 2, after "trust" on line 26, insert ", or (b) documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law"

Senator Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 2, line 25 to House Bill No. 2331.

The motion by Senator Prentice carried and the amendment was adopted by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2344 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2331 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Fraser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Fraser yield to a question?"

President Owen: "She does not."

Senators Carrell, Sheldon and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2331 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2331 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridmore, Ranker, Regala, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

HOUSE BILL NO. 2331 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2346, by House Committee on Ways & Means (originally sponsored by Representative Kagi)

Concerning crisis residential centers.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 13.32A.130 and 2000 c 162 s 13 are each amended to read as follows:

(1) A child admitted to a secure facility shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days. ~~((If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission))~~ A child admitted to a semi-secure facility may remain for not more than fifteen consecutive days. If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities shall not exceed fifteen consecutive days per admission and in no event can the child's length of stay in a secure facility exceed five days per admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and

treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time ~~((during the five-day period))~~ unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within ~~((the five-day period))~~ five days of the child's admission to the center, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 2. RCW 74.13.0321 and 1995 c 312 s 61 are each amended to read as follows:

No contract may provide reimbursement or compensation to:

(1) A crisis residential center's secure facility for any service delivered or provided to a resident child after five consecutive days of residence; or

(2) A semi-secure crisis residential center facility for any service delivered or provided to a resident child after fifteen consecutive days of residence.

Sec. 3. RCW 74.13.033 and 2000 c 162 s 16 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days if the juvenile resides in a secure crisis residential center; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the ~~((facility))~~ center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having

taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days ~~((on the premises))~~ in a secure facility or fifteen days in a semi-secure facility. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW to read as follows:

The department may take a runaway youth to a secure facility after attempting to notify the parent of the child's whereabouts. The department may not take a child to a secure facility if the department has reasonable cause to believe that the reason for the child's runaway status is the result of abuse or neglect.

The President declared the question before the Senate to be the motion by Senator Prentice to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2346.

The motion by Senator Prentice carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are each reenacted and amended to read as follows:

(1) A child admitted to a secure facility located in a juvenile detention center shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days. ((If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.)) A child admitted to a secure facility not located in a juvenile detention center or a semi-secure facility may remain for not more than fifteen consecutive days. If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities shall not exceed fifteen consecutive days per admission, and in no event may a child's stay in a secure facility located in a juvenile detention center exceed five days per admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time (~~during the five-day period~~) unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within (~~the five-day period~~) five days of the child's admission to the center, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 2. RCW 74.13.0321 and 1995 c 312 s 61 are each amended to read as follows:

No contract may provide reimbursement or compensation to:

(1) A ((crisis residential center's)) secure facility located in a juvenile detention center for any service delivered or provided to a resident child after five consecutive days of residence; or

(2) A secure facility not located in a juvenile detention center or a semi-secure crisis residential center facility for any

service delivered or provided to a resident child after fifteen consecutive days of residence.

Sec. 3. RCW 74.13.033 and 2000 c 162 s 16 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed ~~((five))~~ fifteen consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the ~~((facility))~~ center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed ~~((five))~~ fifteen consecutive days ~~((on the premises))~~. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed ~~((five))~~ fifteen consecutive days.

Sec. 4. RCW 74.13.034 and 2000 c 162 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed ~~((five))~~ fifteen consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. Sec. 5. A new section is added to chapter 13.32A RCW to read as follows:

The department may take a runaway youth to a secure facility after attempting to notify the parent of the child's whereabouts. The department may not take a child to a secure facility if the department has reasonable cause to believe that the reason for the child's runaway status is the result of abuse or neglect."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 2346.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 74.13.0321, 74.13.033, and 74.13.034; reenacting and amending RCW 13.32A.130; and adding a new section to chapter 13.32A RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2346 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2346 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2346 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2346, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2356, by House Committee on Ways & Means (originally sponsored by Representative Haigh)

Revising student achievement fund allocations.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2356.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2356 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Absent: Senator Kline

SUBSTITUTE HOUSE BILL NO. 2356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senator Kline was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2358, by Representative Conway

Increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2358.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2358 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, King, Marr, McCaslin, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED HOUSE BILL NO. 2358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5421, by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr

Establishing the upper Columbia river recreational salmon and steelhead pilot stamp program. Revised for 1st Substitute: Creating the Columbia river recreational salmon and steelhead pilot stamp program.

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5421 was substituted for Senate Bill No. 5421 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and McCaslin be adopted.

On page 3, beginning on line 4, after "(2)" strike all material through "river." on line 8 and insert "The department shall solicit recommendations for membership on the Columbia river salmon and steelhead recreational anglers board from recognized recreational fishing organizations of the Columbia river, and the director or director's designee shall give deference to such recommendations when selecting board members. In making these selections, the director or director's designee shall seek to provide equitable representation from the various geographic areas of the Columbia river."

Senators Parlette and Jacobsen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and McCaslin on page 3, line 4 to Substitute Senate Bill No. 5421.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Jacobsen be adopted.

On page 4, after line 14, insert the following:

"NEW SECTION. **Sec. 11.** A Columbia river salmon and steelhead stamp or endorsement is not subject to the additional ten percent transaction fee on recreational licenses, permits, tags, stamps, or raffle tickets to be charged during the 2009-2011 biennium under chapter . . . (Substitute House Bill No. 1778), Laws of 2009 if it or a subsequent version thereof becomes law."

Senator Parlette spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5421 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Keiser as to the scope and object of Amendment #474, by Senator Holmquist and others, to Senate Bill 6158, the President finds and rules as follows:

SB 6158 is a bill that is necessary to implement the budget. It reduces government expenditures by delaying the implementation of payment of benefits under the Family Leave Insurance Program from 2009 until 2012. Amendment #474 would address the same budget issue by repealing the Family Leave Insurance Program.

While the President finds that Amendment #474 is a more drastic approach to the problem addressed by SB 6158, he believes that it does fall within the scope and object of SB 6158.

For this reason, the President finds that Senator Keiser's point is not well-taken. Amendment #474 is properly before the body for consideration."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6158 was deferred and the bill held its place on the second reading calendar.

The Senate resumed consideration of Substitute Senate Bill No. 5421.

Senator Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Jacobsen on page 4, after line 14 to Substitute Senate Bill No. 5421.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Jacobsen and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5421.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5421 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Marr, McCaslin, Pflug, Roach, Schoesler, Sheldon and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2361, by House Committee on Ways & Means (originally sponsored by Representative Cody)

Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to or live with the client. Revised for 1st Substitute: Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to the client.

The measure was read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Fairley be adopted.

On page 1, line 11, after "the client." insert the following:

"To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client."

On page 2, after line 15, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) Beginning July 1, 2010, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the home care agency does not verify agency employee hours by

electronic time keeping.

(2) For purposes of this section, "electronic time keeping" means an electronic, verifiable method of recording an employee's presence in the client's home at the beginning and end of the employee's client visit workday."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli and Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Fairley on page 1, line 11 to Substitute House Bill No. 2361.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following amendment was adopted:

On page 1, line 1 of the title, after "care", strike the remainder of the title and insert "; adding new sections to chapter 74.39A RCW; creating a new section; and declaring an emergency."

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 7, after "Family member", strike all material through "grandnephew" on line 9 and insert "means a parent, child, or sibling"

WITHDRAWAL OF AMENDMENT

On motion of Senator Parlette, the amendment by Senator Parlette on page 2, line 7 to Substitute House Bill No. 2361 was withdrawn.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2361 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2361, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2361 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

SUBSTITUTE HOUSE BILL NO. 2361, as amended by the Senate having received the constitutional majority, was declared

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6180, by Senators Keiser, Tom and Prentice

Relating to home care workers. Revised for 1st Substitute: Concerning the training and background checks of long-term care workers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6180 was substituted for Senate Bill No. 6180 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.009 and 2009 c 2 s 2 (Initiative Measure No. 1029) are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(7) "Department" means the department of social and health services.

(8) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(9) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

(10) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

2009 REGULAR SESSION

(11) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, or developmental disability, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(12) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(13) "Home care aide" means a long-term care worker who has obtained certification as a home care aide by the department of health.

(14) "Individual provider" is defined according to RCW 74.39A.240.

(15) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

(16)(a) "Long-term care workers for the elderly or persons with disabilities" or "long-term care workers" includes all persons who are long-term care workers for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed ~~(in)~~ by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 CFR, Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

(17) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(18) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(19) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

(20) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

assistance services to the elderly or persons with disabilities requiring long-term care.

(21) "Secretary" means the secretary of social and health services.

(22) "Secretary of health" means the secretary of health or the secretary's designee.

(23) "Training partnership" means a joint partnership or trust that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

(24) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

Sec. 2. RCW 74.39A.055 and 2009 c 2 s 3 (Initiative Measure No. 1029) are each amended to read as follows:

(1) All long-term care workers for the elderly or persons with disabilities hired after January 1, ~~((2010))~~ 2012, shall be screened through state and federal background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. These background checks shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(2) To allow the department of health to satisfy its certification responsibilities under chapter 18.88B RCW, the department shall share ~~((this information))~~ state and federal background check results with the department of health. Neither department may share the federal background check results with any other state agency or person.

(3) The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(4) The department shall adopt rules to implement the provisions of this section by August 1, ~~((2009))~~ 2010.

Sec. 3. RCW 18.20.125 and 2004 c 140 s 4 are each amended to read as follows:

(1) Inspections must be outcome based and responsive to resident complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to facilities, residents, and other interested parties. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, and advocates in addition to interviewing appropriate staff.

(2) Prompt and specific enforcement remedies shall also be implemented without delay, consistent with RCW 18.20.190, for facilities found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(3)(a) To the extent funding is available, the licensee, administrator, and their staff should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable adults. Employees may be provisionally hired pending the results of the background check if they have been given three positive references.

(b) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.

(4) No licensee, administrator, or staff, or prospective licensee, administrator, or staff, with a stipulated finding of fact, conclusion of law, and agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into the state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

Sec. 4. RCW 18.88B.030 and 2009 c 2 s 6 (Initiative Measure No. 1029) are each amended to read as follows:

(1) Effective January 1, ~~((2010))~~ 2011, except as provided in RCW 18.88B.040, the department of health shall require that all long-term care workers successfully complete a certification examination. Any long-term care worker failing to make the required grade for the examination will not be certified as a home care aide.

(2) The department of health, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. Unless excluded by RCW 18.88B.040 (1) and (2), only those who have completed the training requirements in RCW 74.39A.073 shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department of health shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification examination shall be administered and evaluated by the department of health or by a contractor to the department of health that is neither an employer of long-term care workers or private contractors providing training services under this chapter.

(5) The department of health has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements for certification.

(6) The department of health shall adopt rules by August 1, ~~((2009))~~ 2010, that establish the procedures, including criteria for reviewing an applicant's state and federal background checks, and examinations necessary to carry this section into effect.

Sec. 5. RCW 43.20A.710 and 2001 c 296 s 5 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, ~~((developmentally disabled))~~ persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, ~~((18.48,))~~ 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records ((both)) through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

~~((5))~~ (6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

~~((6))~~ (7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

Sec. 6. RCW 43.43.837 and 2007 c 387 s 1 are each amended to read as follows:

2009 REGULAR SESSION

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.

(3) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

~~((3))~~ (4) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

~~((4))~~ (5) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

~~((5))~~ (6) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

~~((6))~~ (7) Service providers licensed under RCW 74.15.030 may pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

~~((7))~~ (8) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

is determined to be disqualified due to the background information.

~~((8))~~ (9) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((9))~~ (10) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

Sec. 7. RCW 74.39A.050 and 2009 c 2 s 14 (Initiative Measure No. 1029) are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Long-term care workers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055. This information will be shared with the department of health in accordance with RCW 74.39A.055 to advance the purposes of chapter 2, Laws of 2009.

(8) No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of chapter 2, Laws of 2009.

(10) Until December 31, ~~((2009))~~ 2010, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) Until December 31, ~~((2009))~~ 2010, in an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training.

(13) The department shall establish, by rule, background checks and other quality assurance requirements for long-term care workers who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers. Long-term care workers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 8. RCW 74.39A.095 and 2004 c 141 s 1 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide oversight of the care being provided to consumers receiving services under this section to the extent of available funding. Case management responsibilities incorporate this oversight, and include, but are not limited to:

(a) Verification that any individual provider who has not been referred to a consumer by the authority (~~established under chapter 3, Laws of 2002~~) has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) Monitoring the consumer's plan of care to verify that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(d) (~~Reassessment and reauthorization of~~) Reassessing and reauthorizing services;

(e) Monitoring of individual provider performance. If, in the course of its case management activities, the area agency on aging identifies concerns regarding the care being provided by an individual provider who was referred by the authority, the area agency on aging must notify the authority regarding its concerns; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual provider who has not been referred to a consumer by the authority. Individual providers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement by the individual provider that he or she has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. When the department or area agency on aging terminates or summarily suspends a contract under this subsection, it must provide oral and written notice of the action taken to the authority. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

Sec. 9. RCW 74.39A.260 and 2002 c 3 s 5 are each amended to read as follows:

The department must perform criminal background checks for individual providers and prospective individual providers and ensure that the authority has ready access to any long-term care abuse and neglect registry used by the department. Individual providers who are hired after January 1, 2012, are subject to background checks under RCW 74.39A.055.

Sec. 10. RCW 74.39A.073 and 2009 c 2 s 5 (Initiative Measure No. 1029) are each amended to read as follows:

(1) Effective January 1, ~~((2010))~~ 2011, except as provided in RCW 18.88B.040, all persons employed as long-term care workers for the elderly or persons with disabilities must meet the minimum training requirements in this section within one hundred twenty calendar days of employment.

(2) All persons employed as long-term care workers must obtain seventy-five hours of entry-level training approved by the department. A long-term care worker must accomplish five of these seventy-five hours before becoming eligible to provide care.

(3) Training required by subsection (4)(c) of this section will be applied towards training required under RCW 18.20.270 or 70.128.230 as well as any statutory or regulatory training requirements for long-term care workers employed by supportive living providers.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The seventy-five hours of entry-level training required shall be as follows:

(a) Before a long-term care worker is eligible to provide care, he or she must complete two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment;

(b) Before a long-term care worker is eligible to provide care, he or she must complete three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(c) All long-term care workers must complete seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

(5) The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(7) The department of health shall adopt rules by August 1, ~~((2009))~~ 2010, to implement subsections (1), (2), and (3) of this section.

(8) The department shall adopt rules by August 1, ~~((2009))~~ 2010, to implement subsections (4) and (5) of this section.

Sec. 11. RCW 74.39A.075 and 2009 c 2 s 8 (Initiative Measure No. 1029) are each amended to read as follows:

(1) Effective January 1, ~~((2010))~~ 2011, a biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days of becoming an individual provider.

(2) Effective January 1, ~~((2010))~~ 2011, individual providers identified in (a) and (b) of this subsection must complete thirty-five hours of training within the first one hundred twenty days of becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(a) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by subsection (1) of this section; and

(b) Before January 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules by August 1, ~~((2009))~~ 2010, to implement this section.

Sec. 12. RCW 74.39A.340 and 2009 c 2 s 9 (Initiative Measure No. 1029) are each amended to read as follows:

(1) The department of health shall ensure that all long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning on ~~((January))~~ July 1, ~~((2010))~~ 2011.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 2, Laws of 2009.

(3) Unless voluntarily certified as a home care aide under chapter 2, Laws of 2009, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child; and

(b) Before June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) The department of health shall adopt rules by August 1, ~~((2009))~~ 2010, to implement subsections (1), (2), and (3) of this section.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(7) The department shall adopt rules by August 1, ~~((2009))~~ 2010, to implement subsection (4) of this section.

Sec. 13. RCW 74.39A.350 and 2009 c 2 s 10 (Initiative Measure No. 1029) are each amended to read as follows:

The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through the training partnership established under RCW 74.39A.360. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, ~~((2011))~~ 2012.

Sec. 14. RCW 74.39A.085 and 2009 c 2 s 12 (Initiative Measure No. 1029) are each amended to read as follows:

(1) The department shall deny payment to any individual provider of home care services who has not been certified by the department of health as a home care aide as required under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's certification is revoked under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(3) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under chapter 2, Laws of 2009 or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to chapter 2, Laws of 2009.

(4) Chapter 34.05 RCW shall govern actions by the department under this section.

(5) The department shall adopt rules by August 1, ~~((2009))~~ 2010, to implement this section.

Sec. 15. RCW 18.88B.040 and 2009 c 2 s 7 (Initiative Measure No. 1029) are each amended to read as follows:

The following long-term care workers are not required to become a certified home care aide pursuant to this chapter.

(1) Registered nurses, licensed practical nurses, certified nursing assistants, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary of health determines that the circumstances do not require certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(2) A person already employed as a long-term care worker prior to January 1, ~~((2010))~~ 2011, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the

training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(3) All long-term care workers employed by supported living providers are not required to obtain certification under this chapter.

(4) An individual provider caring only for his or her biological, step, or adoptive child or parent is not required to obtain certification under this chapter.

(5) Prior to June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month is not required to obtain certification under this chapter.

(6) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.073 may not be prohibited from enrolling in training pursuant to that section.

(7) The department of health shall adopt rules by August 1, ~~((2009))~~ 2010, to implement this section.

Sec. 16. RCW 18.88A.115 and 2009 c 2 s 11 (Initiative Measure No. 1029) are each amended to read as follows:

By August 1, ~~((2009))~~ 2010, the department of health shall develop, in consultation with the nursing care quality assurance commission and consumer and worker representatives, rules permitting reciprocity to the maximum extent possible under federal law between home care aide certification and nursing assistant certification.

Sec. 17. RCW 18.88B.050 and 2009 c 2 s 13 (Initiative Measure No. 1029) are each amended to read as follows:

(1) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, issuance of certificates, and the discipline of persons with certificates under this chapter. The secretary of health shall be the disciplinary authority under this chapter.

(2) The secretary of health may take action to immediately suspend the certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary of health imposes suspension or conditions for continuation of certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department of health shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or, if exempted from certification by RCW 18.88B.040, has not completed his or her required training pursuant to this chapter.

(5) Chapter 34.05 RCW shall govern actions by the department of health under this section.

(6) The department of health shall adopt rules by August 1, ~~((2009))~~ 2010, to implement this section.

Sec. 18. RCW 18.88B.020 and 2009 c 2 s 4 (Initiative Measure No. 1029) are each amended to read as follows:

(1) Effective January 1, ~~((2010))~~ 2011, except as provided in RCW 18.88B.040, the department of health shall require that any person hired as a long-term care worker for the elderly or persons with disabilities must be certified as a home care aide within one hundred fifty days from the date of being hired.

(2) Except as provided in RCW 18.88B.040, certification as a home care aide requires both completion of seventy-five hours of training and successful completion of a certification examination pursuant to RCW 74.39A.073 and 18.88B.030.

(3) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified pursuant to this chapter.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(4) The department of health shall adopt rules by August 1, ((2009)) 2010, to implement this section.

NEW SECTION. Sec. 19. Section 16 of this act takes effect September 1, 2009."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Substitute Senate Bill No. 6180.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 74.39A.009, 74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, 74.39A.260, 74.39A.073, 74.39A.075, 74.39A.340, 74.39A.350, 74.39A.085, 18.88B.040, 18.88A.115, 18.88B.050, and 18.88B.020; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, King, Schoesler and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6180 and Engrossed Substitute Senate Bill No. 5421 were immediately transmitted to the House of Representatives.

MOTION

At 6:23 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:35 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 2357,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5073,
SENATE BILL NO. 6002,
SENATE BILL NO. 6121,
SENATE BILL NO. 6165,
SENATE BILL NO. 6168,
SENATE BILL NO. 6179,
SENATE BILL NO. 6181,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1216 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Warnick and Ormsby)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.15.210, 28B.15.310, 28B.35.370, 28B.50.360, 43.63A.125, 79.17.010, 79.17.020, 43.99N.060, 28A.335.210, 28B.10.027, and 43.17.200; amending 2008 c 328 ss 6001, 1004, 3003, 3006, 3008, and 3010 (uncodified); amending 2007 c 520 ss

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

2020, 2023, 2046, 2085, 2083, 2084, 3026, 3042, 3022, 3041, 3135, and 5137 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1614 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Ormsby, Priest, Rodne, Eddy, Hunt, Pettigrew, Upthegrove, Blake, Nelson, Appleton, Pedersen, Simpson, Darneille, Williams, Hudgins, Dunshee, McCoy and Wood)

AN ACT Relating to petroleum pollution in storm water; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2357 by Representative Cody

AN ACT Relating to modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor; amending RCW 74.46.431 and 74.46.485; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, by House Committee on Ways & Means (originally sponsored by Representatives Linville, Alexander and Ericks)

Making 2009-2011 operating appropriations. Revised for 1st Substitute: Making operating appropriations for fiscal years 2007-2009 and 2009-2011.

The measure was read the second time.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 28, line 34, strike "Green Hill school and Maple Lane school" and insert "facilities"

Senators Swecker and Zarelli spoke in favor of adoption of the amendment.

Senator Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 28, line 34 to Engrossed Substitute House Bill No. 1244.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

MENTAL HEALTH:

On page 52, line 26, increase the general fund--state appropriation for fiscal year 2010 by \$10,972,000 and adjust the totals accordingly.

On page 52, line 27, increase the general fund--state appropriation for fiscal year 2011 by \$11,405,000 and adjust the totals accordingly.

On page 52, line 28, increase the general fund--federal appropriation by \$8,977,000 and adjust the totals accordingly.

On page 52, line 33, strike "\$113,689,000" and insert "\$122,763,000".

On page 52, line 34, strike "\$113,689,000" and insert "\$122,763,000".

On page 52, line 37, strike "\$11,606,000" and insert "\$2,532,000".

On page 53, line 2, strike "\$11,606,000" and insert "\$2,532,000".

MEDICAID PERSONAL CARE HOURS AND VENDOR RATES:

On page 58, line 25, increase the general fund--state appropriation for fiscal year 2010 by \$5,027,000 and adjust the totals accordingly.

On page 58, line 26, increase the general fund--state appropriation for fiscal year 2011 by \$6,030,000 and adjust the totals accordingly.

On page 58, line 27, increase the general fund--federal appropriation by \$16,377,000 and adjust the totals accordingly.

On page 58, line 35, strike all material beginning with "(b)" through "act." on page 59, line 5.

On page 64, line 27, increase the general fund--state appropriation for fiscal year 2010 by \$26,042,000 and adjust the totals accordingly.

On page 64, line 28, increase the general fund--state appropriation for fiscal year 2011 by \$31,067,000 and adjust the totals accordingly.

On page 64, line 29, increase the general fund--federal appropriation by \$84,626,000 and adjust the totals accordingly.

On page 64, on line 36, strike "\$156.37" and insert "\$165.59"

On page 65, line 1, strike "\$158.74" and insert "168.09"

On page 66, line 6, strike all material beginning with "(5)" through "act." on line 13.

HOSPITAL & PEDIATRIC RATES:

On page 73, line 36, increase the FY 2010 general fund--state appropriation by \$19,079,000 and

On page 74, line 1, increase the FY 2011 general fund--state appropriation by \$29,091,000 and

On page 74, line 2, increase the general fund--federal appropriation by \$50,617,000 and adjust the totals accordingly

EMPLOYEE HEALTH BENEFITS:

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

On page 142, on line 17, strike "\$745.00" and insert "\$709.00".

On page 142, on line 18, strike "\$768.00" and insert "\$709.00".

On page 142, on line 19, after "school year.", strike everything through line 26.

On page 214, on line 28, strike "\$745" and insert "\$709".

On page 214, on line 30, strike "\$768" and insert "\$709".

On page 201, after line 20, insert the following:

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE EMPLOYEES--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2010) (\$24,742,000)

General Fund--State Appropriation (FY 2011) (\$40,550,000)

General Fund--Federal Appropriation (\$9,500,000)

General Fund--Private/Local Appropriation (\$669,000)

Dedicated Funds and Accounts Appropriation (\$26,358,000)

TOTAL APPROPRIATION (\$101,819,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect the reduced insurance premium rates specified in part 9 of this act.

(2) The office of financial management shall reduce allotments for all agencies and institutions by these amounts to reflect the amounts identified in LEAP document 6M2 - 2009, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 25, 2009. The allotment reductions under this section shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SCHOOL EMPLOYEES--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2010) (\$27,031,000)

General Fund--State Appropriation (FY 2011) (\$63,073,000)

General Fund--Federal Appropriation (\$39,000)

TOTAL APPROPRIATION (\$90,143,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for adjustments to allocations to reflect the reduced insurance premium rates specified in part 9 of this act.

(2) The office of financial management shall reduce allotments for the office of the superintendent of public instruction by these amounts. The allotment reductions under this section shall be placed in unallotted status and remain unexpended."

Senators Zarelli and Pflug spoke in favor of adoption of the amendment.

Senators Fraser and Brown spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 52, line 26 to Engrossed Substitute House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 69, line 31, decrease the general fund-state appropriation by \$22,347,000

On page 69, line 32, decrease the general fund-state appropriation by \$25,533,000

On page 69, line 37, correct the total appropriation

On page 71, line 1, strike "84,856,000" and insert "62,509,000"

On page 71, line 2, strike "95,173,000" and insert "69,640,000"

On page 72, after line 8, insert the following:

"(g) Pursuant to RCW 74.04.005 (6)(g), the department shall not use vocational factors in determining a finding of incapacity."

On page 73, line 36, decrease the general fund-state appropriation by \$29,443,000

On page 74, line 1, decrease the general fund-state appropriation by \$32,014,000

On page 74, line 8, correct the total appropriation

On page 77, line 32, strike "166,875,000" and insert "116,912,000"

On page 77, line 33, strike "38,389,000" and insert "26,895,000"

On page 77, line 36, strike "10,749,000" and insert "7,531,000"

On page 77, line 37, strike "10,892,000" and insert "7,631,000"

On page 169, line 20, increase the budgeted enrollment target for the University of Washington by 914 full-time equivalent (FTE) students for each year and adjust the totals accordingly.

On page 169, line 21, increase the budgeted enrollment target for Washington State University by 587 FTE students for each year and adjust the totals accordingly.

On page 169, line 22, increase the budgeted enrollment target for Central Washington University by 224 FTE students for each year and adjust the totals accordingly.

On page 169, line 23, increase the budgeted enrollment target for Eastern Washington University by 224 FTE students for each year and adjust the totals accordingly.

On page 159, line 24, increase the budgeted enrollment target for The Evergreen State College by 111 FTE students for each year and adjust the totals accordingly.

On page 169, line 25, increase the budgeted enrollment target for Western Washington University by 300 FTE students for each year and adjust the totals accordingly.

On page 169, line 28, increase the budgeted enrollment target for the State Board for Community and Technical Colleges by 3,673 FTE students for each year and adjust the totals accordingly.

On page 170, line 23, after "more than", strike "fourteen", and insert "seven".

On page 171, beginning on line 13, strike all material down through and including "purpose." on line 23.

On page 175, line 21, increase the general fund--state appropriation for fiscal year 2010 by \$13,443,000 and adjust the totals accordingly.

On page 175, line 22, increase the general fund--state appropriation for fiscal year 2011 by \$23,183,000 and adjust the totals accordingly.

On page 176, line 34, increase the general fund--state appropriation for fiscal year 2010 by \$8,632,000 and adjust the totals accordingly.

On page 176, line 35, increase the general fund--state appropriation for fiscal year 2011 by \$14,846,000 and adjust the totals accordingly.

On page 178, line 2, increase the general fund--state appropriation for fiscal year 2010 by \$3,115,000 and adjust the totals accordingly.

On page 178 line 3, increase the general fund--state appropriation for fiscal year 2011 by \$5,286,000 and adjust the totals accordingly.

On page 178, line 26, increase the general fund--state appropriation for fiscal year 2010 by \$3,596,000 and adjust the totals accordingly.

On page 178, line 27, increase the general fund--state appropriation for fiscal year 2011 by \$6,318,000 and adjust the totals accordingly.

On page 179, line 10, increase the general fund--state appropriation for fiscal year 2010 by \$1,434,000 and adjust the totals accordingly.

On page 179, line 11, increase the general fund--state appropriation for fiscal year 2011 by \$2,355,000 and adjust the totals accordingly.

On page 181, line 36, increase the general fund--state appropriation for fiscal year 2010 by \$4,678,000 and adjust the totals accordingly.

On page 181, line 37, increase the general fund--state appropriation for fiscal year 2011 by \$8,191,000 and adjust the totals accordingly.

On page 183, line 35, reduce the general fund--state appropriation for fiscal year 2010 by \$9,021,000, and adjust the totals accordingly.

On page 183, line 36, reduce the general fund--state appropriation for fiscal year 2011 by \$19,937,000 and adjust the totals accordingly.

On page 184, line 5, strike "\$191,704,000" and insert "\$182,633,000".

On page 184, line 6, strike "\$232,929,000" and insert "\$212,992,000".

Renumber the sections consecutively and correct any internal references accordingly.

Senators Hewitt and Zarelli spoke in favor of adoption of the amendment.

Senators Brown and Prentice spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 69, line 31 to Engrossed Substitute House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the adoption of the

amendment by Senator Hewitt and the amendment was adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 85, on line 9, strike everything after "2010." and through line 14, and insert the following:

"This enrollment target shall be achieved pursuant to the parameters defined in Senate Bill No. 6154 (basic health plan). Non-citizens will not be eligible for the basic health plan and asset tests will be established. New enrollees must be uninsured for at least four months prior to application, with exemptions for serious medical conditions. The authority shall require income tax returns as part of the eligibility verification process for any new applicant."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

Senator Zarelli demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 85, line 9 to Engrossed Substitute House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and Benton be adopted.

On page 97, line 16, decrease the General Fund—State appropriation for FY 2010 by \$7,250,000 and adjust the total appropriation accordingly.

On page 97, line 17, decrease the General Fund—State appropriation by 2011 \$7,250,000 and adjust the total appropriation accordingly.

On page 205, line 15, strike "\$26,000,000" and insert

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

“\$40,200,000”

On page 205, line 16, strike “\$204,098,000” and insert “\$218,298,000”

On page 205, line 19, strike “\$26,000,000” and insert “\$40,200,000”

On page 205, line 21, strike “\$39,170,000” and insert “\$24,970,000”

On page 206, strike all of lines 33 through 35.

Senators Holmquist and Benton spoke in favor of adoption of the amendment.

Senators Tom and Marr spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Benton on page 97, line 16 to Engrossed Substitute House Bill No. 1244.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler and others be adopted.

On page 131, line 6, decrease general fund—state appropriation for fiscal year 2010 by \$15,814,000

On page 131, line 7, decrease general fund—state appropriation for fiscal year 2011 by \$19,854,000

On page 131, line 8, correct the total

On page 140, beginning on line 12, strike all of subsection (7) through line 30 and replace with new subsection:

“(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4) (a) of this section include no learning improvement days.”

On page 150, line 24, increase general fund—state appropriation for fiscal year 2010 by \$21,102,000

On page 150, line 25, increase general fund—state appropriation for fiscal year 2011 by \$39,190,000

On page 150, line 27, correct the total

On page 160, line 14, decrease general fund—state appropriation for fiscal year 2010 by \$17,182,000

On page 160, line 15, decrease general fund—state appropriation for fiscal year 2011 by \$21,629,000

On page 160, line 17, correct the total

On page 160, line 23 and line 24, adjust per eligible bilingual student rates accordingly

On page 161, after line 2, add new subsections (6) and (7):

“(6) Eligibility for transitional bilingual programs shall be limited to five years of instruction for each student.

(7) Successful completion of the Washington Assessment of Student Learning shall qualify students for exit from the transitional bilingual program of instruction.”

Adjust appropriate compensation allocation factors and sections and LEAP documents accordingly.

Senators Schoesler and Honeyford spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler and others on page 131, line 6 to Engrossed Substitute House Bill No. 1244.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 169, line 20, increase the budgeted enrollment target for the University of Washington by 1,175 full-time equivalent (FTE) students for each year of the biennium, and adjust the totals accordingly.

On page 169, line 22, increase the budgeted enrollment target for Central Washington University by 293 FTE students for each year of the biennium, and adjust the totals accordingly.

On page 169, line 23, increase the budgeted enrollment target for Eastern Washington University by 125 FTE students for each year of the biennium and adjust the totals accordingly.

On page 169, line 25, increase the budgeted enrollment target for Western Washington University by 165 FTE students for each year of the biennium, and adjust the totals accordingly.

On page 264, after line 19, insert the following:

" Sec. 962. RCW 28B.10.695 and 2003 c 407 s 1 are each amended to read as follows:

(1) Each four-year institution of higher education and the state board for community and technical colleges shall develop policies that ensure undergraduate students enrolled in degree or certificate programs complete their programs in a timely manner in order to make the most efficient use of instructional resources and provide capacity within the institution for additional students.

(2) Policies adopted under this section shall address, but not be limited to, undergraduate students in the following circumstances:

(a) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete their respective baccalaureate or associate degree or certificate programs;

(b) Students who drop more than twenty-five percent of their course load before the grading period for the quarter or semester, which prevents efficient use of instructional resources; and

(c) Students who remain on academic probation for more than one quarter or semester.

(3) Policies adopted under this section ~~((may))~~ shall include assessment by the institution of a surcharge in addition to regular tuition and fees to be paid by a student for continued enrollment. The amount of the surcharge shall result in a tuition fees assessment for that student equivalent to the full cost of instruction for the subsequent quarter or semester after a finding that a policy under subsection (2) of this section has been violated. The surcharge shall continue to be assessed until the institution of higher education determines that the policy is no longer being violated.

(4) It is presumed that the surcharge shall apply to all students described in subsection (2) of this section unless the student presents to his or her registrar evidence that one or more of the following exemptions apply:

(a) The student is a dislocated worker as defined by RCW 50.04.075 or a person engaging in a job training program under the purview of the workforce training and education coordinating board;

(b) The student participates in the border county higher education opportunity project under RCW 28B.76.685;

(c) The student is a certificated teacher of the K-12 school system pursuing continuing education credits according to

certification requirements; or

(d) The student has not been enrolled in an institution of higher education during the preceding five years.

(5) Students who believe they are under extraordinary or unforeseen academic or personal circumstances or were unable to complete their baccalaureate degree program within the number of credits specified due to institutional constraints may petition the institution of higher education for a special waiver from the tuition surcharge provisions of subsection (3) of this section. The institution of higher education shall create a process through which student petitions may be fairly processed, heard, and determined. The process shall include a one hundred dollar administrative fee. The entire amount of the fee shall be refunded for those students who make a successful petition.

(6) For the purposes of this section, "full cost of instruction" means the average instructional support in state general funds and tuition fees, as defined in RCW 28B.15.020, per full-time equivalent undergraduate at each institution of higher education for that academic year.

Sec. 963. RCW 28B.15.910 and 2008 c 188 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington ~~((2+))~~ 18 percent
- (b) Washington State University ~~((20))~~ 14 percent
- (c) Eastern Washington University ~~((+))~~ 6.5 percent
- (d) Central Washington University ~~((+0))~~ 8 percent
- (e) Western Washington University ~~((+0))~~ 9 percent
- (f) The Evergreen State College ~~((+0))~~ 6 percent
- (g) Community colleges as a whole ~~((35))~~ 20 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621 (2) and (4);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; and
- (s) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540;
- (c) RCW 28B.15.558; and
- (d) RCW 28B.15.621(3).

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 169, line 20 to Engrossed Substitute House Bill No. 1244.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 216, after line 14, insert the following:

"NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENTS. No moneys appropriated in this act may be expended for any salary or wage increases, including annual merit increments, under any collective bargaining agreement authorized under chapter 41.80 RCW unless the agreement has been submitted to, and approved by, the legislature under RCW 41.80.010."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 216, after line 14 to Engrossed Substitute House Bill No. 1244.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Franklin, Hargrove, Kastama, McAuliffe, Kohl-Welles and Tom spoke in favor of passage of the bill.

Senators King and Zarelli spoke on final passage.

Senators Carrell, Parlette, Jacobsen, Becker, Holmquist and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1244 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "We've all just had long debate and we spoke about a budget but I would like to particularly thank the very gifted staff-and I would like for you to come out here,-very gifted staff that takes us in and those of us who were inexperienced at writing staffs and they're kind of bashful now. How they do I don't know and I think one of the things that we forget is that, the long hours that they put in, to the extent that after we get the budget developed and they're finally working on it and proof reading it and crushing it into the proper language it's extremely difficult. They go without sleep. I don't know how they do it. Here they are. Thank you very much. All of you come out please. Come on. Ok. Now remember they have to work with, attempt to work with, folks like us who come without the kind of expertise they have. They have to deal with, believe it or not, some rather difficult characters and that's everybody in this room, and but to the extent that they do their jobs sometimes I'm of bewildered as to how they're able to do it. I just cannot express how much I truly appreciate all of your attempts at making us look good. It's genuinely appreciated. I'd also, Claire. Where are you? Claire Hesselholt. Come out here, there's someone also. What's kind of frightening is when you're working with someone and they know you better than you know yourself. Just as I'm about to ask for something, she has it in her hand already. That is truly amazing. I want you to know, I had a rather rough start of the beginning of this session and I want to thank everyone of you for having made it more easy for me. It was a little rough, rougher than I had thought it was but I also want to thank the folks that we have up here. Folks in Security. I can't describe to you how they looked after me. How they would go out of their way just making sure that I was ok and I can't tell you how grateful I am. I will always be grateful, always

remember your kindnesses this year. I couldn't have had two finer vice chairs, Senator Karen Fraser and Senator Rodney Tom. Th is was his first year and just think of how magnificantly he did it and the folks on the opposite side of the aisle, members of our committee. You know one of the best things I enjoy is the very spirited but good natured kind displays that we have. We do truly value each other. We sometimes like to act as if we don't but it's a better committee than any of you that aren't on it actually realize. There's a lot of good natured fun on it but we're here to do serious work. I just want to thank everyone of you for having made this, what could have been a very difficult year, just make it possible."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. I was sitting here a minute ago and my alert went off. Was sure I didn't have any more appointments tonight but I'm glad to tell you that it says, 'Mike Hewitt, this is a reminder for Sunday, April 26, 2009 Sine Die,' tomorrow."

REPLY BY THE PRESIDENT

President Owen: "Senator, I think we're all pretty much aware of that."

PERSONAL PRIVILEGE

Senator Tom: "Thank you Mr. President. First of all I just want to thank the good Chair of Ways & Means. She has a rare combination that you find in very few individuals and that is she has a passion for those less fortunate but she also has some street smarts. She has a lot of financial capability. She really understands the realities of what we were facing. The other thing that I would like to mention, Senator Zarelli. You truly have been the utmost in professionalism. He showed a lot of class. Not that I ever want to be in the minority party again but, if we ever are, I hope we treat the majority like you have treated us. You truly have been very respectful. When it comes to the Ways & Means staff. You guys still need to come back out here. We got to embarrass you a little more. Come on. Come on, But you know often what you hear is you know government needs to be more like business but I will tell you there is nineteen individuals here in our Ways & Means staff that you can put that nineteen individuals up against any business in Washington State. I always tell them this and I said again this morning, I said 'I hope their spouses aren't watching' because I dealt with some pretty high-powered attorneys and accountants and different individuals in the private sector but these individuals they can hold a candle to anyone. They can go out in the private sector and probably make two or three times of what they are making today but they have that passion for public service and we owe them a great debt of gratitude. I'd also like to thank the leader of the gang, Mike Wills. Any great organization, has a great leader and Mike is fabulous, fabulous leader. There's always unique individuals. You know, there's Steve Jones. My son is in to dinosaurs and if you've ever wanted to know what a PERSI looks like it's Steve Jones. Then you also have to thank these individuals because if you look at Richard Ramsey. This poor individual has to wake up every morning, and guess what he has to look forward too. Dealing with Senator Hargrove. So we owe these individuals a great debt of gratitude. They do an incredible job for us and they are the ultimate in professionalism. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. You know there are many people who are our state employees who have done wonderful jobs for us and many of them you have seen in our wings tonight. They stand by us. Our Education staff helped us write a basic education bill this year that I think holds the record for the number of times that it was written. It was written over one hundred different times and they did it because they believe so strongly in what the education for our children means to all of us. In talking about education, I want to take this one second to recognize the heroes in our class rooms. The superintendents, the principals, the teachers, the para educators regardless of the cuts we make in this budget, show up every day and take care of our children and care about each and every one of them. So, thank you very much for giving me this opportunity to recognize our heroes."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Substitute Senate Bill No. 5352
April 25, 2009

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5352, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation. . . . \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation
. \$705,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation. . . . \$3,389,000
Puget Sound Ferry Operations Account--State
Appropriation. \$100,000

TOTAL APPROPRIATION. \$3,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation. \$446,000

NEW SECTION. Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation. . . . \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation. . . . \$1,507,000

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation. . . . \$502,000

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

(3) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall conduct an analysis of the cost of credit card payment options at the department of transportation. For programs where a credit card payment option is offered, the review must include:

(a) An analysis of the direct and indirect cost per transaction to process customer payments using credit cards;

(b) An analysis of the direct and indirect cost per transaction for other methods of processing customer payments;

(c) An analysis of the historical and projected total aggregate costs for processing all forms of customer payments;

(d) Identification of whether there are customer service, administrative, and revenue collection benefits resulting from credit card usage; and

(e) A review of the use of credit card payment options in other state agencies and in similar transportation programs at other states.

The committee shall provide a report on its findings and any related recommendations to the legislature by January 2010.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation. . . \$2,542,000

Highway Safety Account--Federal Appropriation.\$16,540,000

School Zone Safety Account--State Appropriation.\$3,340,000

Highway Safety Account--Local Appropriation. . . . \$50,000

TOTAL APPROPRIATION. . . . \$22,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation. \$920,000

Motor Vehicle Account--State Appropriation. . . \$2,129,000

County Arterial Preservation Account--State

Appropriation. . . . \$1,423,000

TOTAL APPROPRIATION. . . . \$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation\$1,824,000

Transportation Improvement Account--State

Appropriation. . . . \$1,827,000

TOTAL APPROPRIATION. . . . \$3,651,000
NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation. . . \$1,901,000
The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by November 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation. . . \$2,237,000
Multimodal Transportation Account--State Appropriation . . . \$112,000
TOTAL APPROPRIATION. . . . \$2,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule. The commission may only approve ferry fare rate

changes that have the same proportionate change for passengers as for vehicles.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall investigate selling the naming rights and shall make recommendations to the legislature regarding this option.

(5) \$350,000 of the motor vehicle account--state appropriation is provided solely for consultant support services to assist the commission in updating the statewide transportation plan. The updated plan must be submitted to the legislature by December 1, 2010.

(6) If the commission considers implementing a ferry fuel surcharge, it must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation. . . . \$695,000
The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State
Appropriation. . . . \$228,024,000
State Patrol Highway Account--Federal
Appropriation. . . . \$10,602,000
State Patrol Highway Account--Private/Local
Appropriation. . . . \$859,000
TOTAL APPROPRIATION. . . \$239,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol, and Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

highway account an hourly rate to cover the costs incurred during the flights since the aviation section will no longer be part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) Within existing resources, the Washington state patrol shall make every reasonable effort to increase the enrollment in each academy class that commences during the 2009-11 fiscal biennium to fifty-five cadets.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201 of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$1,557,000

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation

..... \$105,680,000

State Patrol Highway Account--Private/Local

Appropriation..... \$2,008,000

TOTAL APPROPRIATION. . . . \$107,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology-related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation

..... \$32,000

Motorcycle Safety Education Account--State

Appropriation..... \$4,373,000

Wildlife Account--State Appropriation. \$837,000

Highway Safety Account--State Appropriation. \$145,085,000

Highway Safety Account--Federal Appropriation. . . . \$8,000

Motor Vehicle Account--State Appropriation. . . \$78,805,000

Motor Vehicle Account--Private/Local Appropriation

..... \$1,372,000

Motor Vehicle Account--Federal Appropriation. . . \$242,000

Department of Licensing Services Account--State

Appropriation..... \$3,867,000

Washington State Patrol Highway Account--State

Appropriation..... \$738,000

Ignition Interlock Device Revolving Account--State

Appropriation..... \$2,490,000

TOTAL APPROPRIATION. . . . \$237,849,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

- (A) Taxpayer reporting and payment processes;
- (B) The international fuel tax agreement;
- (C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
- (D) Computer systems;
- (E) Best management practices and efficiencies;
- (F) Costs; and
- (G) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. In order to reduce costs and make the most efficient use of existing resources, the department may consolidate licensing service offices by closing the vehicle services counter at the highways licensing building in Olympia and up to twenty-five licensing service offices.

(a) When closing offices, the department may redistribute staff from consolidated offices to neighboring offices and local community supercenters.

(b) In order to mitigate the effects of office consolidations on customers, the department shall, within existing resources, provide the following enhanced services:

(i) Extended daily and weekend hours in regional supercenter offices;

(ii) Staffed greeter stations to improve office work flow; and

(iii) Self-service stations for online transaction access, including vehicle renewal transactions.

(c) In areas that are not consolidated, the department will work to reduce costs by identifying opportunities to share facilities with subagent offices and state, county, or local government offices and by analyzing hours and days of operation to meet demand.

(d) The department shall work with vehicle licensing subagents regarding potential placement of self-service driver licensing kiosks in communities that will be affected by licensing services offices closures. The department may place kiosks in those subagent offices where both parties agree, and may pay the subagents the fair market value for any space used for kiosks.

(e) The department shall report to the joint transportation committee by November 30, 2009, on the department's consolidation implementation to date and its plan for continued implementation.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross-border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) \$2,490,000 of the ignition interlock device revolving account--state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the

department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

(10) The legislature finds that measuring the performance of the department requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently:

(a) The department shall develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and the senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act;

(b) The department shall study the process in place at the licensing services office and present to the 2010 legislature recommendations for process changes to improve efficiencies for both the department and the customer; and

(c) The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (i) Lease costs; (ii) salary and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of transactions completed, by type of transaction; and (vi) office hours.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State	
Appropriation.....	\$2,867,000
Motor Vehicle Account--State Appropriation. . . .	\$585,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation.....	\$27,358,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$58,088,000
TOTAL APPROPRIATION. . . .	\$88,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review insurance coverage, deductibles, and limitations on tolled facilities to assure that the assets are well protected at a reasonable cost. Results from this review must be

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

used to negotiate any future new or extended insurance agreements.

(3) \$58,088,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. Of this amount, \$175,000 is for the immediate costs necessary to pursue a request for proposal to implement variable, open road tolling on the state route number 520 floating bridge. The request for proposal must include tolling infrastructure and signage, customer service centers, collection and billing procedures, and, to the extent practicable, the maintenance and dispensing of transponders by the vendor. The remaining \$57,913,000 must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State	
Appropriation.....	\$2,675,000
Motor Vehicle Account--State Appropriation. . .	\$67,811,000
Motor Vehicle Account--Federal Appropriation. . .	\$240,000
Multimodal Transportation Account--State	
Appropriation.....	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	\$2,676,000
TOTAL APPROPRIATION. . . .	\$73,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business work flows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(3) The department may submit information technology-related requests for funding only if the department has

coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation. . .	\$25,501,000
---	--------------

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation.	\$6,009,000
Aeronautics Account--Federal Appropriation. . . .	\$2,150,000
TOTAL APPROPRIATION.	\$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation. . .	\$48,032,000
Motor Vehicle Account--Federal Appropriation. . .	\$500,000
Multimodal Transportation Account--State	
Appropriation.....	\$250,000
Water Pollution Account--State Appropriation. . .	\$2,000,000
TOTAL APPROPRIATION.	\$50,782,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

(2) If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold as surplus property, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the

date of notice that the former owner intends to repurchase the property, that right shall be extinguished.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall, as soon as is practicable, transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of no less than \$600,000, the proceeds of which must be deposited in the motor vehicle fund. By July 1, 2009, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation.	\$615,000
Multimodal Transportation Account--State Appropriation	
.....	\$200,000
TOTAL APPROPRIATION.	\$815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

(2) \$50,000 of the motor vehicle account--state appropriation is provided solely for the department to investigate the potential to generate revenue from web site sponsorships and similar ventures and, if feasible, pursue partnership opportunities.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation. . .	\$347,637,000
Motor Vehicle Account--Federal Appropriation. . .	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation	

.....	\$5,797,000
Water Pollution Account--State Appropriation. . .	\$12,500,000
TOTAL APPROPRIATION.	\$367,934,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

(b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.

(9) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(10) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation. . .	\$51,526,000
Motor Vehicle Account--Federal Appropriation. . .	\$2,050,000

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Motor Vehicle Account--Private/Local Appropriation	\$127,000
.....	
TOTAL APPROPRIATION. . . .	\$53,703,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2009-11 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction

occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks. The department shall report to the office of financial management and the transportation committees of the legislature on the effectiveness of the clearance goals and submit recommendations to improve the pilot program with the department's 2010 supplemental omnibus transportation appropriations act submittal.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation. . .	\$29,153,000
Motor Vehicle Account--Federal Appropriation. . .	\$30,000
Multimodal Transportation Account--State	
Appropriation.....	\$973,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$264,000
TOTAL APPROPRIATION. . . .	\$30,420,000

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this section is contingent on the enactment of (1) Engrossed Substitute House Bill No. 2211 and (2) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this section are not satisfied, the amount provided in this section shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation. . .	\$24,724,000
Motor Vehicle Account--Federal Appropriation. . .	\$19,116,000
Multimodal Transportation Account--State	
Appropriation.....	\$696,000
Multimodal Transportation Account--Federal	
Appropriation.....	\$2,809,000
Multimodal Transportation Account--Private/Local	
Appropriation.....	\$100,000

TOTAL APPROPRIATION. . . . \$47,445,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) \$400,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(3) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation. . . \$87,331,000
Motor Vehicle Account--Federal Appropriation. . . \$400,000
Multimodal Transportation Account--State Appropriation
..... \$561,000

TOTAL APPROPRIATION. . . . \$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES. . . \$1,639,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR. \$937,000

(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL

ADMINISTRATION. \$6,060,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL. \$6,347,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY

PREMIUMS AND ADMINISTRATION. \$44,418,000

(f) FOR ARCHIVES AND RECORDS MANAGEMENT

..... \$623,000

(g) FOR OFFICE OF MINORITIES AND WOMEN

BUSINESS ENTERPRISES. \$1,008,000

(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT. \$1,143,000

(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES

..... \$1,980,000

(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE. \$8,526,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION. \$672,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State

Appropriation. \$54,677,000

Multimodal Transportation Account--State

Appropriation. \$65,795,000

Multimodal Transportation Account--Federal

Appropriation. \$2,582,000

Multimodal Transportation Account--Private/Local

Appropriation. \$1,027,000

TOTAL APPROPRIATION. . . . \$124,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. At least \$1,600,000 of this amount must be used for vanpool grants in congested corridors.

(4) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(5) \$3,318,000 of the multimodal transportation account--state appropriation and \$21,248,000 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B, as developed April 20, 2007, or the LEAP Transportation Document 2006-D, as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects on the LEAP Transportation Document 2006-D, as developed March 8, 2006; the LEAP Transportation Document 2007-B, as developed April 20, 2007; or the LEAP Transportation Document 2009-B, as developed April 24, 2009. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(6) \$33,429,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(7) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(8) \$130,000 of the multimodal transportation account--state appropriation is provided solely to the department to distribute to support Engrossed Substitute House Bill No. 2072 (special needs transportation).

(a) \$80,000 of the amount provided in this subsection is provided solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.

(b) \$50,000 of the amount provided in this subsection is provided solely to support the pilot project to be developed or implemented by the local coordinating coalition comprised of a single county, described in sections 9, 10, and 11, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009. The department shall assist the local coordinating coalition to seek funding sufficient to fully fund the pilot project from a variety of sources including, but not limited to, the regional transit authority serving the county, the regional transportation planning organization serving the county, and other appropriate state and federal agencies and grants. Development or implementation of the pilot project is contingent on securing funding sufficient to fully fund the pilot project.

(c) If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this subsection (8) lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009, but a commitment from other sources to fully fund the pilot project described in (b) of this subsection has not been obtained by September 30, 2009, the amount provided in (b) of this subsection lapses.

(9) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(10) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2009-11 fiscal biennium.

(11) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State
Appropriation..... \$400,592,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$53,110,560 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of section 716 of this act.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The department shall continue to provide service to Sidney, British Columbia. The department may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The department shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report its analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) \$3,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

(9) \$1,100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for a marketing program. The department shall present a marketing program proposal to the transportation committees of the legislature during the 2010 legislative session before implementing this program. Of this amount, \$10,000 is for the city of Port Townsend and \$10,000 is for the town of Coupeville for mitigation expenses related to only one vessel operating on the Port Townsend/Keystone ferry route. The moneys provided to the city of Port Townsend and town of Coupeville are not contingent upon the required marketing proposal.

(10) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for two extra trips per day during the summer of 2009 season, beyond the current schedule, on the Port Townsend/Keystone route.

(11) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers.

Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.

(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:

(i) Have the appropriate training and experience as determined by the policy;

(ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State
Appropriation..... \$34,933,000

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS-- PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation. . . . \$8,739,000
Motor Vehicle Account--Federal Appropriation. . . \$2,567,000
TOTAL APPROPRIATION. . . . \$11,306,000

NEW SECTION. Sec. 226. The legislature recognizes that the department of transportation operates a seventh administrative region, including the urban corridors office. Therefore, the legislature intends that the secretary of the department of transportation identify and implement operational efficiencies. This may result in a decrease in the number of total regions and the amount of regional staff. The secretary shall report to the office of financial management and the joint transportation committee by January 2010 with a report regarding how the operational efficiencies were achieved.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation
..... \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.

(2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation
..... \$51,000,000
Motor Vehicle Account--State Appropriation. . . \$1,048,000
County Arterial Preservation Account--State
Appropriation..... \$31,400,000
TOTAL APPROPRIATION. . . . \$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State
Appropriation..... \$5,779,000
Urban Arterial Trust Account--State Appropriation
..... \$122,400,000
Transportation Improvement Account--State
Appropriation..... \$85,643,000
TOTAL APPROPRIATION. . . \$213,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION.

As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

(1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;

(2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;

(3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;

(4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation. . . \$4,810,000

(1) \$1,198,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.

(2) \$3,612,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration. This includes the administrative costs associated with those projects and the reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS-- PROGRAM I

Multimodal Transportation Account--State	
Appropriation.....	\$1,000
Transportation Partnership Account--State	
Appropriation.....	\$1,723,834,000
Motor Vehicle Account--State Appropriation. . .	\$80,735,000
Motor Vehicle Account--Federal Appropriation.	\$410,341,000
Motor Vehicle Account--Private/Local	
Appropriation.....	\$65,494,000
Special Category C Account--State Appropriation	\$24,549,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	\$703,708,000
Freight Mobility Multimodal Account--State	
Appropriation.....	\$4,422,000
Tacoma Narrows Toll Bridge Account--State Appropriation	
.....	\$788,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$106,000,000
TOTAL APPROPRIATION. . .	\$3,119,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000 in the 2011-13 fiscal biennium. The appropriations provided in this section for the projects in those biennia are therefore \$63,500,000 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13 fiscal biennium than the aggregate total of project costs listed. It is the intent of the legislature that the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document, provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-11 and 2011-13 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council.

(3) \$162,900,000 of the transportation partnership account--state appropriation and \$106,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV project. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the

eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the state route number 520 corridor account--state appropriation shall lapse.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$628,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,360,528,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$31,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views;

(iii) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility; and

(iv) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$250,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a right turn lane to improve visibility and traffic flow on state route number 195 and Cheney-Spokane Road.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation are provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$30,003,473 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23) The state route number 520 corridor account--state appropriation includes up to \$106,000,000 in proceeds from the sale of bonds authorized in Engrossed Substitute House Bill No. 2326 or in legislation authorizing bonds for the state route number 520 corridor projects. If Engrossed Substitute House Bill No. 2326, or legislation authorizing bonds for the state route number 520 corridor projects, is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(24) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

project identified as project 330514A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

(25) Project number 330215A in the LEAP transportation document described in subsection (1) of this section is expanded to include safety and congestion improvements from the Key Peninsula Highway to the vicinity of Purdy. The department shall consult with the Washington traffic safety commission to ensure that this project includes improvements at intersections and along the roadway to reduce the frequency and severity of collisions related to roadway conditions and traffic congestion.

(26) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.

(27) The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American Viticulture Area of Benton county.

(28) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(29) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(30) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 167 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 316718A in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

(b) Maximizing the efficient operation of the corridor; and

(c) Economic considerations for future system investments.

(31) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this

section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

(b) Maximizing the efficient operation of the corridor; and

(c) Economic considerations for future system investments.

(32) Within the amounts provided in this section, \$28,000,000 of the transportation partnership account--state appropriation is for project 600010A, as identified in the LEAP transportation document in subsection (1) of this section: NSC-North Spokane corridor design and right-of-way - new alignment. Expenditure of these funds is for preliminary engineering and right-of-way purchasing to prepare for four lanes to be built from where existing construction ends at Francis Avenue for three miles to the Spokane river. Additionally, any savings realized on project 600001A, as identified in the LEAP transportation document in subsection (1) of this section: US 395/NSC-Francis Avenue to Farwell Road - New Alignment, must be applied to project 600010A.

(33) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department to conduct a state route number 2 route development plan that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

(34) If the SR 26 - Intersection and Illumination Improvements are not completed by June 30, 2009, the department shall ensure that the improvements are completed as soon as practicable after June 30, 2009, and shall submit monthly progress reports on the improvements beginning July 1, 2009.

(35) \$200,000 of the transportation partnership account--state appropriation, identified on project number 400506A in the LEAP transportation document described in subsection (1) of this section, is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(36) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(37) Within the amounts provided in this section, \$1,500,000 of the motor vehicle account--state appropriation is provided solely for necessary work along the south side of SR 532, identified as project number 053255C in the LEAP transportation document described in subsection (1) of this section.

(38) \$10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as indicated in the LEAP

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

transportation document referenced in subsection (1) of this section.

(39) The department shall conduct a public outreach process to identify and respond to community concerns regarding the portion of John's Creek Road that connects state route number 3 and state route number 101. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider, develop, and design a project scope so that the community's needs are met for the lowest cost. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(40) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2010.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State	
Appropriation.....	\$103,077,000
Motor Vehicle Account--State Appropriation. . .	\$88,142,000
Motor Vehicle Account--Federal Appropriation.	\$524,954,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$6,417,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	\$7,237,000
Puyallup Tribal Settlement Account--State	
Appropriation.....	\$6,500,000
TOTAL APPROPRIATION.	\$736,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$455,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - Preservation. Funds are provided solely for preservation work on the existing vessel, the Martha S.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other

appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department and the city of Tacoma must present to the legislature an agreement on the timing of the transfer of ownership of the Murray Morgan/11th Street bridge and any additional necessary state funding required to achieve the transfer and rehabilitation of the bridge by January 1, 2010.

(6) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

- (i) The current backlog of asphalt and concrete pavement preservation projects;
- (ii) The level of investment needed to reduce or eliminate the backlog and resume the lowest life-cycle cost;
- (iii) Strategies for addressing the recent rapid escalation of asphalt prices, including alternatives to using hot mix asphalt;
- (iv) Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile; and
- (v) The use of recycled asphalt and concrete in state highway construction and the effect on highway pavement replacement needs.

(b) Additionally, the department shall work with the department of ecology, the county road administration board, and the transportation improvement board to explore and explain the potential use of permeable asphalt and concrete pavement in state highway construction as an alternative method of storm water mitigation and the potential effects on highway pavement replacement needs.

(c) The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 1, 2010, in order to inform the

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

development of the 2011-13 omnibus transportation appropriations act.

(9) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

(10) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(11) Within the amounts provided in this section, \$1,510,000 of the motor vehicle account--state appropriation is provided solely to complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation. . . .	\$6,394,000
Motor Vehicle Account--Federal Appropriation. . . .	\$9,262,000
TOTAL APPROPRIATION. . . .	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation.	\$118,752,000
Puget Sound Capital Construction Account--Federal Appropriation.	\$38,306,000
Puget Sound Capital Construction Account--Local Appropriation.	\$8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation.	\$51,734,000
Transportation Partnership Account--State Appropriation.	\$67,234,000
Multimodal Transportation Account--State Appropriation	\$170,000
TOTAL APPROPRIATION. . . .	\$284,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$118,752,000 of the Puget Sound capital construction account--state appropriation, \$38,306,000 of the Puget Sound capital construction account--federal appropriation, \$8,492,000 of the Puget Sound capital construction account--local appropriation, \$67,234,000 of the transportation partnership account--state appropriation, \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program -Ferries Construction Program (W). Of the total appropriation, a maximum of \$10,627,000 may be used for administrative support, a maximum of \$8,184,000 may be used for terminal project support, and a maximum of \$4,497,000 may be used for vessel project support.

(2) \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are

provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

(a) The first two Island Home class ferry vessels must be placed on the Port Townsend-Keystone route.

(b) The department may add additional passenger capacity to one of the Island Home class ferry vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(c) Cost savings from the following initiatives will be included in the funding of these vessels: The department's review and update of the vessel life-cycle cost model as required under this section; and the implementation of technology efficiencies as required under section 602 of this act.

(3) \$2,450,000 of the Puget Sound capital construction account--state appropriation is provided solely for contingencies associated with closing out the existing contract for the technical design of the 144-auto vessel and the storage and maintenance of vessel owner-furnished equipment already procured. The department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessel if it is likely to be obsolete before it is used in procured 144-auto vessels.

(4) \$6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(5) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(6) \$3,965,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$3,763,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system. The department shall complete a predesign study and present the study to the joint transportation committee by November 1, 2009. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card. The department may not implement a statewide reservation system until the department is authorized to do so in the 2010 supplemental omnibus transportation appropriations act.

(11) \$1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

(12) \$3,249,915 of the total appropriation is provided solely for continued permitting and archaeological work in order to determine the feasibility of relocating the Mukilteo ferry terminal. In order to ensure that the cultural resources investigation is properly conducted in a coordinated fashion, the department shall work with the department of archaeology and historic preservation and shall conduct work with active archaeological management. The department shall seek additional federal funding for this project.

(13) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(b) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards. At a minimum, the department shall consider the following:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

(c) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(14) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

(15) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(16) The Puget Sound capital construction account--state appropriation includes up to \$118,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$675,000
Transportation Infrastructure Account--State Appropriation	\$13,100,000
Multimodal Transportation Account--State Appropriation	\$68,530,000
Multimodal Transportation Account--Federal Appropriation	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation	\$81,000
TOTAL APPROPRIATION	\$98,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Rail Capital Program (Y). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop.

(iv) The department shall issue the loans referenced in this subsection (1)(b) with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c)(i) Within the amounts provided in this section, \$1,712,022 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$370,650; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, \$8,100,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall

submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

(i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;

(ii) Self-sustaining economic development that creates family-wage jobs;

(iii) Preservation of transportation corridors that would otherwise be lost;

(iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;

(v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and

(vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	
.....	\$207,000
Highway Infrastructure Account--Federal	
Appropriation.....	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation.....	\$13,548,000
Transportation Partnership Account--State	
Appropriation.....	\$8,863,000
Motor Vehicle Account--State Appropriation. . .	\$12,954,000
Motor Vehicle Account--Federal Appropriation.	\$39,572,000
Freight Mobility Multimodal Account--State	
Appropriation.....	\$14,920,000
Freight Mobility Multimodal Account--Local	
Appropriation.....	\$3,135,000
Multimodal Transportation Account--Federal	
Appropriation.....	\$2,098,000
Multimodal Transportation Account--State	
Appropriation.....	\$28,262,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	\$709,000
Passenger Ferry Account--State Appropriation. . .	\$2,879,000
TOTAL APPROPRIATION. . .	\$128,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,729,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.

(4) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(7) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(8) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(9) \$18,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Programs - Local Program (Z).

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park

scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	
.....	\$742,400,000
Ferry Bond Retirement Account Appropriation..	\$33,771,000
Transportation Improvement Board Bond Retirement Account--State Appropriation.	\$22,541,000
Nondebt-Limit Reimbursable Account Appropriation	
.....	\$18,400,000
Transportation Partnership Account--State Appropriation.....	\$8,318,000
Motor Vehicle Account--State Appropriation.	\$901,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$4,116,000
Special Category C Account--State Appropriation..	\$148,000
Urban Arterial Trust Account--State Appropriation..	\$85,000
Transportation Improvement Account--State Appropriation	
.....	\$41,000
Multimodal Transportation Account--State Appropriation	
.....	\$283,000
TOTAL APPROPRIATION.	\$831,004,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	
.....	\$523,000
Motor Vehicle Account--State Appropriation.	\$57,000
Transportation 2003 Account (Nickel Account)--State Appropriation.....	\$259,000
Special Category C Account--State Appropriation. .	\$10,000
Urban Arterial Trust Account--State Appropriation...	\$5,000
Transportation Improvement Account--State Appropriation	
.....	\$3,000
Multimodal Transportation Account--State Appropriation	
.....	\$18,000
TOTAL APPROPRIATION.	\$875,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account. \$118,000,000

The department of transportation is authorized to sell up to \$118,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and

long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties. \$488,843,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. \$1,310,279,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers. \$129,178,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State..... \$5,288,000

(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State. \$17,000,000

(3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$2,000,000

(4) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$2,750,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State. \$9,000,000

(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State. \$18,750,000

(7) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State. \$2,000,000

(8) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State. \$14,000,000

(9) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State. \$8,000,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED PENSION CONTRIBUTION RATES

Table listing various accounts and their amounts: Aeronautics Account--State (\$40,000), Grade Crossing Protective Account--State (\$2,000), State Patrol Highway Account--State (\$5,593,000), Motorcycle Safety Education Account--State (\$18,000), High Occupancy Toll Lanes Operations Account--State (\$20,000), Rural Arterial Trust Account--State (\$20,000), Wildlife Account--State (\$16,000), Highway Safety Account--State (\$1,869,000), Highway Safety Account--Federal (\$56,000), Motor Vehicle Account--State (\$11,348,000), Puget Sound Ferry Operations Account--State (\$5,019,000), Urban Arterial Trust Account--State (\$26,000), Transportation Improvement Account--State (\$26,000), County Arterial Preservation Account--State (\$22,000), Department of Licensing Services Account--State (\$36,000), Multimodal Transportation Account--State (\$220,000), Tacoma Narrows Toll Bridge Account--State (\$28,000), Puget Sound Capital Construction Account--State (\$459,000), Motor Vehicle Account--Federal (\$8,791,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document Z9R-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

Table listing various accounts and their amounts: Aeronautics Account--State (\$9,000), State Patrol Highway Account--State (\$1,537,000), Motorcycle Safety Education Account--State (\$6,000), Puget Sound Capital Construction--State (\$85,000), High Occupancy Toll Lanes Operations Account--State (\$5,000), Rural Arterial Trust Account--State (\$3,000), Wildlife Account--State (\$4,000), Highway Safety Account--State (\$644,000), Highway Safety Account--Federal (\$14,000), Motor Vehicle Account--State (\$2,886,000), Puget Sound Ferry Operations Account--State (\$1,311,000), Urban Arterial Trust Account--State (\$5,000), Transportation Improvement Account--State (\$5,000), County Arterial Preservation Account--State (\$4,000), Department of Licensing Services Account--State (\$6,000), Multimodal Transportation Account--State (\$43,000), Tacoma Narrows Toll Bridge Account--State (\$7,000)

Motor Vehicle Account--Federal \$2,108,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document 6M-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 503. COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011, the monthly employer funding rate shall not exceed \$768 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through December 31, 2010, the subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall be \$182.89 per month.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a

minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. Transportation agencies shall consider some or all of the following strategies to achieve savings on information technology expenditures: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems. Agencies shall select an experienced firm from the prequalified contractors on the department of information services ITPS master agreement to develop a consolidated strategy and plan to achieve these strategies. By December 1, 2009, agencies shall report findings, including anticipated savings for the 2010 supplemental omnibus transportation appropriations act, to the office of financial management and the transportation committees of the legislature.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1 as developed April 24, 2009, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-09 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list, except for those projects that were expected to be completed in the 2007-09 fiscal biennium; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2009))~~ 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the license plate technology account to the ~~((multimodal transportation))~~ highway safety account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

(4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this subsection may be increased ~~((in excess of the fiscal growth factor as provided in RCW 43.135.055))~~ through the fiscal year ending June 30, ~~((2009))~~ 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

~~((+))~~ During the ~~((2007-09))~~ 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special license plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2009))~~ 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 711. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 712. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

Sec. 713. RCW 46.61.527 and 1994 c 141 s 1 are each amended to read as follows:

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway. For the purpose of the pilot program referenced in section 218(2) of this act, during the 2009-2011 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on or adjacent to any public roadway pursuant to ongoing construction.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this

subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

Sec. 714. RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

~~((e))~~ (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

~~((g))~~ (h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

~~((h))~~ (i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3.46.120))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2) of this act.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2) of this act.

Sec. 715. RCW 47.12.080 and 1984 c 7 s 121 are each amended to read as follows:

(1) Except as provided otherwise in this section, the secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the department of transportation when, in the judgment of the secretary of transportation and the attorney general, the transfer and conveyance is consistent with public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

(2) Through the end of the 2009-2011 fiscal biennium, the legislature may designate property under the jurisdiction of the department as unused state-owned real property and may further designate the transfer and conveyance of the property as consistent with the public interest. Once designated under this subsection, the legislature may direct the transfer and conveyance of the property to any entity described in subsection (1) of this section for adequate consideration as deemed such by the legislature, and need not require fair market value in exchange for the property.

Sec. 716. RCW 43.19.642 and 2007 c 348 s 201 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) For the 2009-2011 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.

(5) By December 1, 2009, the department of general administration shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

Sec. 717. RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: ~~((+))~~ (a) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, ~~((2))~~ (b) are not of equal or better quality, or ~~((3))~~ (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in ~~((+))~~ (a), ~~((2))~~ (b), and ~~((3))~~ (c) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

(2) During the 2009-2011 fiscal biennium, and in conformance with section 223(11) of this act, this section does not apply to the purchase of uniforms by the Washington state ferries.

Sec. 718. RCW 47.68.090 and 1980 c 67 s 1 are each amended to read as follows:

The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of two hundred fifty thousand dollars, or five hundred thousand dollars during the 2009-2011 fiscal biennium, for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

The department is authorized to act as agent of any municipality or municipalities acting jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of an airport or air navigation facility;

and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately.

MISCELLANEOUS

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

INDEX	PAGE #
COMPENSATION	
INSURANCE BENEFITS	68
COUNTY ROAD ADMINISTRATION BOARD	6, 36
DEPARTMENT OF AGRICULTURE	3
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	2
DEPARTMENT OF LICENSING	11
TRANSFERS	64
DEPARTMENT OF TRANSPORTATION	37
AVIATION--PROGRAM F	17
CHARGES FROM OTHER AGENCIES--PROGRAM U	26
ECONOMIC PARTNERSHIPS--PROGRAM K	20
FACILITIES--PROGRAM D--OPERATING	17

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

HIGHWAY MAINTENANCE--PROGRAM M 20
IMPROVEMENTS--PROGRAM I 37
INFORMATION TECHNOLOGY--PROGRAM C 16
LOCAL PROGRAMS--PROGRAM Z--CAPITAL 60
LOCAL PROGRAMS--PROGRAM Z--OPERATING 34
MARINE--PROGRAM X 31
PRESERVATION--PROGRAM P 47
PROGRAM D (DEPARTMENT OF TRANSPORTATION-
ONLY PROJECTS)--CAPITAL 37
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT--PROGRAM H 18
PUBLIC TRANSPORTATION--PROGRAM V 27
RAIL--PROGRAM Y--OPERATING 34
RAIL--PROGRAM Y--CAPITAL 55
TOLL OPERATIONS AND MAINTENANCE--
PROGRAM B 15
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL 50
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING
. 22
TRANSPORTATION MANAGEMENT AND SUPPORT--
PROGRAM S 24
TRANSPORTATION PLANNING, DATA, AND
RESEARCH--PROGRAM T 25
WASHINGTON STATE FERRIES CONSTRUCTION--
PROGRAM W 51
FREIGHT MOBILITY STRATEGIC INVESTMENT
BOARD 8
INFORMATION SYSTEMS PROJECTS 69
JOINT LEGISLATIVE AUDIT AND REVIEW
COMMITTEE 3
JOINT TRANSPORTATION COMMITTEE 6
LEGISLATIVE EVALUATION AND ACCOUNTABILITY
PROGRAM COMMITTEE 3
MARINE EMPLOYEES COMMISSION 2
OFFICE OF FINANCIAL MANAGEMENT 2
REVISED EMPLOYER HEALTH BENEFIT RATES 67
REVISED PENSION CONTRIBUTION RATES 66
STATE PARKS AND RECREATION COMMISSION 3
STATE TREASURER
ADMINISTRATIVE TRANSFERS 64
BOND RETIREMENT AND INTEREST 63, 64
STATE REVENUES FOR DISTRIBUTION 64
TRANSFERS 64
STATUTORY APPROPRIATIONS 65
TRANSPORTATION COMMISSION 7
TRANSPORTATION IMPROVEMENT BOARD 6, 36
UTILITIES AND TRANSPORTATION COMMISSION 2
WASHINGTON STATE PATROL 35
FIELD OPERATIONS BUREAU 8
TECHNICAL SERVICES BUREAU 10
WASHINGTON STATE PATROL--INVESTIGATIVE
SERVICES BUREAU 10
WASHINGTON TRAFFIC SAFETY COMMISSION 5"

Correct the title.
And the bill do pass as recommended by the conference committee.
Signed by Senators Haugen, Marr and Swecker; Representatives Clibborn and Liias.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 be adopted.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5352, as recommended by the Conference Committee.

Senators Haugen, Hewitt, Swecker, Jarrett and King spoke in favor of final passage of the bill.

POINT OF INQUIRY

Senator King: "Would the Senator from the Forty-First District yield to a question? The question is, if the implementation of the B-20 renewable fuel standard is delayed for Washington State Ferries as outlined in this budget, is it the intent of the Legislature to recognize that the state wide renewable fuel standard for bio diesel will also be delayed until the state fleet meets the B-20 renewable fuel standard?"

Senator Jarrett: "The intent of the Legislature concerning the delay or suspension of the two percent renewable fuel standard for bio diesel was codified after the passage Senate Bill No. 6508 in 2006. This bill added a new section to chapter 19.112 that provided with the governor the authority to issue an executive order suspending the two percent state wide fuel standard if it were determined technically or economically infeasible or pose a significant risk to public safety. Section 716 of ESSB 5352 alone does not prevent Washington from meeting the two percent renewable fuel standard for bio diesel. However, meeting the two percent goal of renewable fuel standard for bio diesel will still face significant challenges. This budget seeks to provide a practical bio diesel utilization requirement for the Washington State Ferry system in the near term so the challenges with bio diesel procurement supply and pricing can be addressed over the 09-11 biennium. Section 716 of ESSB 5352 maintains the original legislative intent concerning the delay or suspension of the two percent renewable fuel standard for bio diesel. Should the requirement be determined technically or economically infeasible or pose significant risk to the public the state wide two percent renewable fuel standard may be suspended by executive order and I would point out that the B-5 is only for two years and that we revert to the B-20 standard. Thank you Mr. President."

MOTION

On motion of Senator Eide, Senate Rule 15 was suspended to allow the Senate to adjourn later than 10:00 pm.

Senators Kilmer and Marr spoke in favor of final passage of the bill.

Senator Holmquist spoke against final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist, Honeyford, McCaslin, Morton, Pflug, Roach, Schoesler and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Forty-nine years ago today I had my first baby and I can tell you it's taken, today has been worse than that day. It's been a very long day. I can't believe it's been forty-nine years but 'Happy Birthday Mary Beth.' I just want to say how much I appreciate the very fine work of my committee staff. I can tell you, we had two new coordinators this year, Kelly and David. They were so extraordinary, these young men took on this challenge in a tough time and it really has been wonderful working with them and the other members of the staff. We had actually two other new members in our staff who actually were so valuable but it wasn't only our own committee staff. One of the things we started out working with really early on is working with the House. Representative Clibborn and I worked very closely together along with her staff working with our staff, and believe me, it really does make a difference. We had our non partisan staff working with us. It really did help us I think put together a budget that's really extraordinary for not only transportation but for the working people of this state. But more than anything else, more than anything else, you know we don't realize that we all like to take a lot of credit for things but it truly is the staff. They've been here night after night early in the morning spending many hours after we all go home and I just want to say to you guys, thank you so much. Here's one for you, Kelly. You've got to delegate more next year but your really great and I don't know if any more left here just let me ask them to join me and say thank you to them."

PERSONAL PRIVILEGE

Senator Swecker: "I too would like to thank the staff. I think it's important to know that we had good leadership. We have good leadership on that team and that's what makes us all effective on it. I think the good Senator from the Tenth isn't it, yes, Senator from the Tenth, for her openness and her leadership. I know that we started this process oh back over the way, it's been a number of sessions now we worked in a bipartisan fashion and I really think it has paid off big time in the state of Washington. So, thank you Madam Chair and thank you staff."

PERSONAL PRIVILEGE

Senator Marr: "Mr. President, I don't know if any other fiscal chairs treated their committee to pull pork sandwiches and apple crisps and brownies but maybe we're just fortunate. I do want to say the Chair has certainly made us part of the family and that means once in awhile we got spanked but I think, out of it, out of this whole process came a budget that we're really proud of. I do want to say and she's the first to extend the credit to staff and reflecting on something that Senator Tom said earlier, one of my first thoughts coming to the legislature after

2009 REGULAR SESSION

thirty years in the private sector probably like Senator Tom was, boy if I had this group of people around me in the private sector I'd have a pretty successful business. I think we all share those thoughts. These are great people who are committed to public service in state government and without them we would not be able to deliver on the promise to represent the people as well as we do. I join with Senator Haugen and Senator Swecker in terms of lauding the staff with their hard work. The thing is that even as we passed this budget we all know there work will continue on for a good amount of time in terms in figuring out what the heck we actually voted for so we want to thank the good senator and staff for great work this year."

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has adopted the report of Conference Committee on SUBSTITUTE SENATE BILL NO. 5574, and has passed the bill as recommended by the Conference Committee.

And the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Substitute Senate Bill No. 5574

April 25, 2009

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute Senate Bill No. 5574, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle. "Recording device" does not include onboard diagnostic systems whose exclusive function is to capture fault codes used to diagnose or service the motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made in writing is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer or distributor of the device shall disclose in the product manual the type of information that the device may record and whether the recording device has the ability to transmit information to a central communications system or other external device.

(5) A disclosure made in writing is deemed a disclosure in the product manual.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information that can be associated with an individual and that is recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or

deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 5. A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

Sec. 6. RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.500 relating to reckless driving;

(38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(41) RCW 46.61.522 relating to vehicular assault;

(42) RCW 46.61.5249 relating to first degree negligent driving;

(43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(44) RCW 46.61.530 relating to racing of vehicles on highways;

(45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(47) RCW 46.61.740 relating to theft of motor vehicle fuel;

(48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(50) Chapter 46.65 RCW relating to habitual traffic offenders;

(51) RCW 46.68.010 relating to false statements made to obtain a refund;

(52) Section 3 of this act relating to recording device information;

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((53))~~ (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((54))~~ (55) RCW 46.72A.060 relating to limousine carrier insurance;

~~((55))~~ (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((56))~~ (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((57))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((58))~~ (59) Chapter 46.82 RCW relating to driver's training schools;

~~((59))~~ (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((60))~~ (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 8. Sections 1 through 4 and 6 of this act take effect July 1, 2010."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Holmquist, Kauffman and Kohl-Welles; Representatives Clibborn, Eddy and Shea.

MOTION

Senator Kauffman moved that the Report of the Conference Committee on Substitute Senate Bill No. 5574 be adopted.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Report of the Conference Committee on Substitute Senate Bill No. 5574 be adopted.

The motion by Senator Kauffman carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5574, as recommended by the Conference Committee.

MOTION

On motion of Senator McDermott, Senator Murray was excused.

MOTION

On motion of Senator Holmquist, Senator Delvin was excused.

MOTION

On motion of Senator Marr, Senators Brown and Fraser were excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5574, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridmore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin and Morton

Excused: Senators Brown and Delvin

SUBSTITUTE SENATE BILL NO. 5574, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5795 with the following amendment: 5795-S AMH SEAQ PARC 033

On page 2, after line 29, insert the following:

"Sec. 2. RCW 47.46.060 and 2002 c 114 s 18 are each amended to read as follows:

(1) Any person, including the department of transportation and any private entity or entities, may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project.

(3) The department of transportation or a private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax. The project is operationally complete under this section when the collection of tolls is commenced for the state route number 16 improvements covered by the deferral.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department of transportation or a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity. Transfer of ownership does not terminate the deferral.

(6) Applications and any other information received by the department of revenue under this section are not confidential

and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) Taxes due under chapters 82.08 and 82.12 RCW on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project for which a deferral has been granted need not be repaid."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

POINT OF ORDER

Senator Haugen: "Thank you Mr. President. I would argue that the House amendments to Substitute Senate Bill No. 5795 changes the scope and object of the underlying bill as it left this body. I respectfully request you rule as such. The underlying bill as it left the Senate addressed the direct use of tolls and other revenues related to the Tacoma Narrows Bridge. The bill directs the Transportation Commission to determine the appropriateness toll revenues expenditure to avoid the types of frivolous expenditures made in recent years. However, the House amendment has nothing to do with the direct use of Tacoma Narrows Bridge toll revenue. Rather it provides the sale and use tax exemption for the working involved in building the bridge. Additionally the sales and tax used tax exemption would negatively impact the state general fund. However the title of the underlying senate bill is 'An Act relating to the Tacoma Narrows Bridge account'. There's no reference in the scope or object of this bill to the state general fund. Mr. President, because of the amendment the house amendment in no way relates to the original substance of underlying bill, I respectfully request that you find the house amendment out of order as it changes the scope and object of the bill. Thank you Mr. President."

POINT OF ORDER

Senator Kilmer: "Thank you Mr. President. I would argue that the house amendments to Substitute Senate Bill No. 5795, the house amendment is within the scope and object of the underline senate bill and if I may continue?"

REPLY BY THE PRESIDENT

President Owen: "Brief."

POINT OF ORDER

Senator Kilmer: "Thank you. It is correct that the underline bill addresses the use of funds from the Tacoma Narrows Bridge. This bill sets up a structure for determining permitted and non permitted uses of Tacoma Narrows Bridge toll revenue. The amendment that was added in the other body by exempting sales and use taxes applicable to the bridge simply describes another non permitted use of Narrows Bridge toll revenue. That is if the sales and use taxes are exempt toll revenue is no longer needed for that expenditure item and is therefore non permitted use of toll revenue. For that and other reasons which I'm sure you will find compelling I ask that you find the house amendment properly before the senate. Thank you Mr. President."

MOTION

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5795 was deferred and the bill held its place on the concurrence calendar.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House receded in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5321-S.E AMH HUNT H3409.3 and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.415 and 2006 c 361 s 1 are each amended to read as follows:

(1) The legislative authority of any city ~~((with a population less than four hundred thousand and which))~~ that is located in a county with a population greater than six hundred thousand that annexes an area consistent with its comprehensive plan required by chapter 36.70A RCW, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city. The tax may only be imposed by a city if:

(a) The city has commenced annexation of an area ~~((under chapter 35.13 or 35A.14 RCW))~~ having a population of at least ten thousand people, ~~or four thousand in the case of a city described under subsection (3)(a)(i) of this section,~~ prior to January 1, ~~((2010))~~ 2015; and

(b) The city legislative authority determines by resolution or ordinance that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis.

(2) The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the city at no cost to the city and shall remit the tax to the city as provided in RCW 82.14.060.

~~(3)(a) Except as provided in (b) of this subsection, the maximum rate of tax any city may impose under this section ((shall be 0.2 percent for the total number of annexed areas the city may annex. The rate of the tax imposed under this section)) is:~~

~~(i) 0.1 percent for each annexed area in which the population ((that)) is greater than ten thousand and less than twenty thousand. ((The rate of the tax imposed under this section shall be)) The ten thousand population threshold in this subsection (3)(a)(i) is four thousand for a city with a population between one hundred fifteen thousand and one hundred forty thousand and located within a county with a population over one million five hundred thousand; and~~

~~(ii) 0.2 percent for an annexed area in which the population is greater than twenty thousand.~~

~~(b) Beginning July 1, 2011, the maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than eighteen thousand if the annexed area was, prior to November 1, 2008, officially designated as a potential annexation area by more than one city, one of which has a population greater than four hundred thousand.~~

~~(4)(a) Except as provided in (b) of this subsection, the maximum cumulative rate of tax a city may impose under~~

~~subsection (3)(a) of this section is 0.2 percent for the total number of annexed areas the city may annex.~~

~~(b) The maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.3 percent, beginning July 1, 2011, if the city commenced annexation of an area, prior to January 1, 2010, that would have otherwise allowed the city to increase the rate of tax imposed under this section absent the rate limit imposed in (a) of this subsection.~~

~~(c) The maximum cumulative rate of tax a city may impose under subsection (3)(b) of this section is 0.85 percent for the single annexed area the city may annex and the amount of tax distributed to a city under subsection (3)(b) of this section shall not exceed five million dollars per fiscal year.~~

~~(5) The tax imposed by this section shall only be imposed at the beginning of a fiscal year and shall continue for no more than ten years from the date that each increment of the tax is first imposed. Tax rate increases due to additional annexed areas shall be effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred, provided that notice is given to the department as set forth in subsection ~~((8))~~ (9) of this section.~~

~~((5))~~ (6) All revenue collected under this section shall be used solely to provide, maintain, and operate municipal services for the annexation area.

~~((6))~~ (7) The revenues from the tax authorized in this section may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the annexation area and the general revenues that the cities would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this section and the revenues from the annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city shall notify the department and the tax distributions authorized in this section shall be suspended for the remainder of the year.

~~((7))~~ (8) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the legislative authority of a city shall adopt an ordinance that includes the following:

(a) A certification that the amount needed to provide municipal services to the annexed area reflects the city's true and actual costs;

(b) The rate of tax under this section that shall be imposed within the city; and

~~((b))~~ (c) The threshold amount for the first fiscal year following the annexation and passage of the ordinance.

~~((8))~~ (9) The tax shall cease to be distributed to the city for the remainder of the fiscal year once the threshold amount has been reached. No later than March 1st of each year, the city shall provide the department with a certification of the city's true and actual costs to provide municipal services to the annexed area, a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. Distributions of tax under this section shall begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount shall belong to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, shall not be carried forward to the next fiscal year.

(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section for the remainder of the fiscal year, if the total distributions to the city imposing the tax exceed five million dollars for the fiscal year.

~~((9))~~ (11) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Annexation area" means an area that has been annexed to a city under chapter 35.13 or 35A.14 RCW. "Annexation area" includes all territory described in the city resolution.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(b) "Commenced annexation" means the initiation of annexation proceedings has taken place under the direct petition method or the election method under chapter 35.13 or 35A.14 RCW.

(c) "Department" means the department of revenue.

~~((c))~~ (d) "Municipal services" means those services customarily provided to the public by city government.

~~((d))~~ (e) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(f) "Potential annexation area" means one or more geographic areas that a city has officially designated for potential future annexation, as part of its comprehensive plan adoption process under the state growth management act, chapter 36.70A RCW.

~~((e))~~ (g) "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with subsection ~~((6))~~ (7) of this section that the department shall distribute to the city generated from the tax imposed under this section in a fiscal year.

Sec. 2. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2) A city or town with a prohibition on house-banked social card game licenses that annexes an area that is within a city, town, or county that permits house-banked social card games may allow a house-banked social card game business that was licensed by the commission as of the effective date of this act to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7). A city or town that allows a house-banked social card game business in an annexed area to continue operating is not required to allow additional house-banked social card game businesses.

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5321.

POINT OF INQUIRY

Senator Berkey: "Would the Senator from the Eleventh District yield to a question? Is it the intent of this legislation that the annexation tax credit applies to qualifying annexation that uses an inter local agreement as its method of commencing an annexation?"

Senator Prentice: "Yes, it is the intent of this bill and the intent of the program from the beginning that the annexation tax credit applies to a qualifying annexation no matter what method of annexation is used."

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the

House amendment(s) to Engrossed Substitute Senate Bill No. 5321.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5321 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach and Stevens

Excused: Senator Delvin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House receded in its amendment to SUBSTITUTE SENATE BILL NO. 5436. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5436-S AMH CODY H3443.2 and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.150.010 and 2007 c 267 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW((;)) or plans administered under chapter 41.05, 70.47, or 70.47A RCW((; or self-insured plans)); and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

Sec. 2. RCW 48.150.040 and 2007 c 267 s 6 are each amended to read as follows:

(1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract

applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services (~~provided in connection with wellness physical examinations~~). In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

Sec. 3. RCW 48.150.050 and 2007 c 267 s 7 are each amended to read as follows:

(1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice. So long as the direct practice provides the patient notice and opportunity to obtain care from another physician, the direct practice may discontinue care for direct patients if: (a) The patient fails to pay the direct fee under the terms required by the direct agreement; (b) the patient has performed an act that constitutes fraud; (c) the patient repeatedly fails to comply with the recommended treatment plan; (d) the patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice; or (e) the direct practice discontinues operation as a direct practice.

(2) Subject to the restrictions established in this chapter, direct practices may accept payment of direct fees directly or indirectly from ((nonemployer)) third parties. A direct practice may accept a direct fee paid by an employer on behalf of an employee who is a direct patient. However, a direct practice shall not enter into a contract with an employer relating to direct practice agreements between the direct practice and employees of that employer, other than to establish the timing and method of the payment of the direct fee by the employer.

Sec. 4. RCW 48.41.030 and 2004 c 260 s 25 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, any health maintenance organization licensed under Title 48 RCW, and any self-funded multiple employer welfare arrangement as defined in RCW 48.125.010. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" also means a direct practice as defined in RCW 48.150.010. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive

covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

Sec. 5. RCW 48.150.110 and 2007 c 267 s 13 are each amended to read as follows:

(1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives. All marketing materials must be filed for approval with the commissioner prior to use. All advertising and marketing materials must be filed with the commissioner at least thirty days prior to use.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their participation forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

Senator Keiser spoke in favor of the motion.
Senator Pflug spoke against the motion.

MOTION

On motion of Senator Marr, Senator Franklin was excused.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5436 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

Excused: Senators Delvin and Franklin
 SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:55 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House concurred in Senate amendments to the following bills and passed the bills as amended by the Senate:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
 HOUSE BILL NO. 2331,
 SUBSTITUTE HOUSE BILL NO. 2346,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

The Senate resumed consideration of Substitute House Bill No. 1776.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1776, by House Committee on Education Appropriations (originally sponsored by Representatives Ericks, Haigh, Priest, Hunter, Liias, Sullivan, Pedersen, Maxwell, White and Kenney)

Changing school levy provisions.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Tom, the striking amendment by Senator Tom to Substitute House Bill No. 1776 was withdrawn.

MOTION

Senator Tom moved that the following striking amendment by Senators Tom and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.500.030 and 2006 c 372 s 904 and 2006 c 119 s 1 are each reenacted and amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to
 (b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's

twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced.

(6) From January 1, 2010, through December 31, 2011, allocations and maximum eligibility under this chapter may be reduced as determined in the 2009-2011 omnibus appropriations act.

Sec. 2. RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

- (i) Pupil transportation;
- (ii) Special education;
- (iii) Education of highly capable students;
- (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
- (v) Food services; and
- (vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2011)~~ 2014, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year ~~((had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess.))~~ using the Initiative 728 base and the allocation the district received in the current school year pursuant to RCW 84.52.068 ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004)); and~~

(b) The difference between the allocations the district would have received the prior school year ~~((had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess.))~~ using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter, except as provided in subsection (6) of this section; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((6))~~ (7) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) The maximum levy percentages provided in subsection (5) of this section shall be increased by four percentage points not to exceed a maximum levy percentage of thirty-five percent for levies approved by voters in 2009 after the effective date of this section through December 31, 2011.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not

attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((7))~~ For the purposes of this section, (8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((8))~~ For the purposes of this section, (b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 base" means the allocation to the student achievement fund for the prior year that would have been made under chapter 3, Laws of 2001, as approved by the voters, if all annual adjustments to the initial 2001 allocation had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's annual salary cost-of-living increases as they would have been calculated under chapter 4, Laws of 2001, as approved by the voters, if each annual cost-of-living increase had been made in previous years and in each subsequent year as provided for under chapter 4, Laws of 2001.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules ~~((and regulations))~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW to read as follows:

The legislature recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted to the voters. It is the intent of the legislature to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy.

Sec. 4. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 5. 2006 c 119 s 3 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2012))~~ 2015.

Sec. 6. 2009 c 4 s 909 (uncodified) is amended to read as follows:

Section 908 of this act expires January 1, ~~((2012))~~ 2015.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 8. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Senator Tom spoke in favor of adoption of the striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 4, line 34 of the amendment, after "percentage of" strike "thirty-five" and insert "twenty-eight"

On page 4, line 36 of the amendment, after "2011" insert "; except that for districts grandfathered above twenty-eight percent as of the effective date of this section, the authority to collect the grandfathered level is retained"

Senator Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senator Tom spoke against adoption of the amendment to the striking amendment.

Senator Pflug demanded a roll call but was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 4, line 34 to the striking amendment to Substitute House Bill No. 1776.

The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator McDermott moved that the following amendment by Senator McDermott and others to the striking amendment be adopted.

On page 7 of the amendment, after line 8, insert new section:

NEW SECTION. Sec. 7. State grant funding for the 21st Century after-school program is suspended during the 2009-11 fiscal period."

Renumber the remaining sections consecutively.

The President declared the question before the Senate to be the adoption of the amendment by Senator McDermott and

others on page 7, after line 8 to the striking amendment to Substitute House Bill No. 1776.

The motion by Senator McDermott carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tom and McAuliffe as amended to Substitute House Bill No. 1776.

The motion by Senator Tom carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 84.52.053; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); reenacting and amending RCW 28A.500.030; adding a new section to chapter 84.52 RCW; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1776 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1776 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1776 as amended by the Senate as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Haugen, Hewitt, Holmquist, Honeyford, King, Parlette, Pflug, Schoesler, Sheldon, Swecker and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

SUBSTITUTE HOUSE BILL NO. 1776 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

The Senate resumed consideration of Senate Bill No. 6158 which had been deferred earlier in the day.

SECOND READING

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

SENATE BILL NO. 6158, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Brown, Prentice and Tom)

Delaying the implementation of the family leave insurance program.

The measure was read the second time.

Senators Holmquist, Schoesler, King and Becker spoke in favor of adoption of the amendment.

Senators Brown, Prentice, Keiser and Kohl-Welles spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Schoesler: "I believe the speaker is impugning the motives of a previous speaker that was on that panel."

REPLY BY THE PRESIDENT

President Owen: "Senator Prentice, you're coming pretty close."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Holmquist and others to Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Holmquist and others and the striking amendment was not adopted by the following vote: Yeas, 16; Nays, 27; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Brandland, Carrell, Hatfield, Hewitt, Holmquist, Honeyford, King, Marr, Parlette, Pflug, Rockefeller, Schoesler, Sheldon, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Fairley,

Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Haugen, Hewitt, Holmquist, Honeyford, King, Parlette, Pflug, Schoesler, Sheldon, Swecker and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

ENGROSSED SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2194, by Representative Appleton

Modifying provisions relating to extraordinary medical placement for offenders.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Regala be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody

terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious (~~enough~~) and is expected to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(iii) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. **Sec. 2.** This act takes effect August 1, 2009."

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 5, line 1 of the amendment, after "offender" insert "convicted of a sex offense or an offender"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Schoesler, Carrell and Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Hargrove spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 5, line 1 to the striking amendment to Engrossed House Bill No. 2194.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Regala to Engrossed House Bill No. 2194.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.728; and providing an effective date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed House Bill No. 2194 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2194 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2194 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 16; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore,

Ranker, Regala, Shin and Tom

Voting nay: Senators Becker, Carrell, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Parlette, Pflug, Rockefeller, Schoesler, Sheldon, Swecker and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

ENGROSSED HOUSE BILL NO. 2194 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6160, by Senator Prentice

Relating to criminal justice. Revised for 1st Substitute: Concerning criminal justice sentencing.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6160 was substituted for Senate Bill No. 6160 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6160.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6160 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

SUBSTITUTE SENATE BILL NO. 6160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6162, by Senator Prentice

Relating to criminal justice. Revised for 1st Substitute: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6162 was substituted for Senate Bill No. 6162 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 4, after line 8, insert the following:

"Sec. 3. RCW 9.94A.030 and 2009 c . . . (ESSB 5288) s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.701, as established by the commission or the legislature under RCW 9.94A.850.

(7) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

~~((7))~~ (8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((8))~~ (9) "Confinement" means total or partial confinement.

~~((9))~~ (10) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((10))~~ (11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((11))~~ (12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((12))~~ (13) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

~~((13))~~ (14) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

~~((14))~~ (15) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

~~((15))~~ (16) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((16))~~ (17) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((17))~~ (18) "Department" means the department of corrections.

~~((18))~~ (19) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((19))~~ (20) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((20))~~ (21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((21))~~ (22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of

Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((34))~~ (35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (40) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (41) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (42) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (43) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (44) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (45) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (46) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (47) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (48) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (49) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (50) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (51) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (52) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (53) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (54) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 4. RCW 9.94A.701 and 2009 c . . . (ESSB 5288) s 5 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall ~~(in addition to the other terms of the sentence, sentence the offender to community custody for three years)~~ impose a term of community custody for the community custody range established under RCW 9.94A.850:

(a) A sex offense not sentenced under RCW 9.94A.507;

(b) A ~~(serious)~~ violent offense; or

(c) A violation of RCW 9A.44.130(11)(a) committed on or after June 7, 2006, when a court sentences the person to a term of confinement of one year or less.

~~(2) (A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.~~

~~(3))~~ A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate; or

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000.

~~((4))~~ (3) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

~~((5))~~ (4) If an offender is sentenced under the special sexual offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

~~((6))~~ (5) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

~~((7))~~ (6) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

~~((8))~~ (7) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 5. RCW 9.94A.704 and 2009 c . . . (ESSB 5288) s 6 are each amended to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions and the duration of community custody when the offender is sentenced to a community custody range on the basis of risk to community

safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

(a) Report as directed to a community corrections officer;

(b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(9)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.507, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

(i) The crime of conviction;

(ii) The offender's risk of reoffending;

(iii) The safety of the community.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(10) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

Sec. 6. RCW 9.94A.707 and 2009 c . . . (ESSB 5288) s 7 are each amended to read as follows:

(1) Community custody shall begin: (a) Upon completion of the term of confinement; or (b) at the time of sentencing if no term of confinement is ordered.

(2) When an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of sentencing, unless otherwise ordered by the court.

(3) When an offender is sentenced to a community custody range pursuant to RCW 9.94A.701(1), the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

Sec. 7. RCW 9.94A.850 and 2009 c . . . (ESSB 5288) s 8 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and

alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31 of each year, the commission may propose modifications to the community custody ranges to be included in sentences under RCW 9.94A.701(1). The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

Sec. 8. 2009 c . . . (ESSB 5288) s 9 (uncodified) is amended to read as follows:

Consistent with the provisions of RCW 9.94A.701(2), the department of corrections shall recalculate the term of community custody and reset the date that community custody will end for each offender currently in confinement or serving a term of community custody for a crime specified in RCW 9.94A.701(2). The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 14, after "(2)" strike "Section 2" and insert "Sections 2 through 8"

On page 1, beginning on line 2 of the title, after "custody" strike the remainder of the title and insert "when the offender has a current conviction for a violent offense or a serious violent offense as defined in RCW 9.94A.030; amending RCW 9.94A.501, 9.94A.501, 9.94A.030, 9.94A.701, 9.94A.704, 9.94A.707, and 9.94A.850; amending 2009 c . . . (ESSB 5288) s 9 (uncodified), creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

Senator Carrell spoke in favor of adoption of the amendment.

Senator Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 4, after line 8 to Substitute Senate Bill No. 6162.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6162.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Brown,

Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Tom and Zarelli

Voting nay: Senator Swecker

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

SUBSTITUTE SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2362, by House Committee on Ways & Means (originally sponsored by Representative Kessler)

Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 5, line 12, after "is", strike "established in the custody of the state treasurer." And insert "created within the state treasury, subject to appropriation."

On page 5, line 16, strike ", except as otherwise provided by this section."

Senator Tom spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 2362.

The motion by Senator Tom carried and the committee amendment was adopted by voice vote.

MOTION

Senator Hatfield moved that the following amendment by Senators Hatfield, Delvin and Honeyford be adopted.

On page 2, line 23, strike "twenty" and insert "ten".

Senators Hatfield, Honeyford and Carrell spoke in favor of adoption of the amendment.

Senator Kline spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hatfield, Delvin and Honeyford on page 2, line 23 to Substitute House Bill No. 2362.

The motion by Senator Hatfield failed and the amendment was not adopted by a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 2, line 23, after "of" strike "twenty" and insert "five"

Renumber the sections consecutively and correct any internal references accordingly.

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, line 23 to Substitute House Bill No. 2362 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 2, after "of" strike "ten" and insert "five"

Renumber the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 3, line 2 to Substitute House Bill No. 2362 was withdrawn.

MOTION

Senator Eide moved that all remaining amendments to Substitute House Bill No. 2362 be laid upon the table.

MOTION

Senator King moved that the question of tabling all the remaining amendments to Substitute House Bill No. 2362 be divided.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 500 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 500 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 501 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 501 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 504 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 504 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 503 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 503 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 505 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 505 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 502 by Senator

Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 502 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 470 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 470 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 471 by Senator Honeyford to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 471 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 521 by Senator Marr to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 521 by Senator Honeyford to Substitute House Bill No. 2362 was laid upon the table by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide to lay upon the table amendment number 528 by Senator Marr to Substitute House Bill No. 2362. Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Hargrove: "Is there any room left on the table?"

PARLIAMENTARY INQUIRY

Senator Eide: "Thank you. Just want to make sure what exactly we're voting on."

REPLY BY THE PRESIDENT

President Owen: "We are voting on the motion to lay upon the table amendment number 528. A yes vote would lay it upon the table. A no vote will allow you to vote on the amendment."

The President declared the question before the Senate to be the motion by Senator Eide that amendment number 528 by Senator Marr to Substitute House Bill No. 2362 be laid upon the table.

The Secretary called the roll on the motion by Senator Eide and the motion carried by the following vote: Yeas, 27; Nays, 16; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Hobbs, Holmquist, Honeyford, King, Marr, Parlette, Pflug, Schoesler, Sheldon, Shin, Swecker and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Eide that Amendment No. 487 by Senator Shin to Substitute House Bill No. 2362 be laid upon the table.

The motion by Senator Eide carried and Amendment No. 487 by Senator Shin to Substitute House Bill No. 2362 was laid upon the table by voice vote.

MOTION

On motion of Senator Kline the rules were suspended, Substitute House Bill No. 2362 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senators Schoesler, Marr and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2362 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2362 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 18; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kilmer, King, Marr, Parlette, Pflug, Schoesler, Sheldon, Shin, Swecker and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

SUBSTITUTE HOUSE BILL NO. 2362, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute House Bill No. 2362 was immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, by House Committee on Ways & Means (originally sponsored by Representative Cody)

Clarifying public employees' benefits board eligibility.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 13, beginning on line 24, after "entities" strike all material through "1993." on line 38, and insert "(; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans.

To maintain the comprehensive nature of employee health

care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account))."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Pflug spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 13, line 24 to Engrossed Substitute House Bill No. 2245.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 2245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2245.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2245 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2341, by House Committee on Ways & Means (originally sponsored by Representatives Cody and Kelley)

Modifying the basic health plan program.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 8, line 33, after "requirements.", insert:

"(g) To collect from all public employees a voluntary opt in

ONE-HUNDRED FOURTH DAY, APRIL 25, 2009

2009 REGULAR SESSION

donation of varying amounts through a monthly or one-time payroll deduction as provided for in RCW 41.04.230. The donation must be deposited in the health services account established in RCW 43.72.900 to be used for the sole purpose of maintaining enrollment capacity in the basic health plan.

The administrator shall send an annual notice to state employees extending the opportunity to participate in the opt-in donation program for the purpose of saving enrollment slots for the basic health plan. The first such notice shall be sent to public employees no later than June 1, 2009.

The notice shall include monthly sponsorship levels of fifteen dollars per month, thirty dollars per month, fifty dollars per month and any other amounts deemed reasonable by the administrator. The sponsorship levels shall be named "Safety Net Contributor," "Safety Net Hero," and "Safety Net Champion" respectively. The donation amounts provided shall be tied to the level of coverage the employee will be purchasing for a working poor individual without access to health care coverage.

The administrator shall ensure that employees are given an opportunity to establish a monthly standard deduction or a one-time deduction towards the basic health plan donation program. The basic health plan donation program shall be known as the "Save the Safety Net Program."

The donation permitted under this subsection may not be collected from any public employee who does not actively opt in to the donation program. Written notification of intent to discontinue participation in the donation program must be provided by the public employee at least fourteen days prior to the next standard deduction.

On page 17, after line 34, insert:

NEW SECTION. Sec. 8. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Senators Pflug and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 8, line 33 to Substitute House Bill No. 2341.

The motion by Senator Pflug carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "budget;" strike "and"

On page 1, line 4 of the title, after "70.47.170" insert ";and declaring an emergency"

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 17, after line 34, insert the following:

NEW SECTION. Sec. 7. If the monthly funding rate for public employee benefits in the omnibus appropriations act is not reduced to seven hundred and six dollars for fiscal years 2010 and 2011 and a commensurate restoration to the level of funding for the basic health plan in the omnibus appropriations act which reflects the full extent of those savings is not made, this act is null and void.

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 17, line 34 to Substitute House Bill No. 2341 was withdrawn.

MOTION

On motion of Senator Keiser the rules were suspended, Substitute House Bill No. 2341 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Prentice: "Would the Senator from the Forty-Ninth District yield to a question? The bill changes the eligibility for individuals enrolled in medical assistance programs with DSHS from being enrolled in basic health plan. Is that intended to be all programs offered by medical assistance?"

Senator Keiser: "The intent is to try to apply this to enrollees receiving partial medical coverage authorized under chapter 74.09 RCW and not limited programs like family planning only coverage."

POINT OF INQUIRY

Senator Schoesler: "Would the gentleman from the Forty-Ninth District yield to a question? Well, I know he hasn't been excused. If the gentleman would answer the question I would love to ask him if he concurred with the previous speaker."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2341 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2341 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 13; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Frasier, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin, Tom and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, Parlette, Pflug, Ranker, Schoesler, Sheldon and Swecker

Excused: Senators Benton, Delvin, McCaslin, Morton, Roach and Stevens

SUBSTITUTE HOUSE BILL NO. 2341 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6096, by Senator Tom

Concerning the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 2, beginning on line 22, after "applies" strike "both prospectively and retroactively" and insert "prospectively only"

Senator Brandland spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 2, line 22 to Senate Bill No. 6096.

The motion by Senator Brandland failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Brandland: "Thank you Mr. President. I believe that this measure may require a super majority vote under provisions of law enacted last year under by Imitative 960. I've got a one page document here and I'll be glad to read it but if you'd like to just have me bring it up I'd do that as well."

REPLY BY THE PRESIDENT

President Owen: "The President would be happy to read it himself."

PARLIAMENTARY INQUIRY

Senator Tom: "Thank you Mr. President. I also have a interesting piece of reading material for you that I would like to bring to the bar unless the members would enjoy a nice little night time reading."

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6096 was deferred and the bill held its place on the third reading calendar.

MOTION

At 1:17 a.m., on motion of Senator Eide, the Senate adjourned until 10:30 a.m. Sunday, April 26, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDRED FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Sunday, April 26, 2009

April 25, 2009

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Delvin, Fairley, Hatfield, Holmquist, Kauffman, Morton, Prentice and Pridemore.

The Sergeant at Arms Color Guard consisting of Interns Chelsea Stanton and Ashley Lara, presented the Colors. Senator Fraser offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:
ENGROSSED HOUSE BILL NO. 2194,
SUBSTITUTE HOUSE BILL NO. 2341,
SUBSTITUTE HOUSE BILL NO. 2362,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
ENGROSSED SENATE BILL NO. 5915,
SENATE BILL NO. 6157,
ENGROSSED SENATE BILL NO. 6166,
SENATE BILL NO. 6167,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE SENATE BILL NO. 5537,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed the following:
HOUSE BILL NO. 1238,
SUBSTITUTE HOUSE BILL NO. 1239,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1332,
SUBSTITUTE HOUSE BILL NO. 1420,
SECOND SUBSTITUTE HOUSE BILL NO. 1481,
HOUSE BILL NO. 1527,
HOUSE BILL NO. 1579,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
SUBSTITUTE HOUSE BILL NO. 1751,
SUBSTITUTE HOUSE BILL NO. 1758,
SUBSTITUTE HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1869,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
ENGROSSED HOUSE BILL NO. 2242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
SUBSTITUTE HOUSE BILL NO. 2339,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2356,
ENGROSSED HOUSE BILL NO. 2358,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SENATE BILL NO. 5359,
SENATE BILL NO. 5470,
SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5684,
SUBSTITUTE SENATE BILL NO. 5734,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
ENGROSSED SENATE BILL NO. 5894,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6169,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8407 by Senators Eide and Schoesler

Returning bills to their house of origin.

SCR 8408 by Senators Brown and Hewitt

Adjourning SINE DIE.

MOTION

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8407 and Senate Concurrent Resolution No. 8408 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL
APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9040, Claire Grace, as a member of the Housing Finance Commission, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Fairley, Oemig, Prentice and Pridemore were excused.

MOTION

On motion of Senator Brandland, Senators Delvin, Holmquist, Morton and Swecker were excused.

APPOINTMENT OF CLAIRE GRACE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9040, Claire Grace as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9040, Claire Grace as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Hatfield and Kauffman

Excused: Senators Delvin, Fairley, Holmquist, Morton, Prentice and Pridemore

Gubernatorial Appointment No. 9040, Claire Grace, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. One of the down sides of this job is that you lose contact with your community at times and this past week I was notified that retired Rear Admiral Jack Barrett passed away and, you know, services were this week. Now Jack was a fantastic man. He probably wore both the dolphins for his submarine service and the wings as a Naval Aviator. He was in Annapolis and started there as an enlisted seaman and he gathered signatures to his congressman was appointed to him to the Academy and graduated with the class of 1943 but he graduated early of 1942 so they could go serve their country. During that World War II tour, he served on

submarines and was responsible, their ships, the submarines, were responsible for sinking seventeen Japanese Merchant ships and military ships and also damaging eight others. After World War II was over, he got his wings Naval Aviator and served as a carrier pilot and served in Korea. And after his service in the Navy, retired to Hawaii and was one of the founders of the Submarine Memorial Association, established the museum across from the Arizona Memorial and when he came to the States he was instrumental in getting the USS Blueback, down on the Willamette River in Oregon, established as a Blueback Association to recognize and honor all the deceased Marines past, present and future. He is being buried in Annapolis. Thank you Mr. President."

SECOND READING
CONFIRMATION OF GUBERNATORIAL
APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9012, Amy Bragdon, as a member of the State Board of Education, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Kauffman was excused.

APPOINTMENT OF AMY BRAGDON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9012, Amy Bragdon as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9012, Amy Bragdon as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Fairley, Morton and Pridemore

Gubernatorial Appointment No. 9012, Amy Bragdon, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL
APPOINTMENTS

MOTION

Senator Murray moved that Gubernatorial Appointment No. 9121, Ellen Taussig, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Murray spoke in favor of the motion.

APPOINTMENT OF ELLEN TAUSSIG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9121, Ellen

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Taussig as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9121, Ellen Taussig as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Delvin, Fairley, Morton and Pridemore

Gubernatorial Appointment No. 9121, Ellen Taussig, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 1238,
 SUBSTITUTE HOUSE BILL NO. 1239,
 HOUSE BILL NO. 1287,
 SUBSTITUTE HOUSE BILL NO. 1292,
 SUBSTITUTE HOUSE BILL NO. 1332,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SECOND SUBSTITUTE HOUSE BILL NO. 1481,
 HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1579,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
 SUBSTITUTE HOUSE BILL NO. 1751,
 SUBSTITUTE HOUSE BILL NO. 1758,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1869,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
 ENGROSSED HOUSE BILL NO. 2242,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
 SUBSTITUTE HOUSE BILL NO. 2339,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344
 SUBSTITUTE HOUSE BILL NO. 2356,
 ENGROSSED HOUSE BILL NO. 2358,

SECOND READING
 CONFIRMATION OF GUBERNATORIAL
 APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9058, Tom Johnson, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Hobbs, Senator Brown was excused.

APPOINTMENT OF TOM JOHNSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9058, Tom Johnson as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9058, Tom Johnson as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brown, Delvin, Fairley, Morton and Pridemore

Gubernatorial Appointment No. 9058, Tom Johnson, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

At 11:05 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:11 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SENATE BILL NO. 6158,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 6162,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL
 APPOINTMENTS

MOTION

Senator Jarrett moved that Gubernatorial Appointment No. 9009, Martin Bean, as a member of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Jarrett spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown and Oemig were excused.

APPOINTMENT OF MARTIN BEAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9009, Martin Bean as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9009, Martin Bean as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Brandland and Haugen

Excused: Senators Brown, Oemig and Pridemore

Gubernatorial Appointment No. 9009, Martin Bean, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073,
 SUBSTITUTE SENATE BILL NO. 5285,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
 SENATE BILL NO. 5354,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
 SUBSTITUTE SENATE BILL NO. 5431,
 SUBSTITUTE SENATE BILL NO. 5537,
 SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5574,
 SUBSTITUTE SENATE BILL NO. 5777,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
 SUBSTITUTE SENATE BILL NO. 5913,
 ENGROSSED SENATE BILL NO. 5915,
 SENATE BILL NO. 6002,
 SENATE BILL NO. 6121,
 SENATE BILL NO. 6157,
 SENATE BILL NO. 6165,
 ENGROSSED SENATE BILL NO. 6166,
 SENATE BILL NO. 6167,
 SENATE BILL NO. 6168,
 SENATE BILL NO. 6173,
 SENATE BILL NO. 6179,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
 SENATE BILL NO. 6181,

SECOND READING
 CONFIRMATION OF GUBERNATORIAL
 APPOINTMENTS

MOTION

Senator Hewitt moved that Gubernatorial Appointment No. 9153, John McVay, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Haugen and Pridemore were excused.

MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

APPOINTMENT OF JOHN MCVAY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9153, John McVay as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9153, John McVay as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Brandland, Brown, Haugen and Pridemore

Gubernatorial Appointment No. 9153, John McVay, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6171 with the following amendment: 6171-S AMH CAMP BLAC 386

On page 11, beginning on line 23, strike all of section 11
 Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6171 and ask the House to recede therefrom.

Senators Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6171 and ask the House to recede therefrom.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6171 and asked the House to recede therefrom by voice vote.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Haugen as to whether the floor amendment adopted by the House is beyond the scope and object of Substitute Senate Bill 5795, the President finds and rules as follows:

The bill as it left the Senate was fairly limited to the use of revenue deposited into the Tacoma Narrows Toll Bridge Account. Essentially, the bill has one primary purpose: it clarifies proper expenditures from the Account, and directs the Transportation Commission to further determine appropriate expenditures.

The House amendment retains this language, but it also adds a new section which converts the prior sales tax deferral related to State Route 16 improvements into an exemption. Whatever the merits of this policy, it is beyond the scope and object of the bill as passed by the Senate.

For these reasons, the President finds that Senator Haugen's point is well-taken. The House amendment is outside the scope and object of the underlying bill and not properly before the body for consideration."

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5795 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to, Substitute Senate Bill No. 5795 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5795 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 23, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2125.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2125.

The motion by Senator Kastama carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2125 by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended and Engrossed Substitute House Bill No. 2125 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Santos and Kenney)

Addressing community preservation and development authorities.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.167.010 and 2007 c 501 s 3 are each amended to read as follows:

(1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals presented after January 1, 2008, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under RCW 43.167.030.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community" contained in section 2(4) of this act and (b) those persons that have brought forth the proposal are members of the community as defined in section 2(1) of this act and, if the authority were approved, would meet the definition of constituency contained in section 2(3) of this act. For proposals brought after January 1, 2008, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

(3) The affairs of a community preservation and development authority shall be managed by a board of directors, consisting of the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who reside in the community;

(c) Two members who are involved in providing nonprofit community or social services within the community;

~~((e))~~ (d) Two members who are involved in the arts and entertainment within the community;

~~((f))~~ (e) Two members with knowledge of the community's culture and history; ~~(and~~

~~(e))~~ (f) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community; and

(g) Two representatives of the local legislative authority or authorities, as ex officio members.

(4) No member of the board shall hold office for more than four years. Board positions shall be numbered one through nine, and the terms staggered as follows:

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(a) Board members elected to positions one through five shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(b) Board members initially elected to positions six through ~~((nine))~~ thirteen shall serve a three-year term only.

(c) Board members elected to positions six through ~~((nine))~~ thirteen after the initial three-year term shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to develop a list of candidates to stand for election once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of developing the list and identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal. The board of directors shall be elected by the constituency during a meeting convened for that purpose by the state legislative delegation.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's existing board of directors and the election shall be held during the annual local town hall meeting as required in RCW 43.167.030.

Sec. 2. RCW 43.167.020 and 2007 c 501 s 4 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities; ~~(and~~

~~(b) Exercise such additional powers as may be authorized by law)~~

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority ~~((shall have))~~ has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17.128; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

Sec. 3. RCW 43.167.030 and 2007 c 501 s 5 are each amended to read as follows:

A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components ~~((that address one or more of the purposes under section 1(3) of this act));~~

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Fairley to Engrossed Substitute House Bill No. 2125.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 43.167.010, 43.167.020, and 43.167.030."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 2125 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2125 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2125 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Fairley, Honeyford, King, McCaslin, Morton, Roach and Stevens

Excused: Senator Pridemore

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 as amended by the Senate, having received the constitutional

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House receded in its amendment to SUBSTITUTE SENATE BILL NO. 5510. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5510-S AMH KAGI H3450.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) After entry of a dispositional order pursuant to RCW 13.34.130 ordering placement of a child in out-of-home care, the department shall continue to encourage the parent, guardian, or custodian of the child to engage in services and maintain contact with the child, which shall be accomplished by attaching a standard notice to the services and safety plan to be provided in advance of hearings conducted pursuant to RCW 13.34.138.

(2) The notice shall be photocopied on contrasting paper to distinguish it from the services and safety plan to which it is attached, and shall be in substantially the following form:

"NOTICE

If you have not been maintaining consistent contact with your child in out-of-home care, your ability to reunify with your child may be jeopardized. If this is your situation, you need to be aware that you have important legal rights and must take steps to protect your interests.

1. The department of social and health services (or other supervising agency) and the court have created a permanency plan for your child, including a primary placement plan and a secondary placement plan, and recommending services needed before your child can be placed in the primary or secondary placement. If you want the court to order that your child be reunified with you, you should notify your lawyer and the department, and you should carefully comply with court orders for services and participate regularly in visitation with your child. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your rights as a parent.

2. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department, and the court if you want to be the secondary placement option, and you should comply with any court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

3. Dependency review hearings, and all other dependency case hearings, are legal proceedings with potentially serious consequences. Failure to participate, respond, or comply with court orders may lead to the loss of your parental rights."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Stevens moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5510.

The President declared the question before the Senate to be the motion by Senator Stevens that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5510.

The motion by Senator Stevens carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5510 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Pridemore

SUBSTITUTE SENATE BILL NO. 5510, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Shin: "Thank you Mr. President. On behalf of the International Committee, downtown Seattle area I wish to express my profound thank you for the passage of this important legislation. In 1903 when the Asian immigrants came to the Seattle area they settled into the so called downtown 'China Town' area. These are known as 'China Town.' In 1980's it changed to International District. Now we have given a special title to exercise our right and preservation of culture and ethnicity there. This means a lot to us. Also this is especially pleasing in light of all the development going on in that area. This will give us control of things in terms of development and also programs for the ethnic minority, especially Asian-Americans in that particular district. So, I want to thank you very much, Mr. President."

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House receded in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5263. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5263-S.E AMH DICK ADAM 073, and passed the bill as amended by the House.

On page 3, line 37, after "activities" insert ". However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers"

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009
MOTION

2009 REGULAR SESSION
BARBARA BAKER, Chief Clerk

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263.
Senator Kline spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Ranker was excused.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5263 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Honeyford

Absent: Senator McDermott

Excused: Senators Pridemore and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5499 with the following amendments: 5499-S AMH HUDG MATM 312 and 5499-S AMH LIIA MATM 315

On page 3, line 25, after "project." insert "Before the secretary may approve any bond authorized to be less than the full contract price of a project, the office of financial management shall review and approve the analysis supporting the amount of the bond set by the department to ensure that one hundred percent of the state's exposure to loss is adequately protected."

On page 4, after line 5, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 39.08 RCW to read as follows:

In consultation with the director of the office of financial management and the secretary of the department of transportation, the governor shall approve any contract and bond amount authorized with respect to contracts in which the department intends to authorize bonds under RCW 39.08.030 in an amount less than the full contract price of the contract."

Renumber remaining section consecutively, correct internal references accordingly, and correct the title.
and the same are herewith transmitted.

MOTION

Senator Jarrett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5499.

Senators Jarrett and Swecker spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Jarrett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5499.

The motion by Senator Jarrett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5499 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5499, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5499, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Prentice, Regala, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Morton, Pflug, Roach, Schoesler and Stevens

Excused: Senators Pridemore and Ranker

SUBSTITUTE SENATE BILL NO. 5499, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6122 with the following amendment: 6122-S AMH WAYS FRAS 329

Beginning on page 1, line 8, strike all of sections 1 and 2

Renumber remaining sections consecutively and correct internal references.

Correct the title.

On page 13, after line 15, insert the following:

"NEW SECTION. Sec. 16. The sums of eighty thousand dollars for the fiscal year ending June 30, 2010, and eighty thousand dollars for the fiscal year ending June 30, 2011, or so much thereof as may be necessary, are appropriated from the state general fund to the office of the secretary of state solely for legal advertising under RCW 29A.52.330."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6122.

Senator Prentice spoke in favor of the motion.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6122.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6122 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6122, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6122, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Hewitt, Holmquist, Honeyford, Schoesler and Stevens

Excused: Senators Pridemore and Ranker

SUBSTITUTE SENATE BILL NO. 6122, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6126 with the following amendment: 6126 AMH WAYS STET 046

On page 2, beginning on line 8, strike all of subsection (3) and insert the following:

~~"((3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. The number of untaxed complimentary tickets shall be limited to ten percent of the total tickets sold per event location, not to exceed one thousand tickets. All complimentary tickets exceeding this exemption shall be subject to taxation:))"~~

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Senate Bill No. 6126.

Senator Prentice spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Senate Bill No. 6126.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6126 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6126, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6126, as amended by the House, and the bill passed the

Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Regala, Rockefeller, Schoesler, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Kilmer, King, Morton, Roach, Sheldon and Stevens

Excused: Senators Pridemore and Ranker

SENATE BILL NO. 6126, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1062, by House Committee on Finance (originally sponsored by Representatives Takko, Warnick, Blake, Orcutt, Ericks and Morris)

Modifying the electrolytic processing business tax exemption.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.0421 and 2004 c 240 s 1 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5)(a) This section does not apply to sales of electricity made after December 31, ~~((2010))~~ 2018.

(b) This section expires June 30, ~~((2011))~~ 2019.

Sec. 2. RCW 82.32.560 and 2004 c 240 s 2 are each amended to read as follows:

(1) For the purposes of this section, "electrolytic processing business tax exemption" means the exemption and preferential tax rate under RCW 82.16.0421.

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the electrolytic processing business tax exemption are:

(a) To retain family wage jobs by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that will preserve at least seventy-five percent of the jobs that were on the payroll effective January 1, 2004; and

(b) To allow the electrolytic processing industries to continue production in this state ~~((through 2011))~~ so that the industries will remain competitive and be positioned to preserve and create new jobs ~~((when the anticipated reduction of energy costs occur)).~~

(4)(a) A person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax exemption is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of product produced at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax exemption. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. Public utility taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to

the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) ~~((By December 1, 2007, and by December 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax incentive under RCW 82.16.0421. The report shall measure)) Pursuant to chapter 43.136 RCW, the citizen commission for performance measurement of tax preferences must schedule the electrolytic processing business tax exemption under RCW 82.16.0421 for a tax preference review by the joint legislative audit and review committee. In addition to any of the factors in RCW 43.136.055(1), the committee must also study and report on the effect of the incentive on job retention for Washington residents, and other factors as the committee((s)) selects. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives.~~

NEW SECTION. Sec. 3. If chapter . . . , Laws of 2009 (Substitute House Bill No. 1597 (H-2475/09)) is enacted, section 2, chapter . . . , Laws of 2009 (section 2 of this act) is null and void."

Senator Prentice spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1062.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "exemption;" strike the remainder of the title and insert "amending RCW 82.16.0421 and 82.32.560; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1062 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1062 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1062 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Marr and Oemig

Excused: Senator Pridemore

SUBSTITUTE HOUSE BILL NO. 1062 as amended by the Senate, having received the constitutional majority, was

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6161 with the following amendment: 6161-S AMH WAYS PRIN 181

On page 14, line 19, after "system shall be" strike "5.25 percent, of which 1.25" and insert "5.13 percent, of which 1.13"

On page 14, line 24, after "system shall be" strike "7.80 percent, of which 1.25" and insert "7.68 percent, of which 1.13"

On page 14, line 29, after "system shall be" strike "6.17 percent, of which 2.04" and insert "5.98 percent, of which 1.85"

On page 14, line 34, after "system shall be" strike "5.39 percent, of which 1.25" and insert "5.27 percent, of which 1.13" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6161. Senator Tom spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6161.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6161 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6161, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6161, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Ranker

Excused: Senator Pridemore

SUBSTITUTE SENATE BILL NO. 6161, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Marr, Senators Brown and Ranker were excused.

MOTION

At 2:18 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:53 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5795 and passed the bill without the House amendment.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1062,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,

SUBSTITUTE SENATE BILL NO. 5436,

PARLIAMENTARY INQUIRY

Senator Brandland: "Well, thank you Mr. President. It is day 105. It is four o'clock in the afternoon and my attention has been drawn to Rule 29 in the Joint Rules of the Senate and House of Representatives. I'm wondering if I could ask for a point of clarification?"

REPLY BY THE PRESIDENT

President Owen: "You may, Senator."

PARLIAMENTARY INQUIRY

Senator Brandland: "I'm looking at subsection one, it says a resolution calling for a convening of a special session, legislative session shall set forth a date and time for convening the session, the duration of the session which shall not exceed thirty days, together with the purpose or purposes. All kidding aside, I'm wondering, Mr. President, I don't know, can we call like a one day special session? Does it have to be for thirty days and can it run for any duration and how specific do we have to be as to the content of that special session? Thank you."

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPLY BY THE PRESIDENT

President Owen: "Senator Brandland, on your point of inquiry, the Legislature can limit the time and the subject matter to however many days, if they call themselves back but, if the Governor calls us back she is limited to thirty days. She cannot call less than thirty days and she cannot limit the purpose."

PARLIAMENTARY INQUIRY

Senator Brandland: "So, I guess I'm wondering and I'm not trying to be antagonistic here, I'm just wondering about just how specific do we have to be on issues when you go into special session?"

REPLY BY THE PRESIDENT

President Owen: "That's up to the body."

REPORTS OF STANDING COMMITTEES

April 26, 2009

SB 6137 Prime Sponsor, Senator Prentice: Relating to common schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators McDermott and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Honeyford; Parlette and Pflug.

Passed to Committee on Rules for second reading.

April 26, 2009

EHB 2122 Prime Sponsor, Representative Kessler: Reducing the business and occupation tax burden on the newspaper industry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Brandland; Fairley; Hewitt; Hobbs; Honeyford; Kline; Kohl-Welles; Murray; Parlette; Pflug; Pridemore; Regala and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Oemig.

Passed to Committee on Rules for second reading.

April 26, 2009

EHB 2357 Prime Sponsor, Representative Cody: Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 26, 2009

SHB 2363 Prime Sponsor, Committee on Ways & Means: Temporarily suspending cost-of-living increases for educational employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Pflug.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and all measures listed on the Standing Committee Report were placed on the day's second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9065, Hartly Kruger, as a member of the Horse Racing Commission, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF HARTLY KRUGER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9065, Hartly Kruger as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9065, Hartly Kruger as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senator Benton

Senators Prentice and Pflug spoke in favor of passage of the bill.

Gubernatorial Appointment No. 9065, Hartly Kruger, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2357 as amended by the Senate.

SECOND READING

ROLL CALL

ENGROSSED HOUSE BILL NO. 2122, by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Lias, Hunt, Kelley, Quall, Sullivan and Van De Wege

The Secretary called the roll on the final passage of Engrossed House Bill No. 2357 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Reducing the business and occupation tax burden on the newspaper industry.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Benton and Brown

ENGROSSED HOUSE BILL NO. 2357 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Prentice, Fairley and Kohl-Welles spoke in favor of passage of the bill.

MOTION

PERSONAL PRIVILEGE

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2122.

Senator Brandland: "A bit on the serious note, Mr. President. I think that most of you know that one of our camera people, Dick Baldwin, is ill and has been having lots of complications and I just want to draw it to your attention we got a young man standing right over here. His name is Aaron Barna. I don't know about you but I have been calling Aaron Barna to come to this room on countless occasions and help me with photographs. He always does it with a smile on his face. He must have months and months of work sitting downstairs waiting for him when we leave here. I personally want to thank him. I think he's doing a very, very good job for us. Thank you Aaron."

MOTION

On motion of Senator Eide, further consideration of Engrossed House Bill No. 2122 was deferred and the bill held its place on the third reading calendar.

SECOND READING

PERSONAL PRIVILEGE

ENGROSSED HOUSE BILL NO. 2357, by Representative Cody

Senator Tom: "Any photographer that makes Brandland look good is a great photographer."

Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor.

The measure was read the second time.

MOTION

SECOND READING

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

SECOND SUBSTITUTE HOUSE BILL NO. 2130, by House Committee on Finance (originally sponsored by Representatives Probst, Jacks, Morris, Morrell, Kenney, Conway and Ormsby)

On page 1, after line 6, strike all of section 1.

Senator Prentice spoke in favor of adoption of the committee amendment.

Concerning tax incentives for renewable energy manufacturing facilities.

The measure was read the second time.

MOTION

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed House Bill No. 2357.

Senator Hobbs moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

Strike everything after the enacting clause and insert the following:

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2357 as amended by the Senate was

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible investment project" means an investment project that: (a) Does not qualify as an eligible investment project under chapter 82.60 RCW; and (b) is located in a county with a population density of more than five hundred persons per square mile that does not contain a community empowerment zone designated under RCW 43.31C.020, and that is not one of the three most populous counties in this state.

(4)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in section 2 of this act; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in section 2 of this act.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(5) "Investment project" means an investment of twenty-five million dollars in qualified buildings, qualified machinery and equipment, or both, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" has the same meaning as "to manufacture" in RCW 82.04.120 and includes the activities of processors for hire.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for renewable energy manufacturing, research and development, or both. "Qualified buildings" include plant offices, warehouses, or other facilities for the storage of raw material or finished goods, if such facilities are an essential or an integral part of a factory, plant, or laboratory used for renewable energy manufacturing, research and development, or both.

(9) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a renewable energy manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Renewable energy manufacturing" means the manufacturing of materials, components, or equipment for solar, wind, bioenergy, or geothermal energy systems.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to renewable energy manufacturing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 2. (1) The lessor or owner of a

qualified building is not eligible for a deferral under this chapter unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments; and

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under section 6 of this act.

(2) The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

NEW SECTION. Sec. 3. If a building is used partly for renewable energy manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

NEW SECTION. Sec. 4. (1) Application for deferral of taxes under this chapter must be made before initiation of construction of the investment project or acquisition of machinery and equipment. The application must be made to the department in a form and manner prescribed by the department. The application must contain information regarding the location of the investment project, estimated or actual costs of the investment project, time schedules for completion and operation, and other information required by the department.

(2) The department must rule on the application within sixty days. The department must keep a running total of all deferrals granted under this chapter during the 2009-2011 fiscal biennium.

NEW SECTION. Sec. 5. (1) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, 82.14, and 81.104 RCW on each eligible investment project.

(2) This section expires June 30, 2011.

NEW SECTION. Sec. 6. (1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter must complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in section 2 of this act, the lessee must complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by April 30th of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey must include the amount of tax deferred. The survey must also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) As part of the annual survey, the department may request

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

additional information necessary to measure the results of, or determine eligibility for, the deferral program.

6	37.5%
7	25%
8	12.5%

(d) If the person filing a survey under this section did not file a survey with the department in the previous calendar year, the survey filed under this section must also include the employment, wage, and benefit information required under (b)(i) through (iv) of this subsection for the calendar year immediately preceding the preceding calendar year.

(e)(i) Except as otherwise provided, all information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as otherwise provided in this subsection.

(ii) If the amount of the tax deferral taken as reported on the survey is different than the amount actually taken or otherwise allowed by the department based on information known to the department, the amount actually taken or allowed may be disclosed.

(iii) Recipients for whom the actual amount of the tax deferral taken is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax savings as confidential under RCW 82.32.330.

(f) The department must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by October 1st.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and one-half percent of the deferred tax is immediately due. If the economic benefits of the deferral are passed to a lessee as provided in section 2 of this act, the lessee will be responsible for payment to the extent the lessee has received the economic benefit. The department must assess interest, but not penalties, on the amounts due under this section. The interest must be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and accrues until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under section 7(2) of this act because the department has found that an investment project is used for purposes other than renewable energy manufacturing or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

NEW SECTION. Sec. 7. (1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of the survey under section 6 of this act or other information, the department finds that an investment project is used for purposes other than renewable energy manufacturing or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes are immediately due according to the following schedule:

Year in which nonqualifying use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%

(3) The department must assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest must be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and accrues until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 8. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 9. Applications approved by the department under this chapter are not confidential and are subject to disclosure.

Sec. 10. RCW 82.32.590 and 2008 c 81 s 13 and 2008 c 15 s 7 are each reenacted and amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey or annual report under section 6 of this act or RCW 82.04.4452, 82.32.5351, 82.32.650, 82.32.630, 82.32.610, 82.82.020, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey or report. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey or annual report by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 11. RCW 82.32.600 and 2008 c 81 s 14 and 2008 c 15 s 8 are each reenacted and amended to read as follows:

(1) Persons required to file annual surveys or annual reports under section 6 of this act or RCW 82.04.4452, 82.32.5351, 82.32.545, 82.32.610, 82.32.630, 82.82.020, or 82.74.040 must electronically file with the department all surveys, reports, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) Any survey, report, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

NEW SECTION. Sec. 12. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a renewable energy manufacturer may claim a credit for its eligible investment project expenditures occurring after the effective date of this act through June 30, 2014.

(2) Any credits earned under this section must be accrued

and carried forward and may not be used until July 1, 2011. The credit is equal to the amount of eligible investment project expenditures, multiplied by the rate of fifteen percent. Credit may be carried over and used until June 30, 2024. The credit claimed against taxes due for each calendar year must not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(3) Credits are available on a first in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed statewide under this section in any fiscal year to exceed the following limits: Two million five hundred thousand dollars for fiscal year 2012, two million five hundred thousand dollars for fiscal year 2013, five million dollars for fiscal year 2014, and five million dollars for each fiscal year thereafter until the fiscal year ending June 30, 2024. If the fiscal year limitation is reached, the department shall provide notification to persons claiming credits that the annual statewide limit has been met. The notice must indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof. (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible investment project" means an investment project that: (i) Does not qualify as an eligible investment project under chapter 82.60 RCW; and (ii) is located in a county with a population density of more than five hundred persons per square mile that does not contain a community empowerment zone designated under RCW 43.31C.020, and that is not one of the three most populous counties in this state.

(b) "Eligible investment project expenditures" means actual expenditures for an eligible investment project, including labor and services rendered in the planning, installation, and construction of the project.

(c) "Investment project" means a twenty-five million dollar investment in qualified buildings, qualified machinery and equipment, or both.

(d) "Manufacturing" has the same meaning as "to manufacture" in RCW 82.04.120 and includes the activities of processors for hire.

(e) "Person" has the meaning given in RCW 82.04.030.

(f) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for renewable energy manufacturing, research and development, or both. "Qualified buildings" include plant offices, warehouses, or other facilities for the storage of raw material or finished goods, if such facilities are an essential or an integral part of a factory, plant, or laboratory used for renewable energy manufacturing, research and development, or both.

(g) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a renewable energy manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(h) "Renewable energy manufacturing" means the manufacturing of materials, components, or equipment for solar, wind, bioenergy, or geothermal energy systems.

(i) "Research and development" means the development, refinement, testing, marketing, and commercialization of a

product, service, or process related to renewable energy manufacturing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(5) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under section 13 of this act.

(6) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452.

(7) This section expires June 30, 2024.

NEW SECTION. Sec. 13. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Every person claiming a tax preference that requires a report under this section must file a complete annual report with the department. The report is due by April 30th of the year following any calendar year in which a person becomes eligible to claim the tax preference that requires a report under this section. The department may extend the due date for timely filing of annual reports under this section as provided in RCW 82.32.590.

(b) The report must include information detailing employment, wages, and employer-provided health and retirement benefits for employment positions in Washington for the year that the tax preference was claimed. However, persons engaged in manufacturing commercial airplanes or components of such airplanes may report employment, wage, and benefit information per job at the manufacturing site for the year that the tax preference was claimed. The report must not include names of employees. The report must also detail employment by the total number of full-time, part-time, and temporary positions for the year that the tax preference was claimed.

(c) Persons receiving the benefit of the tax preference provided by RCW 82.16.0421 or claiming any of the tax preferences provided by RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, or 82.12.022(5) must indicate on the annual report the quantity of product produced in this state during the time period covered by the report.

(d) If a person filing a report under this section did not file a report with the department in the previous calendar year, the report filed under this section must also include employment, wage, and benefit information for the calendar year immediately preceding the calendar year for which a tax preference was claimed.

(2) As part of the annual report, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax preference.

(3) Other than information requested under subsection (2) of this section, the information contained in an annual report filed under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(4) Except as otherwise provided by law, if a person claims a tax preference that requires an annual report under this section but fails to submit a complete report by the due date or any extension under RCW 82.32.590, the department must declare the amount of the tax preference claimed for the previous calendar year to be immediately due and payable. The department must assess interest, but not penalties, on the amounts due under this subsection. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the tax preference was claimed, and accrues until the taxes for which the tax preference was claimed are repaid. Amounts due under this subsection are not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) The department must use the information from this

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by October 1st.

(6) For the purposes of this section:

(a) "Person" has the meaning provided in RCW 82.04.030 and also includes the state and its departments and institutions.

(b) "Tax preference" has the meaning provided in RCW 43.136.021 and includes only the tax preferences requiring a survey under this section.

NEW SECTION. Sec. 14. Sections 1 through 9 of this act constitute a new chapter in Title 82 RCW."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 82.32.590 and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and providing expiration dates."

The President declared the question before the Senate to be the motion by Senator Hobbs to not adopt the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2130.

The motion by Senator Hobbs carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hobbs moved that the following striking amendment by Senators Hobbs and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"PART I Renewable Energy

NEW SECTION. Sec. 101. A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) Except as provided in section 103 of this act, purchasers who have paid the tax imposed by RCW 82.08.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the tax levied by RCW 82.08.020 does not apply to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through June 30, 2013, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The purchaser is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2) For purposes of this section and section 102 of this act, the following definitions apply:

(a) "Biomass energy" includes: (i) Byproducts of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from algae and other sources; (viii) dedicated energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(b) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "Landfill gas" means biomass fuel, of the type qualified for federal tax credits under Title 26 U.S.C. Sec. 29 of the federal internal revenue code, collected from a "landfill" as defined under RCW 70.95.030.

(d)(i) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings; or (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(3)(a) Machinery and equipment is "used directly" in generating electricity by wind energy, solar energy, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas power if it provides any part of the process that captures the energy of the wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(b) Machinery and equipment is "used directly" in generating electricity by fuel cells if it provides any part of the process that captures the energy of the fuel, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(4)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.08.020 and all applicable local sales taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying purchasers who submitted applications during the previous quarter.

(5) This section expires July 1, 2013.

NEW SECTION. Sec. 102. A new section is added to chapter 82.12 RCW to read as follows:

(1)(a) Except as provided in section 104 of this act, consumers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the provisions of this chapter do not apply in respect to the use of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through June 30, 2013, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The consumer is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2)(a) A person claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The consumer may then apply to the department for remittance in a form and manner prescribed by the department. A consumer may not apply for a remittance under this section more frequently than once per quarter. The consumer must specify the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The consumer must retain, in adequate detail, records to enable the department to determine whether the consumer is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the consumer, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying consumers who submitted applications during the previous quarter.

(3) Purchases exempt under section 101 of this act are also exempt from the tax imposed under RCW 82.12.020.

(4) The definitions in section 101 of this act apply to this section.

(5) This section expires June 30, 2013.

NEW SECTION. Sec. 103. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating electricity using solar energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not more than ten kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For purposes of this section and section 104 of this act:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using solar energy;

(b) "Machinery and equipment" does not include: (i) Hand-powered tools; (ii) property with a useful life of less than one year; (iii) repair parts required to restore machinery and equipment to normal working order; (iv) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (v) buildings; or (vi) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building; and

(c) Machinery and equipment is "used directly" in generating electricity with solar energy if it provides any part of the process that captures the energy of the sun, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(3) This section expires June 30, 2013.

NEW SECTION. Sec. 104. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating not

more than ten kilowatts of electricity using solar energy, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in section 103 of this act apply to this section.

(3) This section expires June 30, 2013.

NEW SECTION. Sec. 105. A new section is added to chapter 82.14 RCW to read as follows:

The exemptions in sections 101 through 104 of this act are for the state and local sales and use taxes and include the sales and use taxes imposed under the authority of this chapter.

Sec. 106. RCW 81.104.170 and 1997 c 450 s 5 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in sections 101 and 102 of this act are for the state and local sales and use taxes and include the tax authorized by this section.

Sec. 107. RCW 82.14.050 and 2005 c 336 s 20 are each amended to read as follows:

(1) The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be ~~(spent)~~ withdrawn only for:

(a) Distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation investment districts, and transportation benefit districts imposing a sales and use tax; and

(b) Making refunds of taxes imposed under the authority of this chapter and RCW 81.104.170 and exempted under sections 101 and 102 of this act.

(2) All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

(3) Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement.

(4) Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation investment districts, and transportation benefit districts monthly.

Sec. 108. RCW 82.14.060 and 2005 c 336 s 21 are each amended to read as follows:

(1)(a) Monthly, the state treasurer (~~(shall make distribution)) must distribute~~ from the local sales and use tax account to the counties, cities, transportation authorities, public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less;

(i) The deduction provided for in RCW 82.14.050; and

(ii) The amount of any refunds of local sales and use taxes exempted under sections 101 and 102 of this act, which must be made without appropriation.

(b) The state treasurer shall make the distribution under this section without appropriation.

(2) In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 109. A new section is added to chapter 82.12 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the expiration of RCW 82.12.02567 and section 102 of this act do not require the payment of, or authorize the department to assess, use tax imposed by or under the authority of RCW 82.12.020, 81.104.170, and chapter 82.14 RCW, on the use of machinery and equipment, and labor and services rendered in respect to installing such machinery and equipment, if such use qualified for the exemption under RCW 82.12.02567 or section 102 of this act immediately preceding the expiration date of the applicable exemption under RCW 82.12.02567 or section 102 of this act.

(2) Subsection (1) of this section does not prohibit the department from assessing, subject to the limitations period in RCW 82.32.050, state and local use taxes on the use of machinery and equipment, and labor and services rendered in respect to installing such machinery and equipment, if, before the expiration of the applicable exemption provided in RCW 82.12.02567 or section 102 of this act, the machinery and equipment was put to a use that is outside of the scope of the applicable exemption in RCW 82.12.02567 or section 102 of this act.

**PART II
Radioactive Waste Cleanup**

NEW SECTION. Sec. 201. (1) The legislature finds that the cleaning up of radioactive waste at the Hanford site is crucial to the environment in this state. The legislature intends to include services supporting the cleanup within the radioactive waste clean-up business and occupation tax classification, but it is not the legislature's intent to extend the radioactive waste clean-up classification to all business activities conducted at the Hanford site or performed for persons engaged in the performance of cleanup.

(2) It is the legislature's intent in enacting this legislation to ensure that the radioactive waste clean-up business and occupation tax classification applies to all services contributing to the performance of a clean-up project at the Hanford site other than services that are routinely provided to any business, including businesses that are not engaged in clean-up activities.

Sec. 202. RCW 82.04.263 and 1996 c 112 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development; as to such persons the amount of the tax with respect to such business shall be equal to the (~~value of the~~) gross income of the business multiplied by the rate of 0.471 percent.

(2) For the purposes of this chapter, "cleaning up radioactive waste and other by-products of weapons production and nuclear research and development" means:

(a) The activities of handling, storing, treating, immobilizing, stabilizing, or disposing of radioactive waste, radioactive tank waste and capsules, nonradioactive hazardous solid and liquid wastes, or spent nuclear fuel;

(b) Spent nuclear fuel conditioning;

(c) Removal of contamination in soils and groundwater;

(d) Decontamination and decommissioning of facilities; and (~~activities integral and necessary to the direct performance of cleanup~~)

(e) Services supporting the performance of cleanup. For the purposes of this subsection (2)(e), a service supports the performance of cleanup if it:

(i) Is within the scope of work under a clean-up contract with the United States department of energy; or

(ii) Assists in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy under a subcontract entered into with the prime contractor or another subcontractor in furtherance of a clean-up contract between the United States department of energy and a prime contractor.

(3) A service does not assist in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy if the same services are routinely provided to businesses not engaged in clean-up activities, except that the following services are always deemed to contribute to the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy:

(a) Information technology and computer support services;

(b) Services rendered in respect to infrastructure; and

(c) Security, safety, and health services.

(4) The legislature intends that the examples provided in this subsection be used as a guideline when determining whether a service is "routinely provided to businesses not engaged in clean-up activities" as that phrase is used in subsection (3) of this section.

(a) The radioactive waste clean-up classification does not apply to general accounting services but does apply to performance audits performed for persons cleaning up radioactive waste.

(b) The radioactive waste clean-up classification does not apply to general legal services but does apply to those legal services that assist in the accomplishment of a requirement of a clean-up project undertaken by the United States department of energy. Thus, legal services provided to contest any local, state, or federal tax liability or to defend a company against a workers' compensation claim arising from a worksite injury do not qualify for the radioactive waste clean-up classification. But, legal services related to the resolution of a contractual dispute between the parties to a clean-up contract between the United States department of energy and a prime contractor do qualify.

(c) General office janitorial services do not qualify for the radioactive waste clean-up classification, but the specialized cleaning of equipment exposed to radioactive waste does qualify.

**PART III
Hog Fuel Tax Relief**

NEW SECTION. Sec. 301. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section the following definitions apply:

(a) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets; and

(b) "Biofuel" has the same meaning as provided in RCW 43.325.010.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(3) This section expires June 30, 2013.

NEW SECTION. Sec. 302. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Hog fuel" has the same meaning as provided in section 301 of this act; and

(b) "Biofuel" has the same meaning as provided in RCW 43.325.010.

(3) This section expires June 30, 2013.

PART IV Biomass Energy Incentives

NEW SECTION. Sec. 401. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, harvesters are allowed a credit against the amount of tax otherwise due under this chapter, as provided in this section. The credit per harvested green ton of forest derived biomass sold, transferred, or used for production of electricity, steam, heat, or biofuel is as follows:

(a) For forest derived biomass harvested October 1, 2009, through June 30, 2010, zero dollars;

(b) For forest derived biomass harvested July 1, 2010, through June 30, 2013, three dollars;

(c) For forest derived biomass harvested July 1, 2013, through June 30, 2015, five dollars.

(2) Credit may not be claimed for forest derived biomass sold, transferred, or used before the effective date of this section. The amount of credit allowed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. Any unused excess credit in a reporting period may be carried forward to future reporting periods for a maximum of two years.

(3) For the purposes of this section, "harvested" and "harvesters" are defined in RCW 84.33.035, and "biofuel" is defined in RCW 43.325.010.

(4) This section expires June 30, 2015.

NEW SECTION. Sec. 402. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of forest derived biomass used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For purposes of this section, "biofuel" is defined in RCW 43.325.010.

(3) This section expires June 30, 2013.

NEW SECTION. Sec. 403. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of forest derived biomass for production of electricity, steam, heat, or biofuel.

(2) For purposes of this section, "biofuel" is defined in RCW 43.325.010.

(3) This section expires June 30, 2013.

PART V Solar Energy Incentives

Sec. 501. RCW 82.04.294 and 2007 c 54 s 8 are each amended to read as follows:

(1)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules, or of manufacturing solar grade silicon to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(b) Beginning October 1, 2009, upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules, or of solar grade silicon to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.2904 percent.

(b) Beginning October 1, 2009, upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) Beginning October 1, 2009, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

~~((b))~~ (c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((c))~~ (d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((d))~~ (g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

~~((e))~~ (h) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(5) This section expires June 30, 2014.

Sec. 502. RCW 82.08.9651 and 2006 c 84 s 3 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

processing takes place. For the purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person taking the exemption under this section must report under RCW 82.32.5351. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after December 1, 2006.

Sec. 503. RCW 82.12.9651 and 2006 c 84 s 4 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person taking the exemption under this section must report under RCW 82.32.5351. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after December 1, 2006.

Sec. 504. RCW 82.16.110 and 2005 c 300 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Community solar project" means:

(i) A solar energy system owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business; or

(ii) A utility-owned solar energy system that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project.

(b) For the purposes of "community solar project" as defined in (a) of this subsection:

(i) "Nonprofit organization" means an organization exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

(ii) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

(2) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. "Customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

~~((2))~~ (3) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((3))~~ (4) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~(5)~~ "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((4))~~ (6) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((5))~~ (7) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((6))~~ (8) "Solar inverter" means the device used to convert direct current to alternating current in a photovoltaic cell system.

~~((7))~~ (9) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

~~((8))~~ "Standards for interconnection to the electric distribution system" means technical, engineering, operational, safety, and procedural requirements for interconnection to the electric distribution system of a light and power business.)

Sec. 505. RCW 82.16.120 and 2007 c 111 s 101 are each amended to read as follows:

(1) Any individual, business, ~~((or))~~ local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system ~~((installed on its property that is not interconnected to the electric distribution system))~~. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, ~~((2014))~~ 2020.

(2) ~~((When light and power businesses serving eighty percent of the total customer load in the state adopt uniform standards for interconnection to the electric distribution system, any individual, business, or local governmental entity, not in the light and power business or in the gas distribution business, may apply to the light and power business serving the situs of the system, each fiscal year, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system installed on its property that is not interconnected to the electric distribution system and from a customer-generated electricity renewable energy system installed on its property that is interconnected to the electric distribution system. Uniform standards for interconnection to the electric distribution system means those standards established by light and power businesses that have ninety percent of total requirements the same. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2014.~~

~~((3))~~(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant ~~((shall))~~ must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state; or

(E) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems;

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue ~~(shall)~~ must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

~~((4))~~ (3)(a) By August 1st of each year application for the incentive shall be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section;

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system shall notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons receiving incentive payments shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records shall be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and shall add thereto interest on the amount. Interest shall be assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

~~((5))~~ (4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

~~((6))~~ (5) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than ~~((two))~~ five thousand dollars per year. Each applicant in a community solar project is eligible for up to five thousand dollars per year.

~~((7))~~ (6) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments shall be reduced proportionately.

~~((8))~~ (7) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

~~((9))~~ (8) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

Sec. 506. RCW 82.16.130 and 2005 c 300 s 4 are each amended to read as follows:

(1) A light and power business shall be allowed a credit against taxes due under this chapter in an amount equal to investment cost recovery incentive payments made in any fiscal year under RCW 82.16.120. The credit shall be taken in a form and manner as required by the department. The credit under this section for the fiscal year ~~(shall)~~ may not exceed ~~((twenty-five one-hundredths of))~~ one percent of the businesses' taxable power sales due under RCW 82.16.020(1)(b) or ((twenty-five)) one hundred thousand dollars, whichever is greater. Incentive payments to participants in a utility-owned community solar project as defined in RCW 82.16.110(1)(a)(ii) may only account for up to twenty-five percent of the total allowable credit. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(2) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments shall be immediately due and payable. The department shall assess interest but not penalties on the taxes against which the credit was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the taxes against which the credit was claimed are repaid.

(3) The right to earn tax credits under this section expires June 30, ~~((2015))~~ 2020. Credits may not be claimed after June 30, ~~((2016))~~ 2021.

PART VI Livestock Nutrient Incentives

Sec. 601. RCW 82.08.890 and 2006 c 151 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Labor and services rendered in respect to ~~((operating,))~~ repairing, cleaning, altering, or improving of qualifying livestock nutrient management ~~((equipment and))~~ facilities, or to ~~((sales of))~~ tangible personal property that becomes an ingredient or component of ~~((the equipment and))~~ qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the sale of or charge made for: (A) Labor and services rendered in respect to the constructing of new, or replacing previously existing, qualifying livestock nutrient management facilities; or (B) tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2)~~((a))~~ To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

~~(b))~~ The exemption provided in subsection (1) of this section applies to sales made after the livestock nutrient management plan is: ~~((+))~~ (a) Certified under chapter 90.64 RCW; ~~((++))~~ (b) approved as part of the permit issued under chapter 90.48 RCW; or ~~((+++))~~ (c) approved as required under subsection (4)(c)(iii) of this section.

(3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise:

(a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

(c) "Eligible person" means a person: (i) Licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards and who possesses an exemption certificate under RCW 82.08.855.

~~(d) ("Livestock nutrient management equipment and facilities" means machinery, equipment, and structures used in the handling and treatment of livestock manure, such as acroters, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts))~~ "Handling and treatment of livestock manure" means the activities of collecting, storing, moving, or transporting livestock manure, separating livestock manure solids from liquids, or applying livestock manure to the agricultural lands of an eligible person other than through the use of pivot or linear type traveling irrigation systems.

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

(f) "Qualifying livestock nutrient management equipment" means the following tangible personal property for exclusive use in the handling and treatment of livestock manure, including repair and replacement parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers; (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler irrigation systems; (vii) lagoon and pond liners and floating covers; (viii) loaders; (ix) manure composting devices; (x) manure spreaders; (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry house washers; (xvi) poultry litter saver machines; (xvii) pipes; (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

~~(g) "Qualifying livestock nutrient management facilities" means the following structures and facilities for exclusive use in the handling and treatment of livestock manure: (i) Flush systems; (ii) lagoons; (iii) liquid livestock manure storage structures, such as concrete tanks or glass-lined steel tanks; and (iv) structures used solely for the dry storage of manure, including roofed stacking facilities.~~

~~Sec. 602. RCW 82.12.890 and 2006 c 151 s 3 are each amended to read as follows:~~

~~(1) The provisions of this chapter do not apply with respect to the use by an eligible person of ((tangible personal property that becomes an ingredient or component of livestock nutrient management equipment and facilities, as defined in RCW 82.08.890, or to labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property)):~~

~~(a) Qualifying livestock nutrient management equipment;~~

~~(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and~~

~~(c)(i) Tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.~~

~~(ii) The exemption provided in this subsection (1)(c) does not apply to the use of tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.~~

~~(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.~~

~~(b) The exemption applies to the use of tangible personal property ((or)) and labor and services made after the livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under RCW 82.08.890(4)(c)(iii).~~

~~(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section.~~

PART VII Log Trucks

~~Sec. 701. RCW 82.16.010 and 2007 c 6 s 1023 are each amended to read as follows:~~

~~For the purposes of this chapter, unless otherwise required by the context:~~

~~(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.~~

~~(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.~~

~~(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.~~

~~(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.~~

~~(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.~~

~~(6) "Telegraph business" means the business of affording telegraphic communication for hire.~~

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010(~~(---PROVIDED, That)~~). However, "motor transportation business" shall not mean or include: (a) A log transportation business; or (b) the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Log transportation business" means the business of transporting logs by truck, other than exclusively upon private roads.

~~(11)~~(a) "Public service business" means any of the businesses defined in subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this section or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(b) The definitions in this subsection (~~((+0+))~~ (11)(b) apply throughout this subsection (~~((+0+))~~ (11)).

(i) "Competitive telephone service" has the same meaning as in RCW 82.04.065.

(ii) "Network telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of internet service as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.

(iii) "Telephone business" means the business of providing network telephone service. It includes cooperative or farmer line telephone companies or associations operating an exchange.

(iv) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in (b)(i) and (ii) of this subsection.

~~((+1))~~ (12) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

~~((+2))~~ (13) "Gross income" means the value proceeding or accruing from the performance of the particular public service or

transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

~~((+3))~~ (14) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 702. RCW 82.16.020 and 1996 c 150 s 2 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent;

~~(h) Log transportation business: One and twenty-eight one-hundredths percent.~~

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

PART VIII Hybrid Vehicles

NEW SECTION. Sec. 801. The following acts or parts of acts are each repealed:

1. RCW 82.08.813 (Exemptions--High gas mileage vehicles) and 2005 c 296 s 2; and

2. RCW 82.12.813 (Exemptions--High gas mileage vehicles) and 2005 c 296 s 4.

Sec. 802. RCW 82.08.020 and 2006 c 1 s 3 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section shall be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection shall be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(7)(a) Until January 1, 2011, the tax imposed in subsection (3) of this section and the dedication of revenue provided for in subsection (5) of this section, do not apply with respect to the sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which utilize hybrid technology and have a United States environmental protection agency estimated highway gasoline mileage rating of at least forty miles per gallon.

(b) As used in this subsection, "hybrid technology" means propulsion units powered by both electricity and gasoline.

(8) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

PART IX

Renewable Energy Manufacturing Projects

NEW SECTION. Sec. 901. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible investment project" means an investment project that: (a) Does not qualify as an eligible investment project under chapter 82.60 RCW; and (b) is located in a county with a population density of more than five hundred persons per square mile that does not contain a community empowerment zone designated under RCW 43.31C.020, and that is not one of the three most populous counties in this state.

(4)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in section 902 of this act; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in section 902 of this act.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(5) "Investment project" means a minimum investment of twenty-five million dollars in qualified buildings, qualified machinery and equipment, or both, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" has the same meaning as "to manufacture" in RCW 82.04.120 and includes the activities of processors for hire.

(7) "Person" has the meaning given in RCW 82.04.030.

(8)(a) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for renewable energy manufacturing, research and development, or both. "Qualified buildings" include plant offices, warehouses, or other facilities for the storage of raw material or finished goods, if such facilities are an essential or an integral part of a factory, plant, or laboratory used for

renewable energy manufacturing, research and development, or both.

(b) For purposes of the twenty-five million dollar threshold in subsection (5) of this section, "qualified buildings" includes: (i) Existing structures acquired for the purpose of renewable energy manufacturing, research and development, or both; and (ii) the land upon which qualified buildings are located.

(9) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a renewable energy manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Renewable energy manufacturing" means the manufacturing of materials, components, or equipment for solar, wind, bioenergy, or geothermal energy systems.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to renewable energy manufacturing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 902. (1) The lessor or owner of a qualified building is not eligible for a deferral under this chapter unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments; and

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under section 906 of this act.

(2) The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

NEW SECTION. Sec. 903. If a building is used partly for renewable energy manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

NEW SECTION. Sec. 904. (1) Application for deferral of taxes under this chapter must be made before initiation of construction of the investment project or acquisition of machinery and equipment. The application must be made to the department in a form and manner prescribed by the department. The application must contain information regarding the location of the investment project, estimated or actual costs of the investment project, time schedules for completion and operation, and other information required by the department.

(2) The department must rule on the application within sixty days. The department must keep a running total of the estimated tax that will be deferred under this chapter during the 2009-2011 and 2011-2013 fiscal biennia. The department must disallow any deferral application or portion of any deferral application that would cause the total estimated amount of state sales and use taxes deferred statewide under this chapter to exceed one million five hundred thousand dollars during the four-year period of the 2009-2011 and 2011-2013 fiscal biennia.

(3) The department must disallow any taxes deferred that would cause the total amount of taxes deferred under this section by all recipients to exceed one million five hundred thousand dollars during the four-year period of the 2009-2011 and 2011-2013 fiscal biennia. If this limitation is reached, the department must provide notification to all recipients that the limitation has been met. The notice must indicate the amount of tax due and must provide that the tax be paid within thirty days

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

from the date of such notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

NEW SECTION. Sec. 905. (1) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, 82.14, and 81.104 RCW on each eligible investment project.

(2) This section expires June 30, 2013.

NEW SECTION. Sec. 906. (1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter must complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in section 902 of this act, the lessee must complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by April 30th of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey must include the amount of tax deferred. The survey must also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the deferral program.

(d) If the person filing a survey under this section did not file a survey with the department in the previous calendar year, the survey filed under this section must also include the employment, wage, and benefit information required under (b)(i) through (iv) of this subsection for the calendar year immediately preceding the preceding calendar year.

(e)(i) Except as otherwise provided, all information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as otherwise provided in this subsection.

(ii) If the amount of the tax deferral taken as reported on the survey is different than the amount actually taken or otherwise allowed by the department based on information known to the department, the amount actually taken or allowed may be disclosed.

(iii) Recipients for whom the actual amount of the tax deferral taken is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax savings as confidential under RCW 82.32.330.

(f) The department must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by October 1st.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and

one-half percent of the deferred tax is immediately due. If the economic benefits of the deferral are passed to a lessee as provided in section 902 of this act, the lessee will be responsible for payment to the extent the lessee has received the economic benefit. The department must assess interest, but not penalties, on the amounts due under this section. The interest must be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and accrues until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under section 907(2) of this act because the department has found that an investment project is used for purposes other than renewable energy manufacturing or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

NEW SECTION. Sec. 907. (1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of the survey under section 906 of this act or other information, the department finds that an investment project is used for purposes other than renewable energy manufacturing or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes are immediately due according to the following schedule:

Year in which nonqualifying use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department must assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest must be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and accrues until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

- (a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and
- (b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 908. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 909. Applications approved by the department under this chapter are not confidential and are subject to disclosure.

Sec. 910. RCW 82.32.590 and 2008 c 81 s 13 and 2008 c 15 s 7 are each reenacted and amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey or annual report under section 906 of this act or RCW 82.04.4452, 82.32.5351, 82.32.650, 82.32.630, 82.32.610, 82.82.020, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey or report. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey or annual report by the due

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 911. RCW 82.32.600 and 2008 c 81 s 14 and 2008 c 15 s 8 are each reenacted and amended to read as follows:

(1) Persons required to file annual surveys or annual reports under section 906 of this act or RCW 82.04.4452, 82.32.5351, 82.32.545, 82.32.610, 82.32.630, 82.82.020, or 82.74.040 must electronically file with the department all surveys, reports, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) Any survey, report, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

NEW SECTION. Sec. 912. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a renewable energy manufacturer may claim a credit for its eligible investment project expenditures occurring after the effective date of this act through June 30, 2014.

(2) Any credits earned under this section must be accrued and carried forward and may not be used until July 1, 2011. The credit is equal to the amount of eligible investment project expenditures, multiplied by the rate of twenty-five percent. Credit may be carried over and used until June 30, 2024. The credit claimed against taxes due for each calendar year must not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(3) Credits are available on a first in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed statewide under this section in any fiscal year to exceed the following limits: Two million five hundred thousand dollars for fiscal year 2012, two million five hundred thousand dollars for fiscal year 2013, five million dollars for fiscal year 2014, and five million dollars for each fiscal year thereafter until the fiscal year ending June 30, 2024. If the fiscal year limitation is reached, the department shall provide notification to persons claiming credits that the annual statewide limit has been met. The notice must indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof. (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible investment project" means an investment project that: (i) Does not qualify as an eligible investment project under chapter 82.60 RCW; and (ii) is located in a county with a population density of more than five hundred persons per square mile that does not contain a community empowerment zone designated under RCW 43.31C.020, and that is not one of the three most populous counties in this state.

(b) "Eligible investment project expenditures" means actual expenditures for an eligible investment project, including labor and services rendered in the planning, installation, and construction of the project.

(c) "Investment project" means a twenty-five million dollar minimum investment in qualified buildings, qualified machinery and equipment, or both.

(d) "Manufacturing" has the same meaning as "to manufacture" in RCW 82.04.120 and includes the activities of processors for hire.

(e) "Person" has the meaning given in RCW 82.04.030.

(f)(i) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for renewable energy manufacturing, research and development, or both. "Qualified buildings" include plant offices, warehouses, or other facilities for the storage of raw material or finished goods, if such facilities are an essential or an integral part of a factory, plant, or laboratory used for renewable energy manufacturing, research and development, or both.

(ii) For purposes of the twenty-five million dollar threshold in (c) of this subsection (4), "qualified buildings" includes: (A) Existing structures acquired for the purpose of renewable energy manufacturing, research and development, or both; and (B) the land upon which qualified buildings are located.

(g) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a renewable energy manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(h) "Renewable energy manufacturing" means the manufacturing of materials, components, or equipment for solar, wind, bioenergy, or geothermal energy systems.

(i) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to renewable energy manufacturing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(5) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452.

(6) This section expires June 30, 2024.

NEW SECTION. Sec. 913. A new section is added to chapter 82.04 RCW to read as follows:

In addition to all other requirements under this title, a person claiming the credit under section 912 of this act must file a complete annual report with the department under section 915 of this act.

NEW SECTION. Sec. 914. A new section is added to chapter 82.04 RCW to read as follows:

In addition to all other requirements under this title, a person claiming the credit under section 912 of this act must file a complete annual report with the department under section 102, chapter ..., Laws of 2009 (Substitute House Bill No. 1597).

NEW SECTION. Sec. 915. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Every person claiming a tax preference in section 912 of this act must file a complete annual survey with the department.

The survey is due by April 30th of the year following any calendar year in which a person becomes eligible to claim the tax preference that requires a survey under this section.

(b) The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590.

(2)(a) The survey must include the amount of the tax preference claimed for the calendar year covered by the survey.

(b) The survey must also include the following information for employment positions in Washington, not to include names of employees, for the year that the tax preference was claimed:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) If the person filing a survey under this section did not file a survey with the department in the previous calendar year, the survey filed under this section must also include the employment, wage, and benefit information required under (b)(i) through (iv) of this subsection for the calendar year immediately preceding the calendar year for which a tax preference was claimed.

(3) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax preference.

(4) All information collected under this section, except the amount of the tax preference claimed, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax preference claimed is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in subsection (5) of this section. If the amount of the tax preference claimed as reported on the survey is different than the amount actually claimed or otherwise allowed by the department based on the taxpayer's excise tax returns or other information known to the department, the amount actually claimed or allowed may be disclosed.

(5) Persons for whom the actual amount of the tax reduced or saved is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction or savings as confidential under RCW 82.32.330.

(6)(a) Except as otherwise provided by law, if a person claims a tax preference that requires an annual survey under this section but fails to submit a complete annual survey by the due date of the survey or any extension under RCW 82.32.590, the department must declare the amount of the tax preference claimed for the previous calendar year to be immediately due. If the tax preference is a deferral of tax, twelve and one-half percent of the deferred tax is immediately due. If the economic benefits of the deferral are passed to a lessee, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

(b) The department must assess interest, but not penalties, on the amounts due under this subsection. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the tax preference was claimed, and accrues until the taxes for which the tax preference was claimed are repaid. Amounts due under this subsection are not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(7) The department must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by October 1st.

(8) For the purposes of this section:

(a) "Person" has the meaning provided in RCW 82.04.030 and also includes the state and its departments and institutions.

(b) "Tax preference" has the meaning provided in RCW 43.136.021 and includes only the tax preferences requiring a survey under this section.

NEW SECTION. Sec. 916. Sections 901 through 909 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 917. Sections 913 and 915 of this act take effect, unless section 102, chapter . . ., Laws of 2009 (Substitute House Bill No. 1597) is enacted by the legislature.

NEW SECTION. Sec. 918. Section 914 of this act takes effect only if section 102, chapter . . ., Laws of 2009 (Substitute House Bill No. 1597) is enacted by the legislature.

PART X Miscellaneous

NEW SECTION. Sec. 1001. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1002. Except for sections 801 and 802 of this act, this act is necessary for the immediate

preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 1003. Sections 801 and 802 of this act take effect August 1, 2009.

NEW SECTION. Sec. 1004. Section 802 of this act expires January 1, 2011.

NEW SECTION. Sec. 1005. Sections 701 and 702 of this act expire June 30, 2013."

Senators Hobbs, Honeyford and Marr spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Marr, Senators Brown and McAuliffe were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hobbs and Honeyford to Second Substitute House Bill No. 2130.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "amending RCW 81.104.170, 82.14.050, 82.14.060, 82.04.263, 82.04.294, 82.08.9651, 82.12.9651, 82.16.110, 82.16.120, 82.16.130, 82.08.890, 82.12.890, 82.16.010, 82.16.020, and 82.08.020; reenacting and amending RCW 82.32.590 and 82.32.600; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.08.813 and 82.12.813; providing effective dates; providing contingent effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Rockefeller the rules were suspended, Second Substitute House Bill No. 2130 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2130 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2130 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Holmquist and Stevens

Excused: Senators Benton, Brown and McAuliffe

SECOND SUBSTITUTE HOUSE BILL NO. 2130 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

MOTION

On motion of Senator Eide, Second Substitute House Bill No. 2130 was immediately transmitted to the House of Representatives.

MOTION

At 4:50 p.m., on motion of Senator McDermott, the Senate was declared at recess until 5:15 p.m..

EVENING SESSION

The Senate was called to order at 5:15 p.m. by President Owen.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2363, by House Committee on Ways & Means (originally sponsored by Representative Linville)

Temporarily suspending cost-of-living increases for educational employees.

The measure was read the second time.

MOTION

Senator Tom moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the ((2003-04)) 2009-10 and ((2004-05)) 2010-11 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(d) In addition to the cost-of-living allocations required by (a) of this subsection, beginning in the 2011-2013 fiscal biennium and thereafter the legislature shall provide on an expedited basis, to the extent financially feasible, additional cost-of-living allocations equal to what would have been received if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school year.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 2. RCW 28B.50.465 and 2003 1st sp.s. c 20 s 3 are each amended to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "academic employee" has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ((2003-04)) 2009-2010 and ((2004-05)) 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) In addition to the cost-of-living allocations required by (a) of this subsection, beginning in the 2011-2013 fiscal biennium and thereafter the legislature shall provide on an expedited basis, to the extent financially feasible, additional cost-of-living allocations equal to what would have been received if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school year.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 3. RCW 28B.50.468 and 2003 1st sp.s. c 20 s 4 are each amended to read as follows:

(1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "technical college" has the same meaning as defined in RCW 28B.50.030. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A technical college board of trustees shall distribute its

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ((2003-2004)) 2009-2010 and ((2004-2005)) 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) In addition to the cost-of-living allocations required by (a) of this subsection, beginning in the 2011-2013 fiscal biennium and thereafter the legislature shall provide on an expedited basis, to the extent financially feasible, additional cost-of-living allocations equal to what would have been received if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school year.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Senator Tom spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Marr moved that the following amendment by Senators Marr, Kilmer and Kauffman be adopted.

On page 2, beginning on line 3, strike subsection (d) through line 8 and replace with new subsection:

"(d) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, school districts shall receive additional cost-of-living allocations in equal increments such that by the end of the 2014-15 school year school district employee base salaries used with the statewide salary allocation schedule established under RCW 28A.150.410 and any other state salary models used to recognize school district personnel costs are, at a minimum, equal to what they would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years."

On page 3, beginning on line 12, strike subsection (e) through line 17 and replace with new subsection:

"(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, community and technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of academic employees of community and technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years."

On page 4, beginning on line 23, strike subsection (e) through line 28 and replace with new subsection:

"(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of classified employees of technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years."

Senator Marr spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Tom spoke against adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Pflug: "Would the Senator from the Sixth District yield to a question? So, I'm wanting to understand if your amendment was adopted would the amount that the legislature would be making up in the future reflect what the actual inflation is from, in the coming biennium?"

Senator Marr: "My understanding is that this would actually rebase the increases so that, yes, they would be made up and it would be assumed that going forward those increases would of been in place in the two biennium which they were skipped."

Senator Pflug: "Is it as previously predicted inflation would be or as inflation actually turns out to be?"

Senator Marr: "Well, I have to say that the specific interpretation I don't have here. I imagine there's some degree of vagueness in this that would have to be interpreted but no more than other legislation."

The President declared the question before the Senate to be the adoption of the amendment by Senators Marr, Kilmer and Kauffman on page 2, line 3 to the committee striking amendment to Substitute House Bill No. 2363.

The motion by Senator Marr carried and the amendment to the committee striking amendment was adopted by a rising vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 2363.

The motion by Senator Tom carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 2363 was deferred and the bill held its place on the second reading calendar.

MOTION

At 5:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:50 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator McCaslin: "I just discovered, just discovered, during the moments we were off the floor that Aaron, the photographer, and I were born in the same home town in Warren, Ohio and we attended the same high school. Now, if he graduated when I did he's sure taken better care of himself than

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

I have. But anyway, I knew there was something special about him and I just wanted you to learn that. Thank you Mr. President.”

The Senate resumed consideration of Substitute House Bill No. 2363 deferred earlier in the day.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 2363 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2363 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2363 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Fairley, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Benton

SUBSTITUTE HOUSE BILL NO. 2363 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: “Senator Roach, the President would like to note today that it is somebody’s birthday and I believe that it’s Senator Roach’s. I’d appreciate it if you’d help me wish her a happy birthday.”

SIGNED BY THE PRESIDENT

The President signed:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
 SUBSTITUTE SENATE BILL NO. 5499,
 SUBSTITUTE SENATE BILL NO. 5510,
 SUBSTITUTE SENATE BILL NO. 5795,
 SENATE BILL NO. 6126,
 ENGROSSED SENATE BILL NO. 6158,
 SUBSTITUTE SENATE BILL NO. 6161,
 SUBSTITUTE SENATE BILL NO. 6162,

RULING BY THE PRESIDENT

President Owen: “In ruling upon the point of order raised by Senator Brandland as to the application of Initiative Number 960 to Senate Bill 6096, the President finds and rules as follows:

As was the case with several other recent rulings involving I-960, this bill is argued to be a clarification of existing law, not the imposition of a new tax. The President has, over this past Session, struggled with the provisions of I-960 and noted on a number of occasions the difficulties with interpreting some of

the ambiguities and inconsistencies with its provisions. In fact, the President will use this opportunity to comment upon the fact that the range of issues brought forward for parliamentary decision have grown astronomically in complexity, often involving the interplay of court decisions, past legislative actions, contradictory agency determinations, and complicated legislative history. The President often finds that he must unwind all of these matters and arguments simply to get to the proper procedural starting point in making these I-960 rulings.

The bill before us presents exactly this sort of complicated procedural background. What should be a fairly straightforward application of the provisions of I-960 to the plain language of the bill has quickly become a review of competing Department of Revenue determinations and court filings. The President would note that the Department’s own apparent inconsistencies with interpreting a statute that has remained unchanged since 1987 clouds the issue significantly. This is every bit as troubling to the President as it must be to the individual taxpayers involved, and the President would note as an aside that this is at least the third case of which he is aware this year where an agency changing its mind after issuing an earlier determination has resulted in chaos, expense, and heartache for many members of the public. It is one thing for there to be a genuine dispute as to the meaning of a statute; it is quite another for the agency charged with implementing that statute to reverse itself. In this case, for example, we are left with little or no explanation as to why the Department of Revenue changed its original interpretation from that issued in a 1993 determination. Likewise, it is unclear as to why the Department did not seek an earlier change to the law if this was truly an issue of clarification. The President—and the public—are left to wonder as to the Department’s rationale and motivations. The President points this out to illustrate both the difficulties he faces in making a ruling now, given the past unclear history, as well as the disservice he believes is done to the general public by the Department’s reversals. The Legislature may wish to consider actions to prevent such reversals or inconsistent interpretations by agencies that have such dramatic negative consequences on our state citizens.

That said, while the President would prefer that the Department had been more consistent over the years, he does believe the Legislature nonetheless has a valid interest in stepping forward to clarify this law. As near as the President can determine from the complex history of the matter, it appears that the weight of factors present in the bill itself and the procedural history come down in favor of clarification as opposed to imposition of a new tax. Factors such as the present disposition of the court case, the tax payment history involved, and deference to the intent language and provisions of the bill favor finding this to be a proper clarification, not an action that “raises revenue” pursuant to I-960.

For these reasons, the President believes this measure will take only a simple majority vote on final passage. In ruling upon the point of order raised by Senator Brandland as to the application of Initiative Number 960 to Senate Bill 6096, the President finds and rules as follows:

PARLIAMENTARY INQUIRY

Senator Eide: “Thank you Mr. President. I just want to confirm that we are on third reading and final passage.”

REPLY BY THE PRESIDENT

President Owen: “That is correct.”

The Senate resumed consideration of Senate Bill No. 6096 which had been deferred on the previous day.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Senator Tom spoke in favor of passage of the bill.
 Senator Brandland spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senator Benton

SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senate Bill No. 6096 was immediately transmitted to the House of Representatives.

MOTION

At 7:18 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:50 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 2357,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2361 and asks Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur and insist on its position regarding the House amendment(s) to Substitute House Bill No. 2361 and ask of the House to concur therein.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate refuse to concur and insist on its position regarding the House amendment(s) to Substitute House Bill No. 2361 and ask of the House to concur therein.

The motion by Senator Keiser carried by voice vote.

MESSAGE FROM THE HOUSE

April 25, 2009

MR. PRESIDENT:

The House receded from its amendment #621 (BARC 034) to ENGROSSED SENATE BILL NO. 5013, and passed the bill without said amendment #621 (BARC 034).

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5013.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Where can we find 5013? It says green 31. Mine only goes to 29 and I looked in my other green books, I don't find it."

REPLY BY THE PRESIDENT

President Owen: "...You're welcome."

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5013.

Senator Kline spoke in favor of the motion

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5013 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5013, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5013, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Holmquist, Honeyford and Schoesler

Excused: Senator Benton

ENGROSSED SENATE BILL NO. 5013, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

MESSAGE FROM THE HOUSE

April 24, 2009

MR. PRESIDENT:

The House receded in its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 5809-S2.E AMH CONW H3426.2 and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) This is a time of great economic difficulty for the residents of Washington state;

(b) Education and training provides opportunity for unemployed workers and economically disadvantaged adults to move into living wage jobs and is of critical importance to the current and future prosperity of the residents of Washington state;

(c) Community and technical college workforce training programs, private career schools and colleges, and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high-demand occupations while also meeting the needs of the economy;

(d) The identification of high-demand occupations needs to be based on reliable labor market research; and

(e) Workforce development councils are in a position to provide funding for economically disadvantaged adults and unemployed workers to access training.

(2) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the legislature intends that individuals who are eligible for services under the workforce investment act adult and dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits be provided the opportunity to enroll in training programs to prepare for a high-demand occupation.

Sec. 2. RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, Laws of 2009 and the costs under RCW 50.22.150~~((40))~~ (11) and section 4(14), chapter 3, Laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW

50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

NEW SECTION. Sec. 3. (1) Subject to the availability of funds through March 1, 2011, funds appropriated in the 2009-2011 operating budget for the purposes of this act shall be distributed by the employment security department to workforce development councils as a match to American recovery and reinvestment act formula funds or local workforce investment act funds that workforce development councils provide specifically for the education and training of eligible individuals in high-demand occupations for the purposes identified in section 5(2) of this act. The education and training of eligible individuals in occupations in the aerospace, energy efficiency, forest product, and health care industries shall be given priority, so long as the priority is consistent with federal law.

(a) Funds used to increase capacity as described in section 5(2)(a) of this act shall receive a seventy-five percent match.

(b) Funds used to provide student financial aid described in section 5(2)(b) of this act shall receive a twenty-five percent match.

(2) Funds available for the purposes identified in section 5(2) of this act but not distributed under subsection (1) of this section shall be allocated to the state board for community and technical colleges March 1, 2011. The board shall only use the funds to increase capacity as described in section 5(2)(a) of this act. The board shall report to the employment security department on the use of these funds.

(3) The employment security department, in cooperation with the workforce training and education coordinating board and the state board for community and technical colleges, shall develop a set of guidelines on allowable uses for the incentive funds made available under this section. These guidelines shall emphasize training programs that expand the skills for Washington workers in order to obtain and retain jobs in high-demand industries such as those referenced in the American recovery and reinvestment act of 2009.

(4) This section expires July 1, 2011.

NEW SECTION. Sec. 4. The governor shall direct ten percent of statewide funds made available for activities under the workforce investment act in Title VIII of division A of the American recovery and reinvestment act of 2009 (P.L. 111-5) to be used for the purposes of section 3 of this act.

NEW SECTION. Sec. 5. (1) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. The department shall encourage workforce development councils to collaborate with other local recipients of American recovery and reinvestment act funding for the purposes of increasing training and supporting individuals who receive training. The department shall also require workforce development councils to determine the number of participants who will receive education and training in high-demand industries. The department shall require the workforce development councils to report on these efforts to accomplish the tasks described in this subsection.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(2) The employment security department shall use funds as described in section 3 of this act to encourage workforce development councils to use American recovery and reinvestment act and workforce investment act adult and dislocated worker formula resources for the following education and training purposes:

(a) To provide enrollment support or enter into contracts with the community and technical college system to increase capacity for training eligible individuals for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list or new programs; and

(b) For the provision of individual training accounts that provide financial aid for eligible students training for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list.

(3) American recovery and reinvestment act formula funds described in this section may not be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

(4) The employment security department, in its role as fiscal agent for workforce funds available under the American recovery and reinvestment act, shall monitor and report to the governor on the use of these funds and identify specific actions that the governor or the legislature may take to ensure the state and local workforce development councils are effectively meeting the intent of this act. This shall include such reports as required by the American recovery and reinvestment act of 2009 and the governor.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 6. The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and the state board for community and technical colleges, shall submit a report to the governor and to the appropriate committees of the legislature by December 1, 2010. The report shall describe the implementation of this act, and shall include the following:

(1) The amounts of expenditures on education and training;

(2) The number of students receiving training;

(3) The types of training received by the students;

(4) Training completion and employment rates;

(5) Comparisons of preprogram and postprogram wage levels;

(6) Student demographics and institution/program demographics;

(7) Efforts made to ensure training was provided in areas that would lead to employment;

(8) Efforts to develop capacity in occupations that are of particularly high demand; and

(9) Specific enhancements made in the workforce system to ensure additional training in high-demand occupations is accessible to low-income and dislocated workers.

NEW SECTION. Sec. 7. A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall periodically bring together representatives of the workforce training and education coordinating board, workforce development councils, the state board for community and technical colleges, business, labor, and the legislature to review development and implementation of chapter . . . , Laws of 2009 (this act) and related programs under this chapter.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809.

Senators Kohl-Welles, Holmquist and Hargrove spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5809 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Substitute House Bill No. 2122 which had been deferred earlier in the day.

THIRD READING

ENGROSSED HOUSE BILL NO. 2122, by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Lias, Hunt, Kelley, Quall, Sullivan and Van De Wege.

Reducing the business and occupation tax burden on the newspaper industry.

The bill was read on Third Reading.

Senators Prentice, Honeyford and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2122 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Swecker and Zarelli

Voting nay: Senators Oemig and Tom

Excused: Senator Benton

ENGROSSED HOUSE BILL NO. 2122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6137 was not substituted for Senate Bill No. 6137 and the substitute bill was not adopted.

SECOND READING

SENATE BILL NO. 6137, by Senator Prentice

Relating to common schools.

The measure was read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senator Tom be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2008 c 329 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ~~((2008))~~ 2009, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund and student achievement fund appropriations for fiscal year ~~((2008))~~ 2009 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; student achievement; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Tom spoke in favor of adoption of the striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 4, line 18, after "percentage of", strike "thirty-five" and insert "twenty-eight"

On page 4, line 19 of the amendment, after "2011" insert ", except that for districts grandfathered above twenty-eight percent as of the effective date of this section, the authority to collect the grandfathered level is retained"

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 4, line 18 to the striking amendment to Engrossed Senate Bill No. 6137 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom to Senate Bill No. 6137.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "schools" insert "fund transfers during fiscal year 2009; amending 2008 c 329 s 516 (uncodified); and declaring an emergency"

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6137.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6137 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Hewitt

Excused: Senator Benton

ENGROSSED SENATE BILL NO. 6137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1062,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,
 ENGROSSED HOUSE BILL NO. 2194,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245,
 HOUSE BILL NO. 2331,
 SUBSTITUTE HOUSE BILL NO. 2341,
 SUBSTITUTE HOUSE BILL NO. 2346,
 SUBSTITUTE HOUSE BILL NO. 2362,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1062,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,
 ENGROSSED HOUSE BILL NO. 2194,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245,
 HOUSE BILL NO. 2331,
 SUBSTITUTE HOUSE BILL NO. 2341,
 SUBSTITUTE HOUSE BILL NO. 2346,
 SUBSTITUTE HOUSE BILL NO. 2362,

REMARKS BY THE PRESIDENT

President Owen: "For the new members, the President observes throughout the session the actions of members speeches, etc and makes some minor observations on Sine Die.

Like, for instance the least worn seat in the chamber would be Senator Brown's. The most worn seat in the chamber would be Senator Morton's.

But there's others. This year the President has taken a little different angle on some. This year the President is going to give a few, 'I need a hug awards.'

The President's first 'I need a hug award' is presented to this Senator for his apparent longing to return to the House of Representatives and incredibly strong and inseparable attachment to the Speaker evidenced to his continuing references to the President as 'Mr. Speaker', that, of course, would be Senator Jarrett.

However, there are runners up. Senators Parlette and Tom. However, the President is not sure what to make of the references to him by the same two as 'Mr. Chairman' and 'Mr. Amendment.'

The President's next 'I need a hug award' is presented to this Senator because the President refuses to allow her pop wheelies on the senate floor with her new scooter, Senator Fairley. And, by the way, I noticed you're getting better at that so if you could keep it under thirty-five miles an hour I would appreciate it.

Unfortunately, this Senator isn't here but this 'I need a hug award' is presented to the Senator because nobody cares when he says, 'I'm going to vote against this bill and let me tell you why,' Senator Benton.

The next 'I need a hug award' is presented to this Senator because she moved vigorously throughout two aisles of the Senate obtaining signatures, making impassioned pleas and heartfelt explanations of her amendments to her colleagues hoping to get signatures and votes resorting to what at times appears to be even praying on her knees, working harder than anybody to, in the end, secure a rock solid four votes on an

amendment. Occasionally eighteen but never ever, ever twenty-five, Senator Holmquist. I know. 'It's the principal.'

This President's 'I need a hug award' is presented to this person because he wants to grow a beard and look cool like the President and Senator Kline but can't, Senator Hobbs.

This 'I need a hug award' is presented to this Senator because like Senator Marr, when he stands up to speak the President doesn't often notice him because the President can barely see him, particularly if he's holding the microphone in front of him, Senator Kilmer. I think he's gained five pounds though. Five pounds, all right.

This the President's 'I need a hug award' goes to the entire Rostrum staff for having no option but listen to all and I mean all of your speeches. The President would note that there is a special award for some incredible people for their stamina and incomparable physical abilities the President is calling, 'the Iron Bladder award.'

There are a few other special awards.

The 'rusty microphone award' for using the unexplainable phrase, 'At no tax to cost payers' by Senator Parlette. If you could explain that one to us we'd be greatly appreciative, 'At no tax to cost payers.'

Then I want to give the 'Praise the Lord award' for providing the Senate, with enthusiasm, the most pastors to give the opening prayer, Senator Becker. Thank you very much.

Now, this one, unfortunately the person isn't here, but it's pertinent that he's not here. The award for the most incredulous action following a speech. It is 'You have got to be kidding me award' for chastising the senators for not being in their seats and listening to him speak to wit following said speech, as soon as the next senator began to speak, immediately he left his seat for the cafeteria, Senator Benton.

And finally, every year I give this one. The of course the annual 'Senator No award,' I don't know if you know what no means but I know of no other Senator who knows how to vote no for usually no explainable reason other than to know that no is the most vote most known to her so I know that you know that the Senator 'No award' once again goes to the well-known Senator Holmquist.

Runner up, Senator Honeyford only because the President believes that he made a mistake once and voted yes. That's all.

I should note that I had others but the Attorneys advised that I couldn't use them."

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5433, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Second Substitute Senate Bill No. 5433

April 26, 2009

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Second Substitute Senate Bill No. 5433, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

"Sec. 1. RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section ~~((shall))~~ may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section ~~((shall))~~ must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" ~~((means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities))~~ has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section ~~((shall))~~ must be shared between the county and the cities as follows: Sixty percent ~~((shall))~~ must be retained by the county and forty percent ~~((shall))~~ must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of ~~((new or expanded))~~ chemical dependency or mental health treatment programs and services and for the operation or delivery of ~~((new or expanded))~~ therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section ~~((shall not))~~ may be used to supplant existing funding for these purposes ~~((; provided that))~~ in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section ~~((shall))~~ may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used ~~((; and funds raised under the levy shall not supplant existing funds used for these purposes))~~.

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) The first one cent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 6. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows:

(a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 5 of this act.

Sec. 7. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~((and))~~ 84.52.135, and section 5 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 5 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((e))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((f))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145,

35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to voter approval, a public transportation entity may fix and impose an annual congestion reduction tax, not to exceed twenty dollars per vehicle registered within the boundaries of the public transportation entity, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less. For purposes of this section, a "public transportation entity" includes public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations providing public transportation services under chapter 36.56 or 35.58 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, and unincorporated transportation benefit areas under chapter 36.57 RCW.

(2) The department of licensing must administer and collect the tax for the relevant public transportation entity identified in subsection (1) of this section. The department of licensing must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The department of licensing must remit remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the public transportation entity on a monthly basis.

(3) No tax under this section may be collected until six months after it has been approved by a majority of the voters within the public transportation entity's boundaries.

(4) The congestion reduction tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the tax under this section:

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 9. A new section is added to chapter 36.57A RCW to read as follows:

In addition to other general and specific powers granted to a public transportation benefit area authority, the legislative authority of a public transportation benefit area may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax. A public transportation benefit area authority must provide a credit against the tax imposed under this section for any tax imposed by a city or metropolitan municipal corporation under section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.58 RCW to read as follows:

In addition to other general and specific powers granted to metropolitan municipal corporations and city-owned transit systems, the legislative authorities of metropolitan municipal corporations and city-owned transit systems may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 11. A new section is added to chapter 36.57 RCW to read as follows:

In addition to other general and specific powers granted to county public transportation authorities and unincorporated transportation benefit areas, the legislative authorities of a county public transportation authority and an unincorporated transportation benefit area may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 12. Sections 1 and 2 of this act expire January 1, 2015."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.14.450, 82.14.460, 84.55.050, 36.54.130, 84.52.043, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.57 RCW; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Regala and Tom; Representatives Hunter and Nelson.

MOTION

Senator Regala moved that the Report of the Conference Committee on Second Substitute Senate Bill No. 5433 be adopted.

Senators Regala and Hargrove spoke in favor of the motion.

Senators Roach, Marr, Carrell and Pflug spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Report of the Conference Committee on Second Substitute Senate Bill No. 5433 be adopted.

The motion by Senator Regala carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5433, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5433, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Fairley, Fraser, Hargrove, Hatfield, Jacobsen, Jarrett, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker, Tom and Lieutenant Governor

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Eide, Franklin, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senator Benton

The President voting yea

SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Carrell: "According to Senate Rules I believe that Senate Rules says the President cannot break a tie in a final vote. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "If you think that the Senate can pass a rule that supersedes the Constitution then that would be correct but the Constitution is crystal clear that the President shall break all tie votes. The senate has chosen to enact a rule that is in conflict with the constitution. Therefore, the President believes that he has a constitutional responsibility to break all tie votes, period, and that's what the President did."

MOTION

On motion of Senator Eide, Second Substitute Senate Bill No. 5433 was immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. We have corrected the math over here and so it was not a two thousand dollar tax increase. It was a twenty-one dollar tax increase. So just in case anyone is having a heart attack, it was twenty-one and seventy-five cents on a three hundred thousand dollar house."

PERSONAL PRIVILEGE

Senator Roach: "I hope I've asked the right thing here. I wanted to explain the math problem was really I think that was brought up here on the floor had to do with the fact three cars and twenty dollars. Three times twenty is sixty dollars and it got,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

that was the math problem that was questioned so and my math was correct.”

individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

PERSONAL PRIVILEGE

Senator Carrell: “Well as a former math teacher and this is about fifth grade multiplication, three times seven fifty turns out to be twenty-two dollars and fifty cents.”

Character-Building Residential Services in Prisons, Oversight Committee

NEW SECTION. Sec. 3. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons-- Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

MESSAGE FROM THE HOUSE

April 26, 2009

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 4. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5995 with the following amendment: 5995.E AMH HUNS REIL 050

Adult Family Home Advisory Committee

NEW SECTION. Sec. 5. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Intent. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. Some advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of some boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of the legislature this interim to identify criteria to evaluate those advisory boards, committees, and commissions that may be eliminated or consolidated, and for agencies to identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Sec. 6. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

~~(4) ((The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

—(5)) The secretary, ad hoc committee members, or

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~((the adult family home advisory committee established under chapter 18.48 RCW;))~~ and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. **Sec. 7.** RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

- 2008 c 311 s 1 (uncodified);
- 2008 c 311 s 2 (uncodified);
- 2008 c 311 s 3 (uncodified); and
- 2008 c 311 s 4 (uncodified).

Model Toxic Control Act Science Advisory Board

NEW SECTION. **Sec. 9.** 1997 c 406 s 1 (uncodified) is repealed.

Sec. 10. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~—(6))~~ The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Oil Heat Advisory Committee

Sec. 11. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows: The director shall: (1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

~~(12) ((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director, and~~

~~(13))~~ Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.

Parks Centennial Advisory Committee

Sec. 12. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:

This act expires ~~((December 31, 2013))~~ June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Committee

Sec. 13. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection.~~

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

~~— (a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~— (i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~— (ii) One member who is a licensed physician;~~

~~— (iii) One member who is a licensed pharmacist;~~

~~— (iv) One member who is a licensed advanced registered nurse practitioner;~~

~~— (v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~— (vi) One member representing unions that represent private sector employees;~~

~~— (b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~— (c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~— (d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University.~~

~~— (5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~— (6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. **Sec. 14.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 15. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager(, with the consultation and advice of the risk management advisory committee). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. **Sec. 16.** The following acts or parts of acts are each repealed:

(1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

(2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

(3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

(4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

(5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 17. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060-))~~

Sec. 18. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary~~(-ad hoc committee members;))~~ or individuals acting on ~~((their))~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. **Sec. 19.** RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 20. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund~~((-and~~

~~—(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040)).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 21. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~((With the assistance of an advisory committee,))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~((The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. **Sec. 22.** RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Committee

NEW SECTION. **Sec. 23.** The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Organized Crime Advisory Board

NEW SECTION. **Sec. 24.** The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 25. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 26. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board))~~.

Lieutenant Governor Appointments and Assignments

Sec. 27. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

~~((a))~~ ~~((Organized crime advisory board, RCW 43.43.858;~~

~~((b)))~~ Civil legal aid oversight committee, RCW 2.53.010;

~~((c)))~~ (b) Office of public defense advisory committee, RCW 2.70.030;

~~((d)))~~ (c) Washington state gambling commission, RCW 9.46.040;

~~((e)))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

~~((f)))~~ (e) State building code council, RCW 19.27.070;

~~((g)))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;

~~((h)))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;

~~((i)))~~ (h) Joint administrative rules review committee, RCW 34.05.610;

~~((j)))~~ (i) Capital projects advisory review board, RCW 39.10.220;

~~((k)))~~ (j) Select committee on pension policy, RCW 41.04.276;

~~((l)))~~ (k) Legislative ethics board, RCW 42.52.310;

~~((m)))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;

~~((n)))~~ (m) Legislative oral history ~~((advisory))~~ committee, RCW ~~((43.07.230))~~ 44.04.325;

~~((o)))~~ (n) State council on aging, RCW 43.20A.685;

~~((p)))~~ (o) State investment board, RCW 43.33A.020;

~~((q)))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;

~~((r)))~~ (q) Washington state arts commission, RCW 43.46.015;

~~((s)))~~ (r) Information services board, RCW 43.105.032;

~~((t)))~~ (s) K-20 educational network board, RCW 43.105.800;

~~((u)))~~ (t) Municipal research council, RCW 43.110.010;

~~((v)))~~ (u) Council for children and families, RCW 43.121.020;

~~((w)))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;

~~((x)))~~ (w) Community economic revitalization board, RCW 43.160.030;

~~((y)))~~ (x) Washington economic development finance authority, RCW 43.163.020;

~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~

~~((aa)))~~ (y) Life sciences discovery fund authority, RCW 43.350.020;

~~((bb)))~~ (z) Legislative children's oversight committee, RCW 44.04.220;

~~((cc)))~~ (aa) Joint legislative audit and review committee, RCW 44.28.010;

~~((dd)))~~ (bb) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((ee)))~~ (cc) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((ff)))~~ (dd) Agency council on coordinated transportation, RCW 47.06B.020;

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

~~((gg))~~ ~~(ce)~~ Manufactured housing task force, RCW 59.22.090;

~~((hh))~~ ~~(ff)~~ Washington horse racing commission, RCW 67.16.014;

~~((ii))~~ ~~(gg)~~ Correctional industries board of directors, RCW 72.09.080;

~~((jj))~~ ~~(hh)~~ Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~

~~((ll))~~ ~~Puget Sound council, RCW 90.71.030;~~

~~((mm))~~ ~~(ii)~~ Joint legislative committee on water supply during drought, RCW 90.86.020;

~~((nn))~~ ~~(jj)~~ Statute law committee, RCW 1.08.001; and

~~((oo))~~ ~~(kk)~~ Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 28. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. Sec. 29. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 30. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5995.

Senators Pridemore and Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5995.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5995 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5995, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker,

Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom and Zarelli

Voting nay: Senators Jacobsen and Swecker

Excused: Senator Benton

ENGROSSED SENATE BILL NO. 5995, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senate Rule 15 was suspended for the remainder of the day.

MOTION

On motion of Senator Morton, Senators Delvin and McCaslin were excused.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 26, 2009

SB 5223 Prime Sponsor, Senator Fraser: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5223 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

April 26, 2009

SB 6138 Prime Sponsor, Senator Prentice: Relating to common schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pflug; Pridemore and Regala.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Honeyford; Parlette and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Rules for second reading.

April 26, 2009

ESHB 1216 Prime Sponsor, Committee on Capital Budget: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Brandland; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

Senator Eide moved that the rules be suspended and all measures listed on the Supplemental Standing Committee report be placed on the second reading calendar.

POINT OF ORDER

Senator Schoesler: "Rule 45, 11, states 'all reports of standing committees must to be on the Secretary's desk one hour prior to convening of the session in order to be read said session.' Pursuant to this provision, is the report on Substitute Senate Bill No. 6138 properly before us?"

MOTION

On motion of Senator Eide, the question of placing the measures listed on the Supplemental Standing Committee report on the day's second reading calendar was divided.

The President declared the question before the Senate to be the motion by Senator Eide that Senate Bill No. 5223 and Engrossed Substitute House Bill No. 1216 be placed on the second reading calendar of the day.

The motion by Senator Eide carried by a voice vote.

The President declared the question before the Senate to be the point of order raised by Senator Schoesler.

RULING BY THE PRESIDENT

President Owen: "Senator Schoesler, the President believes that your point is well taken that the bill is not appropriately before us without suspending the Rule 45, sub 11."

Further consideration of the report by the Committee on Ways and Means on Senate Bill No. 6138 was deferred and the report was held at the desk.

POINT OF ORDER

Senator Brandland: "Mr. President, and I notice that you made reference to our Constitution your duties and I decided to check our little red book and check on your duties. Could I read Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "Depends on whether or not you're arguing with my point or not. Senator Brandland. Please."

POINT OF ORDER

Senator Brandland: "It says, 'He shall receive an annual salary of \$2,500 dollars which may be increased by the legislature but shall never exceed \$3,000 dollars per annual period.'"

REPLY BY THE PRESIDENT

President Owen: "Some parts of the Constitution matters and others don't. You know, for a person that's six-foot-something tall, you're getting harder and harder and harder to see."

REMARKS BY THE PRESIDENT

President Owen: "In a more serious note it was Senator Brandland that asked me to, for the gentleman, we have a couple members that are not feeling well and they are in the men's lounge and if we could be quiet when we go in there, it would be helpful to them. Appreciate it very much."

MOTION

Senator Eide moved that the Senate advance to the ninth order for the purpose of relieving the Committee on Ways and Means of further consideration of Senate Bill No. 6183.

MOTION

Senator Schoesler moved that the motion by Senator Eide be amended to include that the Committee on Government Operations & Elections be relieved of further consideration of Senate Bill No. 5186.

Senator Eide spoke against the motion.

Senator Schoesler spoke in favor of the motion.

MOTION

Senator Schoesler demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Schoesler that the motion by Senator Eide be amended to include that the Committee on Government Operations & Elections be relieved of further consideration of Senate Bill No. 5186.

The Secretary called the roll on the motion by Senator Schoesler that the motion by Senator Eide be amended and the motion failed by the following vote: Yeas, 15; Nays, 31; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senators Benton, Delvin and McCaslin

MOTION

Senator McDermott moved that, pursuant to Rule 48, the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6138 and the bill be placed on the second reading calendar.

MOTION

REPLY BY THE PRESIDENT

President Owen: "Senator McDermott, you're one step ahead. We still have to dispose of Senator Eide's motion that we advance to the ninth order for the purpose of relieving the committee."

MOTION

Senator McDermott demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator McDermott, "Shall the main question be now put?"

The motion by Senator McDermott that the previous question be put carried by voice vote.

MOTION

Senator Schoesler moved that the motion by Senator Eide be amended to include that the Committee on Health & Long-Term Care be relieved of further consideration of Senate Bill No. 5052 and the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6057 and Senate Bill No. 5409.

RULING BY THE PRESIDENT

President Owen: "Senator Schoesler, your motion is out of order because the previous question had already been demanded."

The President declared the question before the Senate to be the motion by Senator Eide that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6138.

The motion by Senator Eide to advance to the ninth order carried by a voice vote.

MOTION

Senator Eide moved pursuant to Rule 48, the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6138 and the bill be placed on the second reading calendar.

The President declared the question before the Senate to be the motion by Senator Eide the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 6138 and the bill be placed on the second reading calendar.

The motion by Senator Eide carried by voice vote.

MOTION

Senator Eide moved that the Senate revert to the sixth order of business.

MOTION

Senator Schoesler demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand.

Senator Schoesler withdrew the motion for a roll call.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

At 10:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:57 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 6122,

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 2361,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5073,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5285,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
ENGROSSED SENATE BILL NO. 5354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
SUBSTITUTE SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5436,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5537,
SENATE BILL NO. 5554,
SUBSTITUTE SENATE BILL NO. 5574,
SUBSTITUTE SENATE BILL NO. 5777,
SUBSTITUTE SENATE BILL NO. 5795,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5915,
SENATE BILL NO. 6002,
SENATE BILL NO. 6121,
SENATE BILL NO. 6126,
SENATE BILL NO. 6157,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

ENGROSSED SENATE BILL NO. 6158,
 SUBSTITUTE SENATE BILL NO. 6161,
 SUBSTITUTE SENATE BILL NO. 6162,
 SENATE BILL NO. 6165,
 ENGROSSED SENATE BILL NO. 6166,
 SENATE BILL NO. 6167,
 SENATE BILL NO. 6168,
 SENATE BILL NO. 6173,
 SENATE BILL NO. 6179,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
 SENATE BILL NO. 6181,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House receded in its amendment to SUBSTITUTE SENATE BILL NO. 6171. Under suspension of rules, the bill was returned to second reading for the purpose of an amendment. The House adopted the following amendment: 6171-S AMH CAMP BLAC 387 and passed the bill as amended by the House.

On page 11, line 25, after "health" strike "~~shall~~ may" and insert "shall"

On page 11, line 26, after "pesticides" insert "according to the degree of risk that the exposure presents to the individual and the greater population as well as the level of funding appropriated in the operating budget" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6171.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6171.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6171 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senator Rockefeller

Excused: Senators Benton, Delvin and McCaslin

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6138, by Senator Prentice

Relating to common schools. Revised for 1st Substitute: Making corrections to implement 2009 Substitute House Bill No. 1776 regarding temporary maximum levy percentages.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6138 was substituted for Senate Bill No. 6138 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 4, line 9, after "percentage of", strike "thirty-five" and insert "~~(thirty-five)~~ twenty-eight"

On page 4, line 11, after "2011" insert ", except that for districts grandfathered above twenty-eight percent as of the effective date of this section, the authority to collect the grandfathered level is retained"

Senator Pflug spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

MOTION

Senator Schoesler demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The Secretary called the roll on the adoption of the amendment by Senator Pflug and the amendment was not adopted by the following vote: Yeas, 16; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Brandland, Carrell, Hatfield, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Excused: Senators Benton, Delvin and McCaslin

MOTION

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused,

3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Benton, Delvin and McCaslin

SUBSTITUTE SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6138 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1272 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and White)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 47.10.867 and 47.56.850; adding new sections to chapter 47.10 RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Substitute House Bill No. 1272 was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and White)

Concerning state general obligation bonds and related

accounts.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1272 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 15; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Sheldon, Shin and Tom

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Absent: Senator Rockefeller

Excused: Senators Benton, Delvin and McCaslin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Warnick and Ormsby)

Adopting a 2009-2011 capital budget. Revised for 1st Substitute: Concerning the capital budget.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 31, on line 35, increase the amount by \$550,000

On page 32, on line 3, increase the amount by \$550,000

On page 32, on line 28, decrease the amount by \$469,000

On page 33, on line 4, decrease the amount by \$469,000

On page 33, delete all material on line 34

On page 33, on line 21, increase the amount by \$938,000

On page 33, after line 34, insert the following:

"Small Community Jobs - Connell Infrastructure
\$1,100,000"

On page 33, on line 23, after "agreement with" delete "Kalspel" and insert "Kalispel"

On page 33, delete all material on line 31

On page 33, delete all material on line 35

On page 34, delete all material on line 11

On page 148, after line 3, insert the following:

"NEW SECTION. **Sec. 4009. FOR THE DEPARTMENT OF TRANSPORTATION--**

LOCAL PROGRAMS--PROGRAM Z--CAPITAL

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

Freight Mobility Multimodal Account--State
 Appropriation \$700,000
 TOTAL APPROPRIATION
 \$700,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the west Vancouver freight access project (4LP701F) as identified on LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Local Program (Z) referenced in section 311, chapter . . . (Engrossed Substitute Senate Bill 5352), Laws of 2009."

Senator Fraser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1216.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

Senator Fraser moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 238, after line 36, insert the following:

"**Sec. 6028** RCW 28A.335.210 and 2006 c 263 s 327 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

((+)) (a) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

((+)) (b) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

((+)) (c) Reject the results of the selection process;

((+)) (d) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the

one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6029 RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art. The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(2) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

(3) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6030 RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Senator Fraser spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1216.

The motion by Senator Fraser carried and the committee amendment was adopted by voice vote.

MOTION

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1216 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

Senator Jacobsen spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1216 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1216 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Carrell, Hewitt, Holmquist, Honeyford, Jacobsen, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Benton, Delvin and McCaslin

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute House Bill No. 1216 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator McDermott, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House receded from its amendments #549 and #550 to SUBSTITUTE SENATE BILL NO. 5963 and passed the bill without said House amendments, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Marr moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5963.

Senators Holmquist and Kohl-Welles spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5963.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5963 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5963, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5963, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Delvin and McCaslin

SUBSTITUTE SENATE BILL NO. 5963, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 6096,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Eide and Schoesler

Returning bills to their house of origin.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the Senate concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8407 was adopted by voice vote.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Brown and Hewitt

Adjourning SINE DIE.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the Senate concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8408.

SENATE CONCURRENT RESOLUTION NO. 8408 was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Murray moved adoption of the following resolution:

SENATE RESOLUTION
8666

By Senators Murray and Parlette

WHEREAS, The 2009 Regular Session of the Sixty-first Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2009 Regular Session of the Sixty-first Legislature and the convening of the next regular session; and

WHEREAS, The state is experiencing extreme budget pressures and the Senate desires to promote efficiencies and savings within its own internal budget by maintaining certain travel, salary, hiring, contract, and expenditure controls and limitations throughout the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2009 Regular Session of the Sixty-first Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

The motion by Senator Murray carried and the resolution was adopted by voice vote.

The President appoints the following members to Joint Committee on Energy Supply and Conservation, Senators Delvin, Morton, Ranker and Rockefeller.

MOTION

On motion of Senator Eide, the appointees were confirmed.

The President reappoints the following members to the Legislative Committee on Economic Development and International Relations, Senators Delvin, Eide, Hewitt, Kastama, Kilmer, Pflug and Shin.

MOTION

On motion of Senator Eide, the re-appointees were confirmed.

MOTION

On motion of Senator Eide and without objection, the measures on the second and third reading calendars were returned to the Committee on Rules.

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 6137,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5013,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,

SUBSTITUTE SENATE BILL NO. 5963,

ENGROSSED SENATE BILL NO. 5995,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009
SENATE BILL NO. 6096,
ENGROSSED SENATE BILL NO. 6137,
SUBSTITUTE SENATE BILL NO. 6171,

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5809,
SUBSTITUTE SENATE BILL NO. 5963,
ENGROSSED SENATE BILL NO. 5995,
SENATE BILL NO. 6096,
ENGROSSED SENATE BILL NO. 6137,
SUBSTITUTE SENATE BILL NO. 6171,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
ENGROSSED HOUSE BILL NO. 2122,
ENGROSSED HOUSE BILL NO. 2357,
SUBSTITUTE HOUSE BILL NO. 2361,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
ENGROSSED HOUSE BILL NO. 2122,
ENGROSSED HOUSE BILL NO. 2357,
SUBSTITUTE HOUSE BILL NO. 2361,

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5433,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SECOND SUBSTITUTE SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 6122,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following
bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 2363,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 2363,

MOTION

On motion of Senator Eide, the reading of the Journal for
the 105th day of the 2009 session of the 61st Legislature was
dispensed with and it was approved.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. You have been
here for one-hundred five days sir, you deal with forty-nine
very challenging and different personalities and we want to
thank you for your most professional and very responsive
responses to us and you're a true gentleman sir so we thank you
very much."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to inform our
friends, staff, families that are in the wings that this is the one
time during the legislative session that we not only allow but we
welcome you to join us on the floor of the Senate. Please feel
free to come forward. For those who are new to this we will be
Sine Die simultaneously with the House of Representatives.
Please do not block the aisle so the President can see the
Rostrum of the House."

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8407,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

MR. PRESIDENT:

The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8408,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

BARBARA BAKER, Chief Clerk

April 26, 2009

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8407,
SENATE CONCURRENT RESOLUTION NO. 8408,

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

The Speaker has signed the following:
SENATE CONCURRENT RESOLUTION NO. 8407,
SENATE CONCURRENT RESOLUTION NO. 8408,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8407, the following Senate bills were
returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5301,
SENATE BILL NO. 5316,
SUBSTITUTE SENATE BILL NO. 5317,
SENATE BILL NO. 5320,
SENATE BILL NO. 5370,
SENATE BILL NO. 5374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5406,
SENATE BILL NO. 5412,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5485,
SECOND SUBSTITUTE SENATE BILL NO. 5491,
ENGROSSED SENATE BILL NO. 5519,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5529,
SENATE BILL NO. 5548,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5557,
SUBSTITUTE SENATE BILL NO. 5638,
SUBSTITUTE SENATE BILL NO. 5659,
SENATE BILL NO. 5661,
SUBSTITUTE SENATE BILL NO. 5704,
SUBSTITUTE SENATE BILL NO. 5727,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5763,
SUBSTITUTE SENATE BILL NO. 5802,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,
SUBSTITUTE SENATE BILL NO. 5899,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5916,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5941,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5943,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035,
ENGROSSED SENATE BILL NO. 6048,
and the same are herewith transmitted.

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8407, the following Senate bills were
returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5026,
SENATE BILL NO. 5031,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5115,
SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5179,
SENATE BILL NO. 5193,
SENATE BILL NO. 5205,
SENATE BILL NO. 5211,
SUBSTITUTE SENATE BILL NO. 5212,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5332,
SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5383,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5424,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5451,
SECOND SUBSTITUTE SENATE BILL NO. 5484,
SENATE BILL NO. 5498,
SENATE BILL NO. 5500,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5507,
SUBSTITUTE SENATE BILL NO. 5553,
SUBSTITUTE SENATE BILL NO. 5678,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682,
SECOND SUBSTITUTE SENATE BILL NO. 5691,
SUBSTITUTE SENATE BILL NO. 5698,
SUBSTITUTE SENATE BILL NO. 5708,
ENGROSSED SENATE BILL NO. 5714,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5716,
SENATE BILL NO. 5717,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,
SENATE BILL NO. 5751,
SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5780,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5800,
SUBSTITUTE SENATE BILL NO. 5826,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5828,
SUBSTITUTE SENATE BILL NO. 5833,
SUBSTITUTE SENATE BILL NO. 5879,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
ENGROSSED SENATE BILL NO. 5886,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,
SUBSTITUTE SENATE BILL NO. 5893,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5895,
SENATE BILL NO. 5940,
SENATE BILL NO. 5951,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5986,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6052,
SENATE BILL NO. 6053,
SENATE BILL NO. 6103,
SENATE JOINT RESOLUTION NO. 8209,
and the same are herewith transmitted.

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8407, the following Senate bills were returned to the Senate:

SENATE BILL NO. 5002,
 SUBSTITUTE SENATE BILL NO. 5005,
 SUBSTITUTE SENATE BILL NO. 5007
 ENGROSSED SENATE BILL NO. 5014,
 SUBSTITUTE SENATE BILL NO. 5048,
 SENATE BILL NO. 5074,
 SENATE BILL NO. 5076,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138,
 SUBSTITUTE SENATE BILL NO. 5152,
 SENATE BILL NO. 5218,
 SUBSTITUTE SENATE BILL NO. 5219,
 SUBSTITUTE SENATE BILL NO. 5269,
 SUBSTITUTE SENATE BILL NO. 5295,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8407, the following Senate bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5232,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2009

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8407, the following Senate bills were returned to the Senate:

ENGROSSED SENATE BILL NO. 5200,
 SENATE BILL NO. 5453,
 ENGROSSED SENATE BILL NO. 5617,
 SUBSTITUTE SENATE BILL NO. 5760,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5840,
 SENATE BILL NO. 6065,
 SUBSTITUTE SENATE BILL NO. 6138,
 SUBSTITUTE SENATE BILL NO. 6160,
 ENGROSSED SENATE BILL NO. 6183,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1001,
 SUBSTITUTE HOUSE BILL NO. 1008,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,

HOUSE BILL NO. 1016,
 HOUSE BILL NO. 1028,
 HOUSE BILL NO. 1037,
 SUBSTITUTE HOUSE BILL NO. 1060,
 HOUSE BILL NO. 1075,
 SUBSTITUTE HOUSE BILL NO. 1079,
 HOUSE BILL NO. 1080,
 SUBSTITUTE HOUSE BILL NO. 1085,
 HOUSE BILL NO. 1088,
 HOUSE BILL NO. 1089,
 SECOND SUBSTITUTE HOUSE BILL NO. 1090,
 SECOND SUBSTITUTE HOUSE BILL NO. 1095,
 HOUSE BILL NO. 1101,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
 HOUSE BILL NO. 1132,
 SUBSTITUTE HOUSE BILL NO. 1135,
 HOUSE BILL NO. 1139,
 SUBSTITUTE HOUSE BILL NO. 1140,
 SUBSTITUTE HOUSE BILL NO. 1152,
 HOUSE BILL NO. 1171,
 SECOND SUBSTITUTE HOUSE BILL NO. 1180,
 HOUSE BILL NO. 1204,
 HOUSE BILL NO. 1212,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,
 SUBSTITUTE HOUSE BILL NO. 1250,
 ENGROSSED HOUSE BILL NO. 1251,
 SECOND SUBSTITUTE HOUSE BILL NO. 1252,
 HOUSE BILL NO. 1302,
 SUBSTITUTE HOUSE BILL NO. 1304,
 HOUSE BILL NO. 1310,
 HOUSE BILL NO. 1312,
 SUBSTITUTE HOUSE BILL NO. 1321,
 SUBSTITUTE HOUSE BILL NO. 1329,
 HOUSE BILL NO. 1331,
 SUBSTITUTE HOUSE BILL NO. 1357,
 SUBSTITUTE HOUSE BILL NO. 1369,
 SUBSTITUTE HOUSE BILL NO. 1371,
 HOUSE BILL NO. 1374,
 HOUSE BILL NO. 1389,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393,

SUBSTITUTE HOUSE BILL NO. 1408,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1418,
 SECOND SUBSTITUTE HOUSE BILL NO. 1429,
 HOUSE BILL NO. 1431,
 SECOND SUBSTITUTE HOUSE BILL NO. 1450,
 HOUSE BILL NO. 1456,
 SUBSTITUTE HOUSE BILL NO. 1457,
 ENGROSSED HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1462,
 HOUSE BILL NO. 1463,
 HOUSE BILL NO. 1468,
 HOUSE BILL NO. 1483,
 HOUSE BILL NO. 1491,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
 ENGROSSED HOUSE BILL NO. 1499,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,
 HOUSE BILL NO. 1541,
 HOUSE BILL NO. 1544,
 ENGROSSED HOUSE BILL NO. 1547,
 SUBSTITUTE HOUSE BILL NO. 1554,
 HOUSE BILL NO. 1561,
 SUBSTITUTE HOUSE BILL NO. 1564,
 SUBSTITUTE HOUSE BILL NO. 1572,
 SUBSTITUTE HOUSE BILL NO. 1575,
 SUBSTITUTE HOUSE BILL NO. 1595,
 SUBSTITUTE HOUSE BILL NO. 1597,

ONE-HUNDRED FIFTH DAY, APRIL 26, 2009

2009 REGULAR SESSION

MOTION

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618,
- SUBSTITUTE HOUSE BILL NO. 1647,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669,
- ENGROSSED HOUSE BILL NO. 1679,
- SUBSTITUTE HOUSE BILL NO. 1683,
- HOUSE BILL NO. 1690,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,
- HOUSE BILL NO. 1722,
- ENGROSSED HOUSE BILL NO. 1728,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752,
- HOUSE BILL NO. 1753,
- HOUSE BILL NO. 1757,
- SUBSTITUTE HOUSE BILL NO. 1761,
- SECOND SUBSTITUTE HOUSE BILL NO. 1762,
- SUBSTITUTE HOUSE BILL NO. 1774,
- HOUSE BILL NO. 1785,
- SECOND SUBSTITUTE HOUSE BILL NO. 1797,
- SUBSTITUTE HOUSE BILL NO. 1802,
- HOUSE BILL NO. 1818,
- HOUSE BILL NO. 1822,
- HOUSE BILL NO. 1830,
- SUBSTITUTE HOUSE BILL NO. 1831,
- ENGROSSED HOUSE BILL NO. 1836,
- SUBSTITUTE HOUSE BILL NO. 1838,
- SUBSTITUTE HOUSE BILL NO. 1841,
- SUBSTITUTE HOUSE BILL NO. 1864,
- ENGROSSED HOUSE BILL NO. 1876,
- HOUSE BILL NO. 1880,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889,
- SUBSTITUTE HOUSE BILL NO. 1898,
- SUBSTITUTE HOUSE BILL NO. 1900,
- HOUSE BILL NO. 1912,
- SUBSTITUTE HOUSE BILL NO. 1914,
- SUBSTITUTE HOUSE BILL NO. 1952,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
- ENGROSSED HOUSE BILL NO. 1965,
- SUBSTITUTE HOUSE BILL NO. 1981,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
- SUBSTITUTE HOUSE BILL NO. 2010,
- ENGROSSED HOUSE BILL NO. 2044,
- SUBSTITUTE HOUSE BILL NO. 2068,
- SECOND SUBSTITUTE HOUSE BILL NO. 2113,
- SECOND SUBSTITUTE HOUSE BILL NO. 2114,
- HOUSE BILL NO. 2117,
- ENGROSSED HOUSE BILL NO. 2138,
- HOUSE BILL NO. 2142,
- SUBSTITUTE HOUSE BILL NO. 2147,
- HOUSE BILL NO. 2164,
- SECOND SUBSTITUTE HOUSE BILL NO. 2167,
- HOUSE BILL NO. 2185,
- SUBSTITUTE HOUSE BILL NO. 2196,
- SUBSTITUTE HOUSE BILL NO. 2198,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267,
- HOUSE BILL NO. 2271,
- SUBSTITUTE HOUSE BILL NO. 2275,

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2318,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,
- HOUSE BILL NO. 2360,
- SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,

MOTION

At 12:57 a.m., on motion of Senator Eide, the 2009 Regular Session of the Sixty-First Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year	Place	Occupation	Previous Years Served	
								House	Senate
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948	WA	Health Care Administrator		2009-
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957	CA	CIO - National Advtsrg Consltn	1995-1996	1997-
Berkey, Jean	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1938	CA	State Senator	Appt. 1/22/01-2002	Appt. 1/5/2004
Brandland, Dale	2	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1948	MN	Retired County Sheriff		2003-
Brown, Lisa	3	D	Spokane (P)	PO Box 40403 Olympia, WA 98504-0403	1956	IL	Assoc. Prof. Economics	1993-1996	1997-
Carrell, Mike	28	R	Pierce (P)	10210 Lk Louise Dr SW Tacoma, WA 98498	1944	WA	Teacher {retired}	1995-2004	Appt. 7/6/04
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956	WA	Retired	Appt. 11/28/94-2004	Appt. 5/12/04
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954	WA	Senator	1993-1994	1999-
Fairley, Darlene	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432	1943	WA	State Senator		1995-
Franklin, Rosa	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1927	SC	Registered Nurse - Retired	1991-1992	Appt. 1/25/93-
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944	WA	Senator	1989-1992	1993-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953	OR	Forester	1985-1992	1993-
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966	WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06
Haugen, Mary Margaret	10	D	Island, Skagit (P), Snohomish (P)	PO Box 40410 Olympia, WA 98504-0410	1941	WA	Legislator	1983-1992	1993-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946	WA	Legislator		2001-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970	WA	UW Facilities Manager		2007-

Name of Member	District	Party	County	Mailing Address	Birth Year	Place	Occupation	Previous Years Served	
								House	Senate
Holmquist, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974	- AK	Self Employed	Appt. 12/7/2001- 2006	12/6/06-
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939	- OR	Farmer/Retired Educator	1995-1998	1999-
Jacobsen, Ken	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446	1945	- NE	Self-employed	1983-1996	Appt. 1/6/97-
Jarrett, Fred	41	D	King (P)	PO Box 40441 Olympia, WA 98504-0441	1949	- MT	Project Mgr Boeing	2001-08	2009-
Kastama, Jim	25	D	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1959	- WA	Legislator	1997-2000	2001-
Kauffman, Claudia	47	D	King (P)	PO Box 40447 Olympia, WA 98504-0447	1959	- ID	Charity Fund and Federal Liaison		2007-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947	- IA	Ret'd Comm. Dir.	1996-2000	2001-
Kilmer, Derek	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1974	- WA	Economic Dev. Manager	2005-2006	2007-
King, Curtis	14	R	Yakima	PO Box 40414 Olympia, WA 98504-0414	1946	- WA	Business Manager		elected 11/6/07-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944	- NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942	- WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-
Marr, Chris	6	D	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1954	- NJ	Retired		2007-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940	- WA	Ownr/Mgr Hollywood Schoolhouse		1993-
McCaslin, Bob	4	R	Spokane (P)	PO Box 40404 Olympia, WA 98504-0404	1926	- OH	Retired Real Estate Broker		1981-
McDermott, Joe	34	D	King(P)	PO Box 40434 Olympia, WA 98504-0434	1967	- WA	Legislator	1997-1998 2003-2007	Appt. 10/15/07

Name of Member	District	Party	County	Mailing Address	Birth Year	Place	Occupation	Previous Years Served	
								House	Senate
Morton, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1934	NY	Legislator	1991-93	Appt. 1/5/94-
Murray, Ed	43	D	King (P)	3302 Fuhrman Ave E #103 Seattle, WA 98102	1955	WA	Legislator	Appt. 11/4/1995, 1996-2006	2007-
Oemig, Eric	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445	1967	WI	Software engineer		2007-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945	WA	Pharmacist & Orchardist	1997-2000	2001-
Pflug, Cheryl	5	R	King (P)	PO Box 40405 Olympia, WA 98504-0405	1957	WA	Registered Nurse	1999-2004	Appt. 1/5/04
Prentice, Margarita	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	1931	CA	Registered Nurse, Retired	Appt. 5/31/88-1992	1993-
Pridemore, Craig	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1961	CA	Legislator		2005-
Ranker, Kevin	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1970	England	Coastal/Ocean Policy Consultant		2009-
Regala, Debbie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1945	WA	Community Volunteer	1995-2000	2001-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948	CA	Self-Employed		1991-
Rockefeller, Phil	23	D	Kitsap (P)	PO Box 40423 Olympia, WA 98504-0423	1938	NY	Attorney (retired)	1999-2004	2005-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957	WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947	WA	Tree Farmer	1991-1997	Elected 11/4/97-
Shin, Paull	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935	Korea	Professor-Retired	1993-1994	1999-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Stevens, Val	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 40439 Olympia, WA 98504-0439	1939 - WA	Legislator	1993-1996	1997-
Swecker, Dan	20	R	Lewis, Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1947 - MT	Sec/Treas Wa. Fish Growers		Appt. 1/5/95-
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963 - WA	Real Estate Agent	2003-2006	2007-
Zarelli, Joseph	18	R	Clark (P), Cowlitz (P)	PO Box 40418 Olympia, WA 98504-0418	1961 - WA	Business Devlpmnt & Risk Mngt		Elected 11/7/95-
Hoemann, Thomas				PO Box 40482 Olympia, WA 98504-0482	1952 - NE	Secretary of the Senate		2005-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate		(1993-1996 1999-2002) 2005-
Ruble, Jim				PO Box 40482 Olympia, WA 98504-0482	1943 - WA	Sergeant At Arms		2005-

**Membership of
Senate Standing Committees
2009**

Agriculture & Rural Economic Development (8) – Hatfield, Chair; Ranker, Vice Chair; *Schoesler; Becker; Haugen; Jacobsen; Morton; Shin

Early Learning & K-12 Education (11) – McAuliffe, Chair; Kauffman, Vice Chair Early Learning; Oemig, Vice Chair K-12; *King; Brandland; Hobbs; Holmquist; Jarrett; McDermott; Roach; Tom

Economic Development, Trade & Innovation (7) – Kastama, Chair; Shin, Vice Chair; *Zarelli; Delvin; Eide; Kilmer; McCaslin

Environment, Water & Energy (11) – Rockefeller, Chair; Pridemore, Vice Chair; *Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker; Sheldon

Financial Institutions, Housing & Insurance (7) – Berkey, Chair; Hobbs, Vice Chair; *Benton; Franklin; McDermott; Parlette; Schoesler

Government Operations & Elections (7) – Fairley, Chair; Oemig, Vice Chair; *Roach; Benton; McDermott; Pridemore; Swecker

Health & Long-Term Care (8) – Keiser, Chair; Franklin, Vice Chair; *Pflug; Becker; Fairley; Marr; Murray; Parlette

Higher Education & Workforce Development (10) – Kilmer, Chair; Jarrett, Vice Chair; *Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin; Stevens

Human Services & Corrections (7) – Hargrove, Chair; Regala, Vice Chair; *Stevens; Brandland; Carrell; Kauffmann; McAuliffe

Judiciary (8) – Kline, Chair; Regala, Vice Chair; *McCaslin; Carrell; Hargrove; Kohl-Welles; Roach; Tom

Labor, Commerce & Consumer Protection (7) – Kohl-Welles, Chair; Keiser, Vice Chair; *Holmquist; Franklin; Honeyford; King; Kline

Natural Resources, Ocean & Recreation (8) – Jacobsen, Chair; Ranker, Vice Chair; *Morton; Fraser; Hargrove; Hatfield; Stevens; Swecker

Rules (19) – Lieutenant Governor, Chair; Franklin, Vice Chair; *Hewitt; Brown; Eide; Fraser; Haugen; Kauffman; Keiser; King; Kohl-Welles; Marr; Murray; Parlette; Pridemore; Regala; Schoesler; Stevens; Zarelli

Transportation (16) – Haugen, Chair; Marr, Vice Chair; *Swecker; Becker; Benton; Berkey; Delvin; Eide; Jacobsen; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker; Sheldon

Ways & Means (22) – Prentice, Chair; Fraser, Vice Chair Capital Budget; Tom, Vice Chair Operating Budget; *Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller; Schoesler

* Ranking Minority Member

**Member Assignments to
Senate Standing Committees
2009**

Becker, Randi	*Higher Education & Workforce Development; Agriculture & Rural Economic Development; Health & Long Term Care; Transportation
Benton, Don	*Financial Institutions, Housing & Insurance; Government Operations & Elections; Transportation
Berkey, Jean	Financial Institutions , Housing & Insurance, Chair; Transportation
Brandland, Dale	Early Learning & K-12 Education; Human Services & Corrections; Ways & Means
Brown, Lisa	Rules
Carrell, Mike	Human Services & Corrections; Judiciary; Ways & Means
Delvin, Jerome	Economic Development, Trade & Innovation; Environment, Water & Energy; Transportation
Eide, Tracey	Economic Development, Trade & Innovation; Rules; Transportation
Fairley, Darlene	Government Operations & Elections, Chair; Health & Long-Term Care; Ways & Means
Franklin, Rosa	Health & Long-Term Care, Vice Chair; Rules, Vice Chair; Financial Institutions, Housing & Insurance; Labor, Commerce & Consumer Protection
Fraser, Karen	Ways & Means, Vice Chair Capital Budget; Environment, Water & Energy; Natural Resources, Ocean & Recreation; Rules
Hargrove, James	Human Services & Corrections, Chair; Judiciary; Natural Resources, Ocean & Recreation
Hatfield, Brian	Agriculture & Rural Economic Development, Chair; Environment, Water & Energy; Natural Resources, Ocean & Recreation
Haugen, Mary Margaret	Transportation, Chair; Agriculture & Rural Economic Development; Rules
Hewitt, Mike	*Rules; Higher Education & Workforce Development; Ways & Means
Hobbs, Steve	Financial Institutions, Housing & Insurance, Vice Chair; Early Learning & K-12 Education; Ways & Means
Holmquist Janea *	Labor, Commerce & Consumer Protection; Early Learning & K-12 Education; Environment, Water & Energy
Honeyford, Jim	*Environment, Water & Energy; Labor, Commerce & Consumer Protection; Ways & Means
Jacobsen, Ken	Natural Resources, Ocean & Recreation, Chair; Agriculture & Rural Economic Development; Higher Education & Workforce Development; Transportation
Jarrett, Fred	Higher Education & Workforce Development, Vice Chair; Early Learning & K-12 Education; Transportation
Kastama, Jim	Economic Development, Trade & Innovation, Chair; Higher Education & Workforce Development; Transportation
Kauffman, Claudia	Early Learning & K-12 Education, Vice Chair Early Learning; Human Services & Corrections; Rules; Transportation
Keiser, Karen	Health & Long-Term Care, Chair; Labor, Commerce & Consumer Protection, Vice Chair; Rules; Ways & Means
Kilmer, Derek	Higher Education & Workforce Development, Chair; Economic Development, Trade & Innovation; Transportation
King, Curtis	*Early Learning & K-12 Education; Labor, Commerce & Consumer Protection; Rules; Transportation
Kline, Adam	Judiciary, Chair; Labor, Commerce & Consumer Protection; Ways & Means
Kohl-Welles, Jeanne	Labor, Commerce & Consumer Protection, Chair; Judiciary; Rules; Ways & Means
Marr, Chris	Transportation, Vice Chair; Environment, Water & Energy; Health & Long-Term Care; Rules
McAuliffe, Rosemary	Early Learning & K-12 Education, Chair; Higher Education & Workforce Development; Human Services & Corrections

McCaslin, Bob	*Judiciary; Economic Development, Trade & Innovation
McDermott, Joe	Early Learning & K-12 Education; Financial Institutions, Housing & Insurance; Government Operations & Elections; Ways & Means
Morton, Bob	*Natural Resources, Ocean & Recreation; Agriculture & Rural Economic Development; Environment, Water & Energy
Murray, Ed	Health & Long-Term Care; Rules; Ways & Means
Oemig, Eric	Government Operations & Elections, Vice Chair; Early Learning & K-12 Education, Vice Chair K-12; Ways & Means
Parlette, Linda Evans	Financial Institutions, Housing & Insurance; Health & Long-Term Care; Rules; Ways & Means
Pflug, Cheryl	*Health & Long-Term Care; Higher Education & Workforce Development; Ways & Means
Prentice, Margarita	Ways & Means, Chair
Pridemore, Craig	Environment, Water & Energy, Vice Chair; Government Operations & Elections; Rules; Ways & Means
Ranker, Kevin	Agriculture & Rural Economic Development, Vice Chair; Natural Resources, Ocean & Recreation, Vice Chair; Environment, Water & Energy; Transportation
Regala, Debbie	Human Services & Corrections, Vice Chair; Judiciary, Vice Chair; Rules; Ways & Means
Roach, Pam	*Government Operations & Elections; Early Learning & K-12 Education; Judiciary
Rockefeller, Phil	Environment, Water & Energy, Chair; Ways & Means
Schoesler, Mark	*Agriculture & Rural Economic Development; Financial Institutions, Housing & Insurance; Rules; Ways & Means
Sheldon, Tim	Environment, Water & Energy; Transportation
Shin, Paull	Economic Development, Trade & Innovation, Vice Chair; Agriculture & Rural Economic Development; Higher Education & Workforce Development
Stevens, Val	*Human Services & Corrections; Higher Education & Workforce Development; Natural Resources, Ocean & Recreation; Rules
Swecker, Dan	*Transportation; Government Operations & Elections; Natural Resources, Ocean & Recreation
Tom, Rodney	Ways & Means, Vice Chair Operating Budget; Early Learning & K-12 Education; Judiciary
Zarelli, Joseph	*Economic Development, Trade & Innovation; *Ways & Means; Rules
*Ranking Minority Member	

JOURNAL OF THE SENATE
GOVERNOR'S MESSAGE ON SENATE BILLS
SIGNED AFTER ADJOURNMENT

MESSAGE FROM THE GOVERNOR

February 18, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 18, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5460

Relating to reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

March 20, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 20, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5130

Relating to access to public records by persons serving criminal sentences in correctional facilities.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

March 25, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 25, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5164Senate Bill No. 5221

Relating to distressed property conveyances.

Senate Bill No. 5348

Relating to removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account.

Substitute Senate Bill No. 5417

Relating to flood insurance coverage.

Engrossed Substitute Senate Bill No. 5595

Relating to the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

March 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 30, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5671

Relating to the suitability of annuities sold in Washington.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 8, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 8, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5012

Relating to abducted or missing persons.

Substitute Senate Bill No. 5030

Relating to militia records, property, command, and administration.

Substitute Senate Bill No. 5035

Relating to improving veterans' access to services.

Substitute Senate Bill No. 5043

Relating to creating a higher education coordination board work group to develop a single, coordinated student access portal.

Substitute Senate Bill No. 5055

Relating to protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission.

Substitute Senate Bill No. 5131

Relating to crisis referral services for criminal justice and correctional personnel.

Engrossed Senate Bill No. 5135

Relating to increasing the number of district court judges in King county.

Senate Bill No. 5156

Relating to certification actions of Washington peace officers.

Senate Bill No. 5184

Relating to evaluating the need for a digital forensic crime lab.

Substitute Senate Bill No. 5190

Relating to technical corrections to ensure accurate sentences for offenders.

Engrossed Substitute Senate Bill No. 5228

Relating to calculating construction projects by county forces.

Engrossed Substitute Senate Bill No. 5238

Relating to mailing information to certain members of the state retirement systems.

Substitute Senate Bill No. 5261

Relating to creating an electronic statewide unified sex offender notification and registration program.

Substitute Senate Bill No. 5290

Relating to requests made by a party concerning gas or electrical company discounts for low-income senior customers and low-income customers.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 10, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 10, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5009

Relating to benefits charged to the experience rating accounts of employers.

Substitute Senate Bill No. 5136

Relating to the use of solar energy panels by members of homeowners' associations.

Substitute Senate Bill No. 5369

Relating to adding and deleting counseling professions subject to the authority of the secretary of health under the uniform disciplinary act.

Substitute Senate Bill No. 5380

Relating to the statute of limitations for certain crimes.

Substitute Senate Bill No. 5388

Relating to motor vehicle dealer disclosure of damage and repairs in the sale of new motor vehicles.

Engrossed Senate Bill No. 5423

Relating to critical access hospitals not subject to certificate of need reviews.

Engrossed Substitute Senate Bill No. 5437

Relating to the state conservation commission.

Substitute Senate Bill No. 5481

Relating to veterans' burials.

Senate Bill No. 5487

Relating to notification of nonrenewal of contracts for certificated employees.

Senate Bill No. 5680

Relating to the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations.

Senate Bill No. 5739

Relating to renewing a concealed pistol license by members of the armed forces.

Engrossed Substitute Senate Bill No. 5808

Relating to the annexation of unincorporated areas served by fire protection districts.

Senate Bill No. 5832

Relating to allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c).

Senate Bill No. 5903

Relating to public works contracts for residential construction.

Substitute Senate Bill No. 5904

Relating to defining independent contractor for purposes of prevailing wage.

Senate Bill No. 5944

Relating to Lake Whatcom phosphorus loading.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 13, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5102

Relating to increasing the number of district court judges in Benton county.

Senate Bill No. 5125

Relating to the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account.

Senate Bill No. 5147
Relating to criminal libel.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 16, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 16, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5017
Relating to inactive voters.

Substitute Senate Bill No. 5195
Relating to adopting the life settlements model act.

Senate Bill No. 5233
Relating to county elected officials keeping offices at the county seat.

Substitute Senate Bill No. 5271
Relating to candidate filing.

Senate Bill No. 5284
Relating to truth in music advertising; adding a new section to chapter 19.25 RCW.

Senate Bill No. 5305
Relating to repealing certain obsolete state retirement system statutes.

Senate Bill No. 5315
Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service.

Senate Bill No. 5322
Relating to civil service commissions for sheriffs' offices.

Substitute Senate Bill No. 5327
Relating to technical corrections to election provisions.

Substitute Senate Bill No. 5343
Relating to exempting certified public accountants and enrolled agents from the restrictions on marketing estate distribution documents for certain purposes.

Substitute Senate Bill No. 5350
Relating to special permits for poultry slaughter, preparation, and sale.

Senate Bill No. 5426
Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district.

Substitute Senate Bill No. 5434
Relating to prohibited practices in accountancy.

Senate Bill No. 5695
Relating to the authority of the Washington state patrol to accept donations.

Senate Bill No. 5699
Relating to the office of public guardianship.

Senate Bill No. 5767
Relating to nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 17, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5469

Relating to limitations on the use of intermediate licenses.

Senate Bill No. 5492

Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

Senate Bill No. 5511

Relating to making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee.

Substitute Senate Bill No. 5793

Relating to a single-occupancy farm conveyance.

Senate Bill No. 5980

Relating to school plant funding.

Substitute Senate Bill No. 6000

Relating to real estate disclosure requirements regarding homeowners' associations.

Substitute Senate Bill No. 6019

Relating to employee wellness programs.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 20, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 20, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5151

Relating to the appointment of court commissioners to assist with criminal cases.

Senate Bill No. 5413

Relating to assault of a law enforcement officer or other employee of a law enforcement agency.

Engrossed Senate Bill No. 5581

Relating to suncreening devices.

Substitute Senate Bill No. 5677

Relating to the dairy nutrient management program.

Substitute Senate Bill No. 5705

Relating to voting rights in special districts.

Substitute Senate Bill No. 5839

Relating to the administration of irrigation districts.

Substitute Senate Bill No. 5987

Relating to department of corrections training.

Senate Bill No. 5989

Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 22, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 22, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5044
Relating to the state work-study program.

Substitute Senate Bill No. 5267
Relating to the issuance of checks by joint operating agencies and public utility districts.

Senate Bill No. 5298
Relating to removing the penalty language from natural resource civil infractions.

Substitute Senate Bill No. 5480
Relating to creating the Washington health care discount plan organization act.

Substitute Senate Bill No. 5571
Relating to requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information.

Substitute Senate Bill No. 5752
Relating to cost recovery in disciplinary proceedings involving dentists.

Substitute Senate Bill No. 5776
Relating to student fees, charges, and assessments.

Substitute Senate Bill No. 5797
Relating to exemptions from solid waste handling permit requirements.

Senate Bill No. 5952
Relating to modifying the definition of "sexual orientation" for malicious harassment prosecution purposes.

Senate Bill No. 6068
Relating to the definition of "conviction" for purposes of the uniform commercial driver's license act.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 23, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 23, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5117
Relating to intensive behavior support services for children with developmental disabilities.

Senate Bill No. 5356
Relating to direct retail endorsements issued by the department of fish and wildlife.

Substitute Senate Bill No. 5551
Relating to recess periods for elementary school students.

Substitute Senate Bill No. 5613
Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

Engrossed Substitute Senate Bill No. 5873
Relating to apprentice utilization.

Substitute Senate Bill No. 6024
Relating to applications for public assistance from persons currently ineligible to receive assistance.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 24, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 24, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5015
Relating to foster parent licensing.

Substitute Senate Bill No. 5276
Relating to increasing the availability of engineering programs in public universities.

Senate Bill No. 5303
Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2.

Substitute Senate Bill No. 5326
Relating to notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

Senate Bill No. 5562
Relating to protecting the ability of forest landowners to continue active forestry operations.

Senate Bill No. 5587
Relating to authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines.

Second Substitute Senate Bill No. 5676
Relating to middle school career and technical education.

Substitute Senate Bill No. 5765
Relating to the fruit and vegetable district fund.

Substitute Senate Bill No. 5882
Relating to an evaluation of two recommendations made by the racial disproportionality advisory committee.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 28, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 28, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5001
Relating to the American Indian endowed scholarship program.

Senate Bill No. 5028
Relating to jurisdictional route transfers.

Substitute Senate Bill No. 5401
Relating to habitat open space.

Senate Bill No. 5580
Relating to the time limits of school impact fee expenditures.

Senate Bill No. 5599
Relating to approving the entry of Washington into the agreement among the states to elect the president by national popular vote on the same terms and conditions as entered into by the states of Hawaii, Illinois, Maryland, and New Jersey.

Senate Bill No. 5642
Relating to designating state route number 164 as a highway of statewide significance.

Senate Bill No. 5804
Relating to voluntarily leaving part-time work.

Substitute Senate Bill No. 5881
Relating to truancy.

Engrossed Substitute Senate Bill No. 5901
Relating to modifying provisions of the local infrastructure financing tool program.

Senate Bill No. 5909
Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter 82.63 RCW.

Senate Bill No. 5976
Relating to extending tire replacement fees.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 29, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 29, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5008
Relating to hunting licensing requirements for members of the military.

Engrossed Substitute Senate Bill No. 5011
Relating to fire safety standards for novelty lighters.

Second Substitute Senate Bill No. 5045
Relating to community revitalization financing.

Senate Bill No. 5180
Relating to public transit vehicle stops at unmarked stop zones.

Senate Bill No. 5289
Relating to an addition to the scenic and recreational highway system.

Substitute Senate Bill No. 5340
Relating to internet and mail order sales of certain tobacco products.

Substitute Senate Bill No. 5367
Relating to a spirits, beer, and wine nightclub license.

Senate Bill No. 5482
Relating to two-wheeled and three-wheeled vehicles.

Engrossed Substitute Senate Bill No. 5513
Relating to law enforcement authority concerning civil infractions and unlawful transit conduct.

Senate Bill No. 5540
Relating to high capacity transportation service.

Substitute Senate Bill No. 5556
Relating to toll enforcement for infractions detected through the use of a photo enforcement system.

Substitute Senate Bill No. 5565
Relating to limiting the use of certain solid fuel burning devices.

Engrossed Substitute Senate Bill No. 5583
Relating to improving the effectiveness of water bank authorization and exchange provisions.

Substitute Senate Bill No. 5610
Relating to the release of driving record abstracts for employment purposes.

Substitute Senate Bill No. 5719

Relating to title and registration requirements for kit vehicles.

Substitute Senate Bill No. 5724

Relating to electricity from biomass energy that is a renewable resource.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

April 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5173

Relating to honorary doctorate degrees.

Substitute Senate Bill No. 5318

Relating to adding additional appropriate locations for the transfer of newborn children.

Second Substitute Senate Bill No. 5346

Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services.

Senate Bill No. 5355

Relating to initial levy rates for rural county library districts.

Substitute Senate Bill No. 5360

Relating to community health care collaborative grants.

Substitute Senate Bill No. 5368

Relating to making provisions for all counties to value property annually for property tax purposes.

Substitute Senate Bill No. 5402

Relating to prevention of animal cruelty.

Engrossed Substitute Senate Bill No. 5414

Relating to statewide assessments and curricula.

Senate Bill No. 5452

Relating to increasing the debt limit of the housing finance commission.

Substitute Senate Bill No. 5461

Relating to reserve account and study requirements for condominium associations.

Substitute Senate Bill No. 5468

Relating to permitting an exemption for nonprofit housing organizations from the consumer loan act.

Substitute Senate Bill No. 5501

Relating to the secure exchange of health information.

Senate Bill No. 5547

Relating to respite care for primary care providers of persons with developmental disabilities.

Substitute Senate Bill No. 5561

Relating to the installation of carbon monoxide alarms in dwelling units.

Substitute Senate Bill No. 5566

Relating to harmonizing excise tax statutes with the streamlined sales and use tax agreement in regards to direct sellers, telecommunications ancillary services, commercial parking taxes, and exemption certificates.

Senate Bill No. 5568

Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

Engrossed Substitute Senate Bill No. 5601

Relating to speech-language pathology assistants.

Substitute Senate Bill No. 5608

Relating to genetic counselors.

Substitute Senate Bill No. 5616

Relating to connecting business expansion and recruitment to customized training.

Senate Bill No. 5629

Relating to programs for the prevention of unintended pregnancies and sexually transmitted diseases.

Engrossed Substitute Senate Bill No. 5651

Relating to providing humanitarian requirements for certain dog breeding practices.

Substitute Senate Bill No. 5665

Relating to a joint self-insurance program for affordable housing entities.

Senate Bill No. 5673

Relating to requiring certificates of need for certain hospitals.

Senate Bill No. 5720

Relating to tuition waivers for stepchildren of veterans and national guard members.

Senate Bill No. 5731

Relating to distribution of health plan information.

Substitute Senate Bill No. 5738

Relating to annual compliance reports.

Engrossed Senate Bill No. 5810

Relating to foreclosures on deeds of trust.

Substitute Senate Bill No. 5891

Relating to establishing a forum for testing primary care medical home reimbursement pilot projects.

Engrossed Senate Bill No. 5925

Relating to insurance requirements for higher education students participating in study or research abroad.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 4, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 4, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5921

Relating to creating a clean energy leadership initiative.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 5, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5509

Relating to clarifying rental car company charges, surcharges, and fees to be included in rental car agreements.

Senate Bill No. 5974

Relating to transporting or accepting delivery of live nonambulatory livestock.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

May 6, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 6, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5040

Relating to clarifying and prescribing penalties for gambling under the age of eighteen.

Substitute Senate Bill No. 5042

Relating to first-time paperwork violations by small businesses.

Substitute Senate Bill No. 5056

Relating to health care professionals reporting violent injuries.

Senate Bill No. 5060

Relating to the use of manufactured wine or beer.

Substitute Senate Bill No. 5110

Relating to allowing wedding boutiques and art galleries to serve wine or beer to their customers who are twenty-one years of age or older.

Senate Bill No. 5120

Relating to agricultural structures.

Senate Bill No. 5153

Relating to creating the uniform foreign-country money judgments recognition act.

Substitute Senate Bill No. 5160

Relating to service of notice from seizing law enforcement agencies.

Substitute Senate Bill No. 5171

Relating to modifying the Washington principal and income act of 2002.

Substitute Senate Bill No. 5199

Relating to public water supply system operators.

Engrossed Substitute Senate Bill No. 5262

Relating to law enforcement and court access to driver's license photographs for the purposes of identity verification.

Substitute Senate Bill No. 5268

Relating to the fish and wildlife equipment revolving account.

Substitute Senate Bill No. 5270

Relating to voter registration.

Substitute Senate Bill No. 5273

Relating to the practice of landscape architecture.

Senate Bill No. 5277

Relating to district court clerk fees.

Engrossed Substitute Senate Bill No. 5288

Relating to the supervision of offenders.

Substitute Senate Bill No. 5531

Relating to modifying provisions relating to consumer protection act violations.

Substitute Senate Bill No. 5834

Relating to alcoholic beverage regulation.

Engrossed Substitute Senate Bill No. 5978

Relating to consumer rebates.

Substitute Senate Bill No. 6162

Relating to criminal justice: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense as defined in RCW 9.94A.030.

Sincerely,

Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 7, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5166

Relating to license suspension for the failure to pay child support.

Substitute Senate Bill No. 5229

Relating to the legislative youth advisory council.

Substitute Senate Bill No. 5248

Relating to the interstate compact on educational opportunity for military children.

Substitute Senate Bill No. 5252

Relating to correctional facility policies regarding medication management.

Substitute Senate Bill No. 5391

Relating to regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

Engrossed Second Substitute Senate Bill No. 5649

Relating to achieving greater energy efficiency in buildings.

Substitute Senate Bill No. 5718

Relating to the commitment of sexually violent predators.

Engrossed Senate Bill No. 6033

Relating to creating the prevent or reduce owner-occupied foreclosure program.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 8, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 2009, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5013

Relating to fees collected by county clerks.

Senate Bill No. 5107

Relating to energy overlay zones.

Senate Bill No. 5359

Relating to identifying marks on ballots.

Engrossed Substitute Senate Bill No. 5421

Relating to creating the Columbia river recreational salmon and steelhead pilot stamp program.

Engrossed Substitute Senate Bill No. 5473

Relating to streamlining development through the designation of projects of statewide significance.

Engrossed Second Substitute Senate Bill No. 5854

Relating to reducing climate pollution in the built environment.

Substitute Senate Bill No. 5931

Relating to licensed mental health practitioner privilege.

Engrossed Second Substitute Senate Bill No. 6015

Relating to the directing the community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors.

Senate Bill No. 6070

Relating to disposal of dredged riverbed materials from the Mt. St. Helen's eruption.

Substitute Senate Bill No. 6088

Relating to commute trip reduction for state agencies.

Senate Bill No. 6104

Relating to state agency hours of operation.

Substitute Senate Bill No. 6122

Relating to reducing costs of the elections division of the office of the secretary of state.

Senate Bill No. 6126

Relating to boxing, martial arts, and wrestling events.

Senate Bill No. 6157

Relating to the calculation of compensation for public retirement purposes during the 2009-2011 fiscal biennium.

Senate Bill No. 6165

Relating to allowing greater use of short boards for appeals before the shorelines hearings board.

Engrossed Senate Bill No. 6166

Relating to the sale of timber from state trust lands.

Senate Bill No. 6167

Relating to crimes against property.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 11, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 11, 2009, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5263

Relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

Substitute Senate Bill No. 5504

Relating to reclaimed water permitting.

Senate Bill No. 5525

Relating to rental vouchers to allow release from state institutions.

Engrossed Substitute Senate Bill No. 5746

Relating to sentencing provisions for juveniles adjudicated of certain crimes.

Substitute Senate Bill No. 6036

Relating to water cleanup planning and implementation.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 12, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 12, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5071

Relating to the state endemic mammal.

Substitute Senate Bill No. 5172

Relating to establishing a University of Washington center for human rights.

Substitute Senate Bill No. 5177

Relating to establishing a global Asia institute.

Engrossed Substitute Senate Bill No. 5768

Relating to identifying the final design for the state route number 99 Alaskan Way viaduct replacement project as a deep bore tunnel.

Engrossed Substitute Senate Bill No. 5967

Relating to prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex.

Second Substitute Senate Bill No. 5973

Relating to closing the achievement gap in order to provide all students an excellent and equitable education.

Engrossed Substitute Senate Bill No. 6170

Relating to environmental tax incentives.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 13, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 2009, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill 5352

Relating to transportation funding and appropriations.

Substitute Senate Bill 5499

Relating to bond amounts for department of transportation highway contracts.

Substitute Senate Bill No. 5684

Relating to environmental mitigation in highway construction.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 14, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 2009, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5073

Relating to consolidating accounts into the state general fund.

Substitute Senate Bill No. 5285

Relating to guardians ad litem.

Senate Bill No. 5354

Relating to public hospital capital facility areas.

Substitute Senate Bill No. 5431

Relating to subsequent foster family home placements.

Senate Bill No. 5470

Relating to providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities.

Substitute Senate Bill No. 5510

Relating to notification in dependency matters.

Substitute Senate Bill No. 5574

Relating to protecting consumer data in motor vehicles.

Substitute Senate Bill No. 5723

Relating to providing support for small business assistance.

Substitute Senate Bill No. 5725

Relating to organ transplant lifetime limits.

Substitute Senate Bill No. 5732

Relating to traffic infractions for drivers whose licenses or privileges are suspended or revoked.

Engrossed Substitute Senate Bill No. 5811

Relating to foster child placements.

Engrossed Second Substitute Senate Bill 5850

Relating to protecting workers from human trafficking violations.

Substitute Senate Bill No. 5963

Relating to unemployment insurance.

Senate Bill No. 6002

Relating to the Washington state quality forum.

Substitute Senate Bill No. 6009

Relating to the protection of residents of long-term care facilities.

Senate Bill No. 6096

Relating to the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce.

Substitute Senate Bill No. 6171

Relating to savings in programs under the supervision of the department of health.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 15, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5537

Relating to having one debt limit by eliminating the statutory debt limit.

Engrossed Second Substitute Senate Bill No. 5560

Relating to state agency climate leadership.

Substitute Senate Bill No. 6095

Relating to the Puget Sound pilotage district tariff.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 18, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 18, 2009, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5410

Relating to online learning.

Engrossed Second Substitute Senate Bill No. 5688

Relating to further expanding the rights and responsibilities of state registered domestic partners.

Second Substitute Senate Bill No. 5945

Relating to creating the Washington health partnership plan.

Substitute Senate Bill No. 6016

Relating to training for educators to identify students with dyslexia.

Senate Bill No. 6137

Relating to common schools.

Engrossed Senate Bill No. 6158

Relating to delaying the implementation of the family leave insurance program.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

MESSAGE FROM THE GOVERNOR

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 19, 2009, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5038

Relating to making technical corrections to gender-based terms.

Engrossed Substitute Senate Bill No. 5321

Relating to extending a local sales and use tax that is credited against the state sales and use tax.

Second Substitute Senate Bill No. 5433

Relating to modifying provisions of local option taxes.

Substitute Senate Bill No. 5436

Relating to payment arrangements involving direct practices.

Substitute Senate Bill No. 5539

Relating to the investment expenses of counties.

Senate Bill No. 5554

Relating to the job skills program.

Substitute Senate Bill No. 5734

Relating to tuition fees.

Substitute Senate Bill No. 5777

Relating to the Washington state health insurance pool.

Substitute Senate Bill No. 5795

Relating to the Tacoma Narrows toll bridge account.

Engrossed Second Substitute Senate Bill No. 5809

Relating to workforce employment and training.

Engrossed Substitute Senate Bill No. 5889

Relating to flexibility in the education system.

Engrossed Substitute Senate Bill No. 5892

Relating to authorizing state purchased health care programs to maximize appropriate prescription drug use in a cost-effective manner.

Engrossed Senate Bill No. 5894

Relating to authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services.

Substitute Senate Bill No. 5913

Relating to online access to the University of Washington health sciences library by certain health care providers.

Engrossed Senate Bill No. 5915

Relating to authorizing emergency rule making when necessary to implement budget appropriations and reductions.

Engrossed Senate Bill No. 5995

Relating to eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009.

Engrossed Substitute Senate Bill No. 6108

Relating to allowing the state lottery commission to enter into an agreement to conduct an additional shared lottery game.

Senate Bill No. 6121

Relating to the surcharge to fund biotoxin testing and monitoring.

Substitute Senate Bill No. 6161

Relating to actuarial funding of pension systems.

Senate Bill No. 6168

Relating to reducing costs in state elementary and secondary education programs.

Engrossed Substitute Senate Bill No. 6169

Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

Senate Bill No. 6173

Relating to improving sales tax compliance.

Senate Bill No. 6179

Relating to chemical dependency specialist services.

Engrossed Substitute Senate Bill No. 6180

Relating to the training and background checks of long-term care workers.

Sincerely,
Martin C. Loesch, Senior Advisor & General Counsel

**GOVERNOR'S MESSAGE ON PARTIAL AND FULL VETOES OF SENATE BILLS
AFTER ADJOURNMENT****MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 5542**

April 16, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill 5542 entitled:

“AN ACT Relating to member of the law enforcement officers’ and
firefighters’ retirement system plan 2 who were disabled in the line of duty
before January 1, 2001.”

This bill is identical to House Bill 1678, which I signed into law on April 15, 2009.

For the reason I have vetoed Senate Bill 5542 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

**MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5318**

April 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, Substitute Senate Bill 5318 entitled:

“AN ACT Relating to adding additional appropriate locations for the transfer of newborn children.”

Section 2 of this bill requires the Department of Social and Health Services to collect and compile information, and to report annually to the Legislature beginning January 1, 2011 regarding the number and medical condition of newborns transferred at appropriate locations and newborns who are abandoned.

Legislators may well wish to request ad hoc reports from the department on this topic for the next few years to monitor the implementation of this legislation, but it is likely that, over time, the data in the report will not vary much from year to year. Legislative members and staff are likely to be uninterested in reading such a report even as the department must continue to produce it. I do not believe it is necessary to require this reporting requirement in statute.

For these reasons, I have vetoed Section 2 of Substitute Senate Bill 5318.

With the exception of Section 2, Substitute Senate Bill 5318 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

**MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5360**

April 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill 5360 entitled:

“AN ACT Relating to community health care collaborative grants.”

Section 3 requires the administrator of the Health Care Authority to produce a report every two years. In difficult economic times, producing additional reports will only further strain limited funding and staff time. If legislators or governors require further information on the performance of the grant program, they can simply request such information from the Health Care Authority. For this reason, I have vetoed Section 3 of Substitute Senate Bill 5360.

With the exception of Section 3, Substitute Senate Bill No. 5360 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5414

April 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Substitute Senate Bill 5414 entitled:

“AN ACT Relating to statewide assessments and curricula.”

Section 4, in part, requires the Office of the Superintendent of Public Instruction, in consultation with the State Board of Education, to develop an implementation plan, including an assessment of the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards in high school assessments. These timelines are critical components of our statewide effort to ensure that our students are ready for the 21st century. Now is not the time to indicate any lack of resolve in our commitment to our students by revisiting or adjusting those standards. For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill 5414.

With the exception of Section 4, Engrossed Substitute Senate Bill 5414 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5608

April 30, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Substitute Senate Bill 5608 entitled:

“AN ACT Relating to genetic counselors; amending RCW 18.130.040.”

Section 5 provides for an advisory committee on genetic counseling to be established under the Secretary of Health. In difficult economic times, we need fewer not more advisory committees, boards and commissions absorbing limited funding and staff time. For this reason, I have vetoed Section 5 of Substitute Senate Bill 5608.

With the exception of Section 5, Substitute Senate Bill 5608 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5199

May 6, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 1 through 7, Substitute Senate Bill 5199 entitled:

“AN ACT Relating to public water supply system operators.”

Sections 1 through 7 of Substitute Senate Bill 5199 are identical to Substitute House Bill 1283 that I signed on April 25, 2009. For this reason, I have vetoed Sections 1 through 7 of Substitute Senate Bill 5199. With the exceptions of sections 1 through 7 Substitute Senate Bill 5199 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5288

May 6, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 18, Engrossed Substitute Senate Bill 5288 entitled:

“AN ACT Relating to the supervision of offenders.”

I am vetoing the emergency clause in Section 18. I have spoken with the Department of Corrections, and have been informed that they need time to implement the changes of the bill. They have begun preparing and will be ready to implement the changes August 1, 2009, but are not able to make these changes immediately. The elimination of the emergency clause will not affect the fiscal assumptions of the bill.

For this reason, I have vetoed Section 18 of Engrossed Substitute Senate Bill 5288. With the exception of Section 18, Engrossed Substitute Senate Bill 5288 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 6162

May 6, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 3, Substitute Senate Bill 6162 entitled:

“AN ACT Relating to criminal justice: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense as defined in RCW 9.94A.030.”

Substitute Senate Bill 6162 corrects an error in Engrossed Second Substitute Senate Bill 5288 by ensuring that all serious violent offenders are sentenced to community custody regardless of risk level. I have vetoed the emergency clause in ESSB 5288, and so I am also vetoing the emergency clause in Section 3 of SSB 6162 as it is not necessary.

For this reason, I have vetoed Section 3 of Substitute Senate Bill 6162. With the exception of Section 3, Substitute Senate Bill 6162 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649

May 7, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 403, Engrossed Second Substitute Senate Bill 5649 entitled:

“AN ACT Relating to achieving greater energy efficiency in buildings.”

Section 403 of the bill requires the Governor to designate a single point of accountability for all energy and climate change initiatives within state agencies. This language duplicates the requirements contained in Substitute Senate Bill 5921, Section 4(1). I signed Substitute Senate Bill 5921 on May 4, 2009. As a result, this provision is not needed and I have vetoed Section 403 of Engrossed Second Substitute Senate Bill 5649.

Some stakeholders have expressed concerns regarding Section 202 of Engrossed Second Substitute Senate Bill 5649. Section 202 of the bill establishes new employment and reporting requirements for the state’s existing low income weatherization program. It will be important to implement these new requirements in a manner that allows the local community action agencies and their funding sponsors to comply efficiently and effectively with the new requirements. To that end, I will direct the Department of Commerce to prepare administrative rules immediately to address the interpretation of the new requirements.

With the exception of Section 403, Engrossed Second Substitute Senate Bill 5649 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 6033

May 7, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 4, Engrossed Senate Bill 6033 entitled:

“AN ACT Relating to creating the prevent or reduce owner-occupied foreclosure program.”

Section 4 of this bill requires the Washington State Housing Finance Commission to establish an oversight committee to prevent or reduce owner-occupied home foreclosures. The committee is tasked with developing criteria for the success of the program, periodically evaluating the effectiveness of the program, developing and maintaining an inventory of state and federal housing assistance programs directed to stabilize owner-occupied homes and coordinating all state efforts related to prevention or reduction of owner-occupied foreclosures. These tasks are all important.

The Washington State Housing Finance Commission and Department of Financial Institutions, however, already have the authority to consult with stakeholders on these topics. Therefore I am vetoing Section 4 of this bill and ask that the directors of the Washington Housing Finance Commission and the Department of Financial Institutions exercise their authority to seek input from stakeholders when establishing the program.

For this reason, I have vetoed Section 4 of Engrossed Senate Bill 6033. With the exception of Section 4, Engrossed Senate bill 6033 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 6122

May 8, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 1, Substitute Senate Bill 6122 entitled:

“AN ACT Relating to reducing costs of the elections division of the office of the secretary of state.”

Section 1 of Substitute Senate Bill 6122 exempts the Elections Division from being required to use the State Printer for printing Voter Pamphlets. The State Printer provides consolidated and centralized print services on behalf of the State. Preserving that centralized capability brings important cost savings and efficiencies to State agencies. If the State Printer is not able to meet the price available to the Office of the Secretary of State from other printers, however, I will direct the State Printer to allow the Office of the Secretary of State to print the Voter Pamphlet elsewhere.

For this reason, I have vetoed Section 1 of Substitute Senate Bill 6122. With the exception of Section 1, Substitute Senate Bill 6122 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 6166

May 8, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am approving, except for Section 6, Engrossed Senate Bill 6166 entitled:

“AN ACT Relating to the sale of timber from state trust lands.”

Section 6 requires the Department of Natural Resources to prepare a report for which no funding was provided in the budget. In these challenging economic times, state agencies are already struggling to meet their existing obligations. This requirement places a large, unfunded burden upon the agency. For this reason, I have vetoed Section 6 of Engrossed Senate Bill 6166.

With the exception of Section 6 of Engrossed Senate Bill 6166 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 5525

May 11, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 4, Senate Bill 5525 entitled:

“AN ACT Relating to rental vouchers to allow release from state institutions.”

This section requires a report from the Department of Corrections to the Legislature on December 1, 2009 regarding the number of rental vouchers issued to offenders and any corresponding sanction history for those offenders receiving vouchers. No funding is included in the budget for this report. I am directing the Department to keep track of information related to this bill.

For this reason, I have vetoed Section 4 of Senate Bill 5525. With the exception of Section 4, Senate Bill 5525 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5352

May 13, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 215(2), 215(4), 217(9), 602 and 715, Engrossed Substitute Senate Bill 5352 entitled:

“AN ACT Relating to transportation funding and appropriations.”

Section 215(2), page 19, Department of Transportation

This proviso requires the Department of Transportation (Department) to offer former property owners the “right of first repurchase” if the property was acquired through condemnation or threat of condemnation, and the property is to be sold as surplus because it is no longer needed for a public purpose. This proviso may hinder the Department’s ability to utilize property it currently owns in future acquisition

negotiations. It also may have the unintended consequence of restricting the Department's ability to get the best price for surplus property by limiting competition.

Section 215(4), page 20, Department of Transportation

This proviso makes an appropriation of \$2,000,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 217(9), page 22, Department of Transportation

This proviso makes an appropriation of \$12,500,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 602, pages 71-72, Department of Transportation

This section would have transportation agencies hire a consultant approved by the Department of Information Services to develop a "consolidated strategy and plan" to achieve cost savings resulting from holistic virtualization, wide area network optimization, transition to alternative telecommunications systems, and migration to internal voice mail systems. A similar proviso in the omnibus operating budget (Section 143) requires the Department of Information Services to implement some or all of these strategies and to report on the savings to the Office of Financial Management and the fiscal committees of the Legislature.

The transportation budget does not contain funding to hire contractors to develop the plan. Rather than hiring a contractor, the Department can work with the Department of Information Services to learn from its experience with these strategies.

Section 715, pages 87-88, Department of Transportation

This section would give the Legislature the ability to designate property under the jurisdiction of the Department as "unused state-owned real property," and direct the transfer and conveyance of such unused property, provided it is consistent with public interest. The Legislature could then direct the transfer and conveyance of such property to entities listed in statute as eligible recipients such as ports, utilities, other state agencies, cities, or counties. The value of such properties would be determined by the Legislature for "adequate consideration," and would not require fair market value.

While the Legislature may possess the authority to direct the Department in the transfer and conveyance of unused properties, such decisions must be guided by clear criteria. This section does not set forth sufficient safeguards to determine how unused properties would be determined, how properties would be conveyed and transferred, or how values would be assigned to such properties.

For these reasons, I have vetoed Sections 215(2), 215(4), 217(9), 602 and 715.

With the exception of Sections 215(2), 215(4), 217(9), 602 and 715, Engrossed Substitute Senate Bill 5352 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5499

May 13, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, Substitute Senate Bill 5499 entitled:

"AN ACT Relating to bond amounts for department of transportation highway contracts."

Section 2 of this bill requires the Governor to approve any contracts in which the Washington State Department of Transportation intends to authorize bonds in an amount less than the full contract price of the contract.

Section 1 of the bill requires the Office of Financial Management to approve risk guidelines developed by the Department of Transportation prior to authorizing bonds in an amount less than the full price of the contract. Section 1 also requires the Office of Financial Management to review and approve the decision of the Secretary of Transportation to authorize a bond in an amount less than the full price of the contract prior to proceeding with the contract. Approval from the Office of Financial Management of the risk guidelines, as well as review of pending contracts constitutes sufficient oversight by the Governor's office of highway contract decisions. Requiring subsequent approval from the Governor is redundant and is not a necessary statutory requirement.

For these reasons, I have vetoed Section 2 of Substitute Senate Bill 5499.

With the exception of Section 2, Substitute Senate Bill 5499 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850

May 14, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 4, Engrossed Second Substitute Senate Bill 5850 entitled:

“AN ACT Relating to protecting workers from human trafficking violations.”

Section 4 applies the Consumer Protection Act, chapter 19.86 RCW, to violations of this law. The Consumer Protection Act is ill suited to responding to these types of issues. Employment activities are already well regulated by the Department of Labor and Industries. Violations of this law would be better directed to the statutes administered by that agency.

For these reasons, I have vetoed Section 4 of Engrossed Second Substitute Senate Bill 5850. With the exception of Section 4, Engrossed Second Substitute Senate Bill 5850 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5286

May 15, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill 5286 entitled:

“AN ACT Relating to exemptions from the WorkFirst program.”

Under current law, the state may require a WorkFirst recipient with a child under one-year of age to get mental health treatment, alcohol or drug treatment, domestic violence services or parenting education even if the parent claims an exemption from participation in other WorkFirst activities. This bill gives the state the authority to require the parent to get help if needed, but reduces the state's ability to require participation as a condition of keeping the grant. If a parent refuses to participate, the Department of Social and Health Services (Department) could seek a volunteer to serve as a protective payee. However, under the interpretation of RCW 74.08.280 to limit liability and as a best practice, the Department would use contracted protective payees resulting in additional cost to the state.

I remain concerned about limiting the Department's ability to require a parent to receive treatment during the first ninety days. When I signed Second Substitute Senate Bill 6016 in 2007 creating the infant exemption, I signed the bill to support parents. Valuable time is lost if we wait three months to get a parent help with a drug or alcohol problem or domestic violence.

For these reasons I have vetoed Substitute Senate Bill 5286 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL 5560

May 15, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 3, 4 and 7, Engrossed Second Substitute Senate Bill 5560 entitled:

“AN ACT Relating to state agency climate leadership.”

Sections 3 and 4 require agencies to use battery operated or electric small-scale powered equipment that is not yet available for commercial or heavy duty use, although it is available for home or light duty use. I am directing the Department of General Administration to examine landscaping policies on the Capitol Campus and develop and implement a plan that will reduce the carbon footprint of landscaping within the 2009-11 biennium, including a pilot project to showcase methods for "green landscaping" of the Capitol Campus.

Section 7 addresses energy audits and high performance buildings. On May 8, 2009, I signed Engrossed Second Substitute Senate Bill 5854 which directs the Department of General Administration to conduct energy audits and assign energy benchmarks of state buildings. Engrossed Second Substitute Senate Bill 5854 provides a complete and thorough process to examine state buildings and, therefore, this additional provision is not needed at this time.

For these reason, I have vetoed Sections 3, 4 and 7 of Engrossed Second Substitute Senate Bill 5560.

With the exception of Sections 3, 4 and 7, Engrossed Second Substitute Senate Bill 5560 is hereby approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5945

May 18, 2009

To the Honorable President and Members,
The Senate of the State of Washington

I have approved, except for Section 3, Second Substitute Senate Bill 5945 entitled:

"AN ACT Relating to creating the Washington health partnership plan."

Section 3 creates the Washington health partnership advisory group and requires me to convene quarterly meetings of the group from October 2009 through June 2010. Creating in statute a new advisory group, even one of limited duration, is contrary to our recent effort to reduce the number of such groups across all of state government. I will emphasize to the relevant state agencies the importance of keeping all interested parties up to date on our state's health care reform efforts, and if appropriate will convene the type of meeting called for in this section without the need to create this group in statute.

With the exception of Section 3, Second Substitute Senate Bill 5945 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 5038

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004, 7057, Senate Bill 5038 entitled:

"AN ACT Relating to making technical corrections to gender-based terms."

I am vetoing the following sections due to conflicting amendments in other bills: 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004 and 7057.

With the exception of Sections 2040, 4012, 4013, 4020, 4030, 4058, 4081, 4082, 4083, 4131, 5133, 5137, 5140, 7004, 7057, Senate Bill 5038 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5433

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 8, 9, 10 and 11, Second Substitute Senate Bill 5433 entitled:

“AN ACT Relating to modifying provisions of local option taxes.”

This bill allows local governments flexibility to better use current revenues sources and additional options for transportation funding. Sections 8 through 11 would have given transit agencies the option of asking voters for up to \$20 per vehicle per year to expand local transit capacity and fund transit-related expenses. Local entities currently have authority under a transportation benefit district to impose a vehicle fee that can be used for transportation operating, maintenance and capital investments. In addition, the 2009-11 transportation budget appropriates funds to the Joint Transportation Committee to conduct a study of alternative revenue sources of transportation funding; so dedicating a specific revenue source now is premature and impacts future decision-making flexibility.

For these reason, I have vetoed Sections 8, 9, 10 and 11 of Second Substitute Senate Bill 5433.

With the exception of Sections 8, 9, 10 and 11, Second Substitute Senate Bill 5433 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5436

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 4 and 5, Substitute Senate Bill 5436 entitled:

“AN ACT Relating to payment arrangements involving direct practices.”

Section 4 would subject direct patient-provider primary care practices to the assessments used to fund the Washington State Health Insurance Pool. I am concerned that this requirement would increase the cost of such practices at the very time businesses and individuals are badly in need of more affordable health care options.

Section 5 would require a direct practice to submit its advertising and marketing materials to the Insurance Commissioner for approval at least thirty days prior to use. The bill fails to indicate, however, the criteria against which these materials would be reviewed. This section also duplicates protections existing in current law, imposing needless administrative expenses on both these practices and the Commissioner's Office.

For these reasons, I have vetoed Sections 4 and 5 of Substitute Senate Bill 5436.

With the exception of Sections 4 and 5, Substitute Senate Bill 5436 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5734

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 2, Substitute Senate Bill 5734 entitled:

“AN ACT Relating to tuition fees.”

Section 2 of Substitute Senate Bill 5734 is identical to Section 3 in Engrossed Substitute House Bill 2344 that I signed yesterday. Signing two bills with identical sections may cause confusion, so I am vetoing this iteration of the performance audit requirement.

For this reason, I have vetoed Section 2 of Substitute Senate Bill 5734.

With the exception of Section 2, Substitute Senate Bill 5734 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 4, Engrossed Second Substitute Senate Bill 5809 entitled:

“AN ACT Relating to workforce employment and training.”

I am vetoing Section 4 of this bill. The policy intent of the bill can be accomplished without the Legislature directing how the Governor’s discretionary Workforce Investment Act 10% fund is used. Although federal law does not prohibit the state Legislature from directing the Workforce Investment Act 10% funds, the approach taken by this bill would set an undesirable precedent.

For these reasons, I have vetoed Section 4 of Engrossed Second Substitute Senate bill 5809.

With the exception of Section 4, Engrossed Second Substitute Senate Bill 5809 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL NO. 5913

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 1, Substitute Senate Bill 5913 entitled:

“AN ACT Relating to online access to the University of Washington health sciences library by certain health care providers; and amending RCW 43.70.110 and 43.70.112.”

I fully support the intent of this legislation, including its clarification that the existing surcharge to health care professionals should be assessed only once per year, regardless of the number of licenses a professional holds. Unfortunately, Section 1 also requires the Department of Health (Department) to create an ongoing, annual advisory group. Establishing new advisory groups in statute is contrary to our recent efforts to reduce the number of boards, commissions and advisory groups across all of state government. There are other, more efficient ways to keep interested parties informed and engaged on emerging issues.

Given the importance of this to many, I ask that Department pursue all available options to address the surcharge issue administratively. I also recommend that Department convene stakeholders to solicit feedback about the program and provide recommendations.

For these reasons, I have vetoed Section 1 of Substitute Senate Bill 5913.

With the exception of Section 1, Substitute Senate Bill 5913 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL NO. 6168

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 3, 4 and 8, Senate Bill 6168 entitled:

“AN ACT Relating to reducing costs in state elementary and secondary education programs.”

Sections 3 and 4 refer to the availability of funds as the determinate for whether these important programs are implemented. Because all programs are dependent on legislative appropriations, the addition of this language has no substantive effect. I am concerned, however, that future budget writers might erroneously conclude that these programs are in a different status than other programs and consider not funding them solely because of the addition of this new language. As a result, I have vetoed Sections 3 and 4 of Senate Bill 6168.

Section 8 of Senate Bill 6168 amends RCW 28A.625.020, Office of Superintendent of Public Instruction annual recognition program. RCW 28A.625.020 is also repealed by Section 20(6) of Senate Bill 5889 which I signed earlier today. Therefore, I am not approving Section 8 of Senate Bill 6168 to correct a potential double amendment and conflicting policy.

For these reasons, I have vetoed Sections 3, 4 and 8 of Senate Bill 6168.

With the exception of Sections 3, 4 and 8, Senate Bill 6168 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
VETO ON SENATE BILL 6181

May 19, 2009

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill 6181 entitled:

“AN ACT Relating to the intensive resource home pilot.”

This bill would extend for budget purposes the suspension of the intensive resource home pilot program created in 2008 and suspended in December of that year. However, Senate Bill 6181 amends RCW 74.13.800 which was repealed by section 97 of Second Substitute House Bill 2106 which I signed into law today. Therefore, the suspension is no longer necessary.

For this reason I have vetoed Senate Bill 6181 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

HISTORY OF GOVERNOR'S PARDONS AND COMMUTATIONS**MESSAGE FROM THE GOVERNOR**

June 9, 2009

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report for each case of reprieve, commutation or pardon that she has granted since her last report submitted on December 29, 2008, copies of which are attached.

Very truly yours,
Martin C. Loesch
Senior Advisor and General Counsel

**CONDITIONAL COMMUTATION
OF
STEVAN ARTICE DOZIER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Stevan A. Dozier was convicted on June 20, 1994, of robbery in the Second Degree under King County Superior Court Cause Number 94-1-01558-0 and sentenced to serve Life without the Possibility of Parole under Washington's persistent offender law, the so-called "Three Strikes" law.

WHEREAS, according to the court record, the crime leading to Mr. Dozier's third strike occurred on February 1, 1994. At the age of thirty-three, Mr. Dozier robbed sixty-nine year old Mary Bedford of her wallet. Ms. Bedford was at the door of her apartment when Mr. Dozier asked her to tell him the time. When she responded, he pushed the door open, knocked her down, punched her in the face and took her wallet. Ms. Bedford sustained swollen lips and a sore jaw that prevented her from eating solid food for several weeks.

WHEREAS, Mr. Dozier's second strike arose from two separate incidents of Robbery in the Second Degree. In March of 1988, Mr. Dozier approached Kristin Whiteaker as she waited for an elevator. He punched her in the face, took her purse and pushed her into the elevator before fleeing the scene. He later used her credit card to buy a watch, which he indicated he wanted to sell or trade for drugs. Later in the same month, Mr. Dozier approached Emily Magnuson while she sat in her car in a parking garage. He grabbed her face to physically restrain her while he reached in and stole her purse. Mr. Dozier pled guilty to both counts, receiving a 70 month prison sentence.

WHEREAS, the crime that lead to Mr. Dozier's first strike conviction occurred in August of 1986 when he approached Patricia Garcia while she was getting into her car. Mr. Dozier reached into the car to grab her purse. When Ms. Garcia tried to stop him he pushed and hit her in the face, grabbed hold of the purse and ran away. Mr. Dozier pled guilty to Robbery in the Second Degree later that year and was sentenced to 17 months in prison.

WHEREAS, according to Mr. Dozier, the common cause for all his crimes was a drive to support his addiction to cocaine. Since being in prison, Mr. Dozier has participated in Alcoholics and Narcotics Anonymous and has been drug free for 14 years.

WHEREAS, Mr. Dozier is now forty-seven years old. To date, Mr. Dozier has been incarcerated on Cause No. 94-1-01558-0 since March 7, 1994, for a total time served to date, including pre-sentencing custody, of 182 months as of May 7, 2009, and has remained infraction free since 1997.

WHEREAS, Mr. Dozier unequivocally accepted legal responsibility and expressed remorse for, not only his crimes against Ms. Bedford, Ms. Garcia, Ms. Whiteaker and Ms. Magnuson, but all of his past crimes and deeply apologized for his actions to his victims, his family and the state of Washington at his 2008 Clemency Board hearing.

WHEREAS, following Mr. Dozier's Clemency and Pardons Board hearing on December 11, 2008, the Board issued a unanimous recommendation in support of a commutation of Mr. Dozier's Life without the Possibility of Parole to time served.

WHEREAS, King County Prosecutor Daniel Satterberg reviewed Mr. Dozier's clemency request in the context of other early "Three Strikes" cases prosecuted by the King County Prosecutor's Office in 1994 and 1995, shortly after voters approved Initiative 593. In the course of that review, Mr. Satterberg observed that the King County Prosecutor's Office charged and prosecuted the lowest ranking strike eligible offenses differently than they do today.

WHEREAS, Mr. Satterberg indicates that today the King County Prosecutor's Office would seek a charge of Theft in the First Degree and an agreed sentence of ten years instead of Robbery in the Second Degree for an offender like Mr. Dozier facing a potential third strike to avoid what the Prosecutor's Office would view as a disproportionate life sentence.

WHEREAS, in 1994, but for the persistent offender statute, Prosecutor Satterberg's office would have sought a Robbery One charge for Mr. Dozier's actions resulting in a sentence between 129 and 171 months for an offender with Mr. Dozier's offender score.

WHEREAS, Mr. Dozier has now served more time in prison than either the agreed sentence that the Prosecutor's Office would have otherwise charged today or the offense they would have charged in 1994 but for the persistent offender statute.

WHEREAS, Initiative 593 Section 5 indicated that "[nothing in this act shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any offender on an individual case-by-case basis."

WHEREAS, Mr. Dozier has shown considerable rehabilitation during his period of incarceration through his employment by Earth Ray industries, completing an anger and stress management program and basic custodial services program through Walla Walla Community College, courses in computer basics, safety awareness, and job dynamics through Edmonds community College, as well as participating in Alcoholics and Narcotics Anonymous, the Concerned Lifers and Black Prisoners Caucus programs.

WHEREAS, Mr. Dozier has received extraordinary community support in his petition for clemency from numerous community leaders, including King County Councilman Larry Gossett; King County Prosecutor Dan Satterberg; John Carlson, co-author of the three strikes law; Judge Brian Gain, the trial judge for Mr. Dozier's third strike case as well as his wife and other family members.

WHEREAS, supporters for Mr. Dozier have indicated that he has an opportunity upon his release for employment at Hassie May Services.

WHEREAS, Stevan Dozier appears to have used his 15 years in prison to mature into an articulate, responsible and rehabilitated man. Moreover, his service and activities indicate that he appears to be someone who can make a positive and lasting impact on his community.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, comments favoring release of Mr. Dozier, comments opposing Mr. Dozier's release, and the favorable recommendations of the King County Prosecutor and the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

WHEREAS, the victim, detective and trial prosecutor who have spoken against Mr. Dozier's petition have done so based on their knowledge of Mr. Dozier in 1994. The record and testimony at the Clemency Board hearing, as well as other information received from Department of Corrections personnel who have interacted with Mr. Dozier over the last fifteen years, indicate that Mr. Dozier has dramatically changed his ways during the time of his incarceration and is by all accounts rehabilitated.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington under Article III Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby grant to Stevan A. Dozier a Conditional Commutation of the remainder of his sentence *subject to his acceptance of a term of Community Custody of twenty-four months, ending May 7, 2011, and compliance with the following conditions during the term of his Community Custody*, all of which commence as of May 7, 2009:

Mr. Dozier shall:

1. Report regularly to a community corrections officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the community corrections officer;
3. Participate in Department of Corrections approved education, employment and/or community service;
4. Receive prior approval from the Department of Corrections for living arrangements and residence location;
5. Notify the Department of Corrections prior to any changes of address or employment;
6. Remain in the geographic area as directed by the community corrections officer;
7. Not possess, receive, ship, or transport a firearm, ammunition or explosives;
8. Not possess or use any controlled substances without a prescription;
9. Submit to regular and random urinalysis and breathalyzer testing, as directed by the community corrections officer;
10. Participate in substance abuse and/or chemical dependency evaluation as directed by the community corrections officer and complete any recommendations from such evaluation;
11. Participate in chemical dependency and substance abuse support groups, as directed by the community corrections officer;
12. Not associate with any drug users or dealers;
13. Have no direct contact with any of his victims or their families;
14. Participate in electronic monitoring, if deemed appropriate by the community corrections officer;
15. Participate in any mental health evaluation as recommended by the community corrections officer and complete any recommendations from such evaluation;
16. Participate in the Youth At Risk or other similar community service program, as directed by the community corrections officer; and
17. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the community corrections officer.

PROVIDED that Mr. Dozier shall remain under the supervision of the Department of Corrections and follow explicitly conditions established by that agency during the term of his Community Custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections and may result in the termination of this Conditional Commutation as provided below. The Department may require Mr. Dozier to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain Mr. Dozier if he violates a condition.

ADDITIONALLY PROVIDED that in the event Mr. Dozier is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington or any violation of the conditions of this Conditional Commutation as determined by the Governor, this Conditional Commutation is revoked without notice and the sentence of the court reinstated, whereupon Mr. Dozier will be immediately returned to the Washington Corrections Center or any such facility as the Secretary of the Department of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding any violation of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 6th day of May, A.D., two thousand and nine.

CHRISTINE O. GREGOIRE,
Governor of Washington

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
GERALD SALVENZO HANKERSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Gerald S. Hankerson was convicted on April 22, 1988, of First-Degree Aggravated Murder under King County Superior Court Cause No. 87-1-05055-2 and sentenced to serve Life Without the Possibility of Parole stemming from the killing of Nai Vang Saeturn, an immigrant from Laos.

WHEREAS, according to the court record on May 18, 1987, at the age of 18, Mr. Hankerson and another man, Mr. Mitchell, observed Nai Vang Saeturn depart from a supermarket in Seattle. Mr. Hankerson and Mr. Mitchell followed Mr. Saeturn from the store. After a short distance, Mr. Hankerson blocked Mr. Saeturn's path while Mr. Mitchell grabbed Mr. Saeturn from behind and slashed his throat. Mr. Saeturn began to scream and attempted to flee from his attackers, but Mr. Hankerson and Mr. Mitchell pursued him and caught Mr. Saeturn about a half block later. Mr. Hankerson held Mr. Saeturn while Mr. Mitchell beat Mr. Saeturn with brass knuckles and stabbed him in the back before emptying Mr. Saeturn's pockets.

WHEREAS, following Mr. Hankerson's Clemency and Pardons Board hearing in June 2006, the Board issued a unanimous recommendation in support of a conditional commutation of Mr. Hankerson's Life Without the Possibility of Parole sentence once he had served additional time, which they calculated to be completed December 2008.

WHEREAS, Mr. Hankerson informed members of King County Prosecutor Satterberg's staff that he unequivocally accepted legal responsibility and expressed remorse for his role in Mr. Saeturn's murder and deeply apologized for his actions to the Saeturn family at his 2006 Clemency Board hearing.

WHEREAS, based in part on Prosecutor Satterberg's opposition to Mr. Hankerson's request for clemency in 2006, I denied Mr. Hankerson's request for clemency in 2007, but invited him to petition for clemency in 2010.

WHEREAS, Prosecutor Satterberg reconsidered his 2006 opposition and in November of 2008 recommended clemency based on Mr. Hankerson's acceptance of responsibility for his conduct, the length of time he has already served and the positive contributions he could make to society. Prosecutor Satterberg also stated in a November 2008 letter that if the case came to his office today, it is unlikely that Aggravated Murder charges would be filed against Mr. Hankerson or a life sentence sought. Under current standards, Prosecutor Satterberg indicated that a charge of Murder in the First Degree would be applied.

WHEREAS, had Mr. Hankerson been convicted of the charge of Murder in the First Degree in this case instead of Aggravated Murder in the First Degree, he would have faced a Standard Range Sentence of 261 to 347 months in prison based on an Offender Score of 2 under the 1988 Sentencing Reform Act¹ with the possibility of earned early release time for good behavior as early as 2006.

WHEREAS, pursuant to former RCW 9.94A.120(8) Mr. Hankerson would have been sentenced to Community Placement upon release from prison on a Murder in the First Degree conviction. If Mr. Hankerson had earned "good time" while serving his sentence, Mr. Hankerson's Community Placement would have been ordered in the form of Community Custody. Under former RCW 9.94A.120 Mr. Hankerson's Community Custody would have allowed him to be released to a less restrictive alternative to that of incarceration including living back in the community but would have subjected him to controls placed on an inmate by the Department of Corrections and close monitoring by Department officials.

WHEREAS, Mr. Hankerson is now forty years old. To date, Mr. Hankerson has been incarcerated on Cause No. 87-1-05055-2 since December 7, 1987, for a total time served to date of 267 total months, as of April 7, 2009 and has remained infraction free since 2002, including the period following my 2007 denial of his petition for clemency.

WHEREAS, Mr. Hankerson has shown considerable rehabilitation through his service to organizations within the Department of Corrections, including Co-founder of the At Risk Youth Program; Vice-President of the Concerned Lifers Organization (which he also integrated racially); Chairman of the Black Prisoners Caucus; Class Facilitator for the Prison Awareness Project; and Class Coordinator for

Seattle University's Campus Ministry. In addition, through his dedication to community service, Mr. Hankerson has positively influenced lives beyond prison walls; as a result, the Seattle/King County Branch of the NAACP awarded him its 2008 Community Service Award.

WHEREAS, Mr. Hankerson has received extraordinary community support in his petition for clemency from numerous community leaders, including King County Councilman Larry Gossett, the leadership of the local NAACP and several local churches and faith communities including Salishan/Eastside Lutheran Mission, Freedom Church of Seattle, New Hope Missionary Baptist Church, United Black Christian Clergy Association of Washington, and Buddhist Chaplaincy Services.

WHEREAS, supporters for Mr. Hankerson have indicated that he has an opportunity upon his release for employment at Puyallup Nissan.

WHEREAS, Hankerson appears to have used his 20 years in prison to mature into an articulate, responsible and rehabilitated man. Moreover, his service and activities indicate that he appears to be someone who can make a positive and lasting impact on his community.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, comments favoring release of Mr. Hankerson, comments opposing Mr. Hankerson's release, and the favorable recommendations of the King County Prosecutor and the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington under Article III, Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby grant to Gerald S. Hankerson a Conditional Commutation of the remainder of his sentence *subject to his acceptance of a term of Community Custody of eighty months, ending December 9, 2015, and compliance with the following conditions during the term of his Community Custody*, all of which commence as of April 9, 2009:

Mr. Hankerson shall:

1. Report regularly to a community corrections officer as directed by the Department of Corrections;
2. Pay a monthly supervision fee as directed by the community corrections officer;
3. Participate in Department of Corrections approved education, employment and/or community service;
4. Receive prior approval from the Department of Corrections for living arrangements and residence location;
5. Notify the Department of Corrections prior to any changes of address or employment;
6. Remain in the geographic area as directed by the community corrections officer;
7. Not possess, receive, ship, or transport a firearm, ammunition or explosives;
8. Not possess or use any controlled substances without a prescription;
9. Submit to regular and random urinalysis and breathalyzer testing, as directed by the community corrections officer;
10. Participate in substance abuse and/or chemical dependency evaluation as directed by the community corrections officer and complete any recommendations from such evaluation;
11. Participate in chemical dependency and substance abuse support groups, as directed by the community corrections officer;
12. Not associate with any drug users or dealers;
13. Have no direct contact with any members of the victim's family;
14. Participate in electronic monitoring, if deemed appropriate by the community corrections officer;
15. Participate in any mental health evaluation as recommended by the community corrections officer and complete any recommendations from such evaluation;
16. Participate in the Youth At Risk or other similar community service program, as directed by the community corrections officer;
17. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the community corrections officer.

PROVIDED that Mr. Hankerson shall remain under the supervision of the Department of Corrections and follow explicitly conditions established by that agency during the term of his Community Custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections and may result in the termination of this Conditional Commutation as provided below. The Department may require Mr. Hankerson to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain Mr. Hankerson if he violates a condition.

ADDITIONALLY PROVIDED that in the event Mr. Hankerson is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington or any violation of the conditions of this Conditional Commutation as determined by the Governor, this Conditional Commutation is revoked without notice and the sentence of the court reinstated, whereupon Mr. Hankerson will be immediately returned to the Washington Corrections Center or any such facility as the Secretary of the Department of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding any violation of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 9th day of April, A.D., two thousand and nine.

CHRISTINE O. GREGOIRE,

SEAL

BY THE GOVERNOR

SAM REED
Secretary of State

Governor of Washington

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Harold J. Abbe	45			SGA 9000
Jessica Ahrens	45			SGA 9001
Raul Almeida	45			SGA 9002
Dan Altmayer	45	167	1925	SGA 9003
Mike Amos	45	90	843	SGA 9004
Sonia Arevalo-Hayes	45	167	470	SGA 9005
Mark Asmundson	45	167	470	SGA 9006
Ida Ballasiotes	45	352	1575	SGA 9007
Harry Barber	46			SGA 9008
Martin Bean	46	167	2087	SGA 9009
Rick S. Bender	46	800	1576	SGA 9010
Greg Bever	46	167	431	SGA 9011
Amy Bragdon	46	368	2086	SGA 9012
J. A. Bricker	46	167	568	SGA 9013
Ethelda Burke	46	167	1924	SGA 9014
Jack Burkman	46	167	548	SGA 9015
Scott Carson	46	167	509	SGA 9016
William H. Chapman	46			SGA 9017
Beverly J. Cheney	47	167	487	SGA 9018
Kenneth Chew	47			SGA 9019
Yang-Su Cho	47	368		SGA 9020
Alberta B. Clarkson	47	168	541	SGA 9021
Harold Cochran	47	168	509	SGA 9022
Elizabeth A. Cowles	47	168	509	SGA 9023
John Cox	47			SGA 9024
Karen Daubert	47			SGA 9025
Edward Davila	47	168	1924	SGA 9026
Charles Davis	48	443		SGA 9027
Jim Dapaepe	48	127		SGA 9028
Pam Derkacht	48			SGA 9029
Joseph Dolezal	48	168	1513	SGA 9030
Timothy B. Douglas	48	168	843	SGA 9031
Gary L. Douvia	48			SGA 9032
John Ellis	48	827	1912	SGA 9033
Derick C. En'wezoh	48	168	509	SGA 9034
Courtney R. Fleming	48	168	462	SGA 9035
Elizabeth Ford	48			SGA 9036
Marc Gaspard	49	800	1529	SGA 9037
Carver C. Gayton	49	168	483	SGA 9038
Craig W. Gibelyou	49			SGA 9039
Claire Grace	49	228	2086	SGA 9040
Earl Hale	49	169	1913	SGA 9041
Judy L. Hartman	49	161	844	SGA 9042
Russell D. Hauge	49	352	1923	SGA 9043
Kristin Hayden	49	169	483	SGA 9044
Ann C. Heath	49	347	1923	SGA 9045
Heidi Heywood	49	169	431	SGA 9046
Hannah M. Higgins	50	169	507	SGA 9047
Litisha D. Hill	50	352	580	SGA 9048
Rebecca Hille	50	369	1599	SGA 9049
Betsy Hollingsworth	50			SGA 9050
Theodore Howard II	50	127		SGA 9051
Elsie Hulsizer	50	443		SGA 9052
Keith Hunziker	50			SGA 9053
Troy Hutson	50	169		SGA 9054
Laura Jennings	50	169	509	SGA 9055
Arlene Joe	50	169	1288	SGA 9056
Tom Johnson	51	169	2087	SGA 9058
Allie M. Joiner	51	369	1030	SGA 9059
Roshni A. Jokhi	51	127		SGA 9060

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

2187

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Juanita J. Kamphuis	51	369	1031	SGA 9061
Bruce Kendall	51	376	541	SGA 9062
Katherine Kenison	51	169	463	SGA 9063
Keith L. Kessler	51	800	1726	SGA 9064
Hartly Kruger	51	827	2096	SGA 9065
Sheryl A. Lamberton	51			SGA 9066
Carol Landa-McVicker	52	169	438	SGA 9067
Amanda Lee	52			SGA 9068
Craig Lee	52	443		SGA 9069
M. A. Leonard	52	228	1949	SGA 9070
Albert J. Linggi	52	369	1600	SGA 9071
Debra Lisser	52	170	548	SGA 9072
Yvonne Lopez Morton	52	428	789	SGA 9073
Jean Magladry	52	170	1845	SGA 9074
Conrad Mahnken	52			SGA 9075
Thomas W. Malone	52	170	1859	SGA 9076
Darryl-Jean K. Mark	53	827		SGA 9077
Steven Marquez	53			SGA 9078
Michael Martino	53	170	1846	SGA 9079
Tom P. May	53			SGA 9080
Enriqueta Mayuga	53	170	929	SGA 9081
Thomas W. McLane	53	90	905	SGA 9082
Andrea McNamara Doyle	53	340	488	SGA 9083
Holly Michaels	53			SGA 9084
Mauri Moore	53	170	547	SGA 9085
Mary Moss	53	170	542	SGA 9086
Erin Munding	54	170	843	SGA 9087
Brittany Newhouse	54	170	483	SGA 9088
Lenell Nussbaum	54	352	1923	SGA 9089
Charlotte Parsley	54			SGA 9090
Jeff Parsons	54			SGA 9091
Chuck Perry	54			SGA 9092
Angela M. Pixton	54	171	463	SGA 9093
Philip G. Rasmussen	54	171	1099	SGA 9094
Barbara Reid	54	171	1927	SGA 9095
Constance W. Rice	54	171	1859	SGA 9096
Lynda J. Ring Erickson	55	347	1923	SGA 9097
Cindy Roaf	55	127		SGA 9098
George Roe	55			SGA 9099
Erik S. Rohrer	55	171	842	SGA 9100
Stanley Rumbaugh	55	171	416	SGA 9101
Joel Rupley	55	428	508	SGA 9102
Tom Sahlberg	55			SGA 9103
Miguel Sanchez	55	171	975	SGA 9104
Dan Satterberg	55	347	1924	SGA 9105
Joanne H. Schwartz	55	171	1513	SGA 9106
Phil Sharpe	56	171	507	SGA 9107
Honna Sheffield	56	428	875	SGA 9108
Robert A. Short	56			SGA 9109
Vandana Slatter	56			SGA 9110
Sasha Sleiman	56			SGA 9111
Kay Slonim	56	189	863	SGA 9112
Jerry Smith	56	172	1287	SGA 9113
William Snyder	56	443		SGA 9114
Harriet A. Spanel	56	827	1575	SGA 9115
Rafael Stone	56	172	509	SGA 9116
Celeste Strahl	57			SGA 9117
Margaret E. Sundstrom	57	172	1513	SGA 9118
John Swanson	57			SGA 9119
Daniel Sweeney	57	172	432	SGA 9120
Ellen Taussig	57	172	2086	SGA 9121
Gidget Terpstra	57	172	1287	SGA 9122
Beth Thew	57	172	1949	SGA 9123

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Keith Thompson	57	172	432	SGA 9124
Robyn Todd	57	376	1162	SGA 9125
Richard C. Veith	57			SGA 9126
Mario M. Villanueva	58	109	1927	SGA 9127
Stephen Warning	58	347	1924	SGA 9128
Patricia A. Warren	58			SGA 9129
Miranda Wecker	58			SGA 9130
Frederick Whang	58	172	507	SGA 9131
Patricia Whitefoot	58	172	508	SGA 9132
Roy Wilkinson	58	173	508	SGA 9133
Jean-Paul A. Willynck	58	173	444	SGA 9134
Paul Winters	58	173	483	SGA 9135
Mike Wren	59	173	463	SGA 9136
Peggy Zoro	59	173	507	SGA 9137
Nita Rinehart	81	785	1676	SGA 9138
Brian Comstock	102	827		SGA 9139
Connie Niva	127	369	509	SGA 9140
Jeffrey L. Thompson	145	443		SGA 9141
Pamela Bradburn	152	828		SGA 9142
Mason Petit	161	785	1514	SGA 9143
Edwin Snook	173	398		SGA 9144
Bernal Baca	178	369	1923	SGA 9145
Denny Heck	200	800	1529	SGA 9146
Paul A. Pastor	206	347	1924	SGA 9147
Fawn Sharp-Malvini	347	800	1761	SGA 9148
Dan Newhouse	352	409	688	SGA 9149
Ted Baseler	369	800	1725	SGA 9150
Patrick M. Hannigan	370	443		SGA 9151
Bruce L. Lachney	370	801	862	SGA 9152
John McVay	376	801	2088	SGA 9153
Christopher P. Barry	430			SGA 9154
Brian Blake	430			SGA 9155
Jeffrey D. Goltz	430	782	1726	SGA 9156
Annette Sandberg	430	801	1865	SGA 9157
Ronald K. Sperling	430			SGA 9158
Steven Drew	730			SGA 9159
Larry Sanchez	770	801	1259	SGA 9160
Betty J. Cobbs	774	801	1512	SGA 9161
Deborah S. Lee	782			SGA 9162
Garry Harris	786			SGA 9163
Roger E. Schmitt	812			SGA 9164
Rogers Weed	888	1257	1676	SGA 9165
Larry Dittman	1098			SGA 9166
Tom A. Johnson	1257			SGA 9167
Cindy Whaley	57			SGA 9168
Gail Kogle	1476			SGA 9169
Lensa Etana	1723			SGA 9170
David Troutt	1723			SGA 9171
H. Jeffrey Howard	1912			SGA 9172
Lorna Walsh	1948			SGA 9173

**SENATE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Sixty-First Legislature
2009 Regular Session**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/EFFECTIVE DATES
259	SSB 5001	Indian scholarship program	4/28/2009	7/26/2009
269	SB 5008	Hunting licenses/military	4/29/2009	7/26/2009
50	SSB 5009	Experience rating accounts	4/10/2009	7/26/2009
273	ESSB 5011	Novelty lighters	4/29/2009	7/26/2009
20	SSB 5012	Missing persons recovery	4/8/2009	7/26/2009
417	ESB 5013	County clerks	5/8/2009	7/26/2009
206	SB 5015	Foster parent licensing	4/24/2009	7/26/2009
103	SB 5017	Inactive voter ballots	4/16/2009	7/26/2009
260	SB 5028	Jurisdictional transfers	4/28/2009	7/26/2009
21	SSB 5030	Militia	4/8/2009	7/26/2009
22	SSB 5035	Veterans' access to services	4/8/2009	7/26/2009
549	SB 5038	Gender-based terms	5/19/2009	PV 7/26/2009
357	SSB 5040	Gambling under age 18	5/6/2009	7/26/2009
358	SSB 5042	Small business paperwork	5/6/2009	7/26/2009
23	SSB 5043	Student college info portal	4/8/2009	7/26/2009
172	SSB 5044	State work-study program	4/22/2009	7/26/2009
270	2SSB 5045	Community revitalization	4/29/2009	7/26/2009
24	SSB 5055	UTC proceedings/customers	4/8/2009	7/26/2009
359	SSB 5056	Violent injury reporting	5/6/2009	7/26/2009
360	SB 5060	Manufactured wine & beer use	5/6/2009	7/26/2009
464	SB 5071	Olympic marmot	5/12/2009	7/26/2009
479	ESSB 5073	Consolidating accts/gen fund	5/14/2009	7/1/2009
86	SB 5102	Benton Co. distr crt judges	4/13/2009	7/26/2009
419	SB 5107	Energy overlay zones	5/8/2009	7/26/2009
361	ESSB 5110	Serving wine and beer	5/6/2009	7/26/2009
194	SSB 5117	Intensive behavior support	4/23/2009	7/26/2009
362	SB 5120	Agricultural structures	5/6/2009	7/26/2009
87	SB 5125	Horse racing commission/acct	4/13/2009	7/26/2009*
10	SSB 5130	Prisoner publ records access	3/20/2009	3/20/2009
19	SSB 5131	Crisis referral services	4/8/2009	7/26/2009
26	ESB 5135	King Co. distr court judges	4/8/2009	7/26/2009
51	SSB 5136	Solar energy panel use	4/10/2009	7/26/2009
88	SB 5147	Criminal libel statutes	4/13/2009	7/26/2009
140	SSB 5151	Court commissioners	4/20/2009	7/26/2009
363	SB 5153	Money judgments recog act	5/6/2009	7/26/2009
25	SB 5156	Washington peace officers	4/8/2009	7/26/2009
364	SSB 5160	Service of seizure notice	5/6/2009	7/26/2009
13	SB 5164	Check cashers and sellers	3/25/2009	7/26/2009
408	SSB 5166	Failure to pay child support	5/7/2009	7/26/2009
365	SSB 5171	Principal and income act	5/6/2009	7/26/2009
465	SSB 5172	U of W human rights center	5/12/2009	7/26/2009
295	SB 5173	Honorary doctorate degrees	4/30/2009	7/26/2009
466	SSB 5177	Global Asia institute	5/12/2009	7/26/2009
274	SB 5180	Public transit vehicle stops	4/29/2009	7/26/2009
27	SB 5184	Digital forensic crime lab	4/8/2009	7/26/2009
28	SSB 5190	Community custody provisions	4/8/2009	8/1/2009
104	SSB 5195	Life settlements model act	4/16/2009	7/26/2009
367	SSB 5199	Publ water supply operators	5/6/2009	PV 7/26/2009
15	SB 5221	Distressd proprty conveyance	3/25/2009	3/25/2009
29	ESSB 5228	Construction/county forces	4/8/2009	7/26/2009
410	SSB 5229	Legislative youth adv councl	5/7/2009	6/7/2009
105	SB 5233	County elected officials	4/16/2009	7/26/2009
30	ESSB 5238	Retirement systems mailings	4/8/2009	7/26/2009
380	SSB 5248	Military children	5/7/2009	7/26/2009
411	SSB 5252	Correctional facil meds mgmt	5/7/2009	7/26/2009**
31	SSB 5261	Unified sex offender program	4/8/2009	7/26/2009
366	ESSB 5262	Driver license photo access	5/6/2009	7/26/2009
453	ESSB 5263	Electr shock devices/schools	5/11/2009	7/26/2009
173	SSB 5267	Joint oper agencies & PUD's	4/22/2009	7/26/2009
368	SSB 5268	Fish & wildlife equipment	5/6/2009	7/26/2009
369	SSB 5270	Voter registration	5/6/2009	7/26/2009
106	SSB 5271	Candidate filing	4/16/2009	7/26/2009
370	SSB 5273	Landscape architecture	5/6/2009	7/26/2009*

207	SSB 5276	University engineering progs	4/24/2009		7/26/2009
372	SB 5277	District court clerk fees	5/6/2009		7/26/2009
109	SB 5284	Truth in music advertising	4/16/2009		7/26/2009
480	SSB 5285	Guardians ad litem	5/14/2009		7/26/2009
	SSB 5286	Exemptions from WorkFirst	5/15/2009	V	
375	ESSB 5288	Supervision of offenders	5/6/2009	PV	7/26/2009
277	SB 5289	Scenic system ferry routes	4/29/2009		7/26/2009
32	SSB 5290	Gas or electr cmpy discounts	4/8/2009		7/26/2009
174	SB 5298	Natural resource infractions	4/22/2009		7/26/2009
209	SB 5303	From PERS 2 to SERS 2	4/24/2009		7/26/2009
110	SB 5305	Obsolete retirement statutes	4/16/2009		7/26/2009
111	SB 5315	Survivor annuity option	4/16/2009		7/26/2009
290	SSB 5318	Newborn transfer locations	4/30/2009	PV	7/26/2009
550	ESSB 5321	Local & state sales & use tx	5/19/2009		7/26/2009
112	SB 5322	Sheriffs' offices	4/16/2009		7/26/2009
210	SSB 5326	Juvenile sex offender notice	4/24/2009		7/26/2009
107	SSB 5327	Election provisions	4/16/2009		4/16/2009
278	SSB 5340	Tobacco product mail order	4/29/2009		7/26/2009
113	SSB 5343	CPA's and enrolled agents	4/16/2009		7/26/2009
11	ESSB 5344	Emergency towing vessels	3/24/2009		7/26/2009
298	2SSB 5346	Health care admin procedures	4/30/2009		7/26/2009
16	SB 5348	Mitigation banking project	3/25/2009		7/26/2009
114	SSB 5350	Poultry slaughter and sale	4/16/2009		7/26/2009
470	ESSB 5352	Trans budget 2009-11	5/13/2009	PV	5/13/2009
481	SB 5354	Hospital capital facil areas	5/14/2009		7/26/2009
306	SB 5355	Rural cty library districts	4/30/2009		7/26/2009
195	SB 5356	Direct retail endorsements	4/23/2009		7/26/2009
414	SB 5359	Identifying marks on ballots	5/8/2009		7/26/2009
299	SSB 5360	Community health grant prog	4/30/2009	PV	7/26/2009
271	SSB 5367	Spirits, beer & wine license	4/29/2009		7/26/2009
308	SSB 5368	Annual property valuation	4/30/2009		7/26/2009
52	SSB 5369	Counseling professions	4/10/2009		7/1/2009*
53	SSB 5380	Statute of limitations	4/10/2009		7/26/2009
49	SSB 5388	Car dealer damage disclosure	4/10/2009		7/26/2009
412	SSB 5391	Tatooing/body art & piercing	5/7/2009		7/26/2009*
246	SSB 5401	Habitat open space	4/28/2009		7/26/2009
287	SSB 5402	Preventing animal cruelty	4/30/2009		7/26/2009
542	SSB 5410	Online learning	5/18/2009		7/26/2009**
141	SB 5413	Assaulting a law enf officer	4/20/2009		7/26/2009
310	ESSB 5414	Assessments and curricula	4/30/2009	PV	7/26/2009*
14	SSB 5417	Flood insurance coverage	3/25/2009		7/26/2009
420	ESSB 5421	Salmon & steelhead stamps	5/8/2009		7/26/2009*
54	ESB 5423	Critical access hospitals	4/10/2009		7/26/2009
115	SB 5426	Fire prot district annexing	4/16/2009		7/26/2009
482	SSB 5431	Subseq foster home placement	5/14/2009		7/26/2009
551	2SSB 5433	Local option tax provisions	5/19/2009	PV	7/26/2009
116	SSB 5434	Accountancy practices	4/16/2009		7/26/2009
552	SSB 5436	Direct practices payment	5/19/2009	PV	7/26/2009
55	ESSB 5437	Conservation commission	4/10/2009		7/26/2009
291	SB 5452	Debt limit/housing fin comm	4/30/2009		7/26/2009
5	ESSB 5460	Administrative cost/st govt	2/18/2009		2/18/2009
307	SSB 5461	Condominium associations	4/30/2009		7/26/2009
311	SSB 5468	Nonprofit housing orgs	4/30/2009		7/26/2009
125	SSB 5469	Intermediate vehicle license	4/17/2009		7/26/2009
483	SB 5470	Low-income senior housing	5/14/2009		8/1/2009
421	ESSB 5473	Projects/statewide signif	5/8/2009		5/8/2009
175	SSB 5480	WA health care discount plan	4/22/200		7/26/2009
56	SSB 5481	Veterans' burials	4/10/2009		7/26/2009
275	SB 5482	2- and 3-wheeled vehicles	4/29/2009		7/26/2009
57	SB 5487	Employee contract nonrenewal	4/10/2009		4/10/2009
126	SB 5492	Site certificate employees	4/17/2009		7/26/2009
473	SSB 5499	DOT highway contract bonds	5/13/2009	PV	7/26/2009
300	SSB 5501	Secure health info exchange	4/30/2009		7/26/2009
456	SSB 5504	Reclaimed water permitting	5/11/2009		7/26/2009
346	SSB 5509	Rental car companies	5/5/2009		7/26/2009
484	SSB 5510	Dependency matters	5/14/2009		7/26/2009
127	SB 5511	City-county assistance accts	4/17/2009		3/1/2009
279	ESSB 5513	Unlawful transit conduct	4/29/2009		7/26/2009
455	SB 5525	State institutions/release	5/11/2009	PV	7/26/2009*
371	SSB 5531	Consumer protection act	5/6/2009		7/26/2009

SENATE BILLS PASSED REGULAR SESSION BY BOTH SENATE AND HOUSE

2191

500	SSB 5537	Statutory debt limit	5/15/2009		7/1/2009
553	SSB 5539	County investment expenses	5/19/2009		7/26/2009
280	SB 5540	High capacity trans service	4/29/2009		7/26/2009
	SB 5542	LEOFF plan 2/disabled	4/16/2009	V	
312	SB 5547	Care provider respite care	4/30/2009		7/26/2009
182	SSB 5551	Elem student recess periods	4/23/2009		7/26/2009
554	SB 5554	Job skills program	5/19/2009		7/26/2009
272	SSB 5556	Photo enforcement system	4/29/2009		7/26/2009
519	E2SSB 5560	Agency climate leadership	5/15/2009	PV	7/26/2009**
313	SSB 5561	Carbon monoxide alarms	4/30/2009		7/26/2009
200	SB 5562	Active forestry operations	4/24/2009		7/26/2009
282	SSB 5565	Solid fuel burning devices	4/29/2009		7/26/2009
289	SSB 5566	Excise and sales & use taxes	4/30/2009		7/26/2009
309	SB 5568	Tax collection tools	4/30/2009		7/26/2009
176	SSB 5571	Electr methods/revenue dept	4/22/2009		7/26/2009
485	SSB 5574	Consumer data in vehicles	5/14/2009		7/26/2009*
263	SB 5580	School impact fees	4/28/2009		7/26/2009
142	ESSB 5581	Sunscreening devices	4/20/2009		7/26/2009
283	ESSB 5583	Water bank provisions	4/29/2009		7/26/2009
211	SB 5587	Heavy rail short lines	4/24/2009		7/26/2009
12	ESSB 5595	Motor vehicle franchises	3/25/2009		3/25/2009
264	SB 5599	Electing US pres by pop vote	4/28/2009		7/26/2009
301	ESSB 5601	Speech-language pathology	4/30/2009		7/26/2009
302	SSB 5608	Genetic counselors	4/30/2009	PV	8/1/2010
276	SSB 5610	Driving record abstracts	4/29/2009		7/26/2009
196	SSB 5613	L & I stop work orders	4/23/2009		7/26/2009
296	SSB 5616	Business customized training	4/30/2009		7/26/2009
303	SB 5629	Pregnancy prevention progs	4/30/2009		7/26/2009
262	SB 5642	State route 164	4/28/2009		7/26/2009
379	E2SSB 5649	Energy efficiency/buildings	5/7/2009	PV	5/7/2009
286	ESSB 5651	Dog breeding practices	4/30/2009		1/1/2010
314	SSB 5665	Affordable housing entities	4/30/2009		1/1/2010
18	ESSB 5671	Suitability of annuities	3/30/2009		7/26/2009
315	SB 5673	Certificates of need	4/30/2009		7/26/2009
212	2SSB 5676	Middle sch student tech edu	4/24/2009		7/26/2009**
143	SSB 5677	Dairy nutrient mgmt program	4/20/2009		7/26/2009
58	SB 5680	Nonprofit organizations	4/10/2009		7/26/2009
471	SSB 5684	Highway construction	5/13/2009		7/26/2009
521	E2SSB 5688	Registered domestic partners	5/18/2009		7/26/2009*
108	SB 5695	State patrol/donations	4/16/2009		7/26/2009
117	SB 5699	Public guardianship office	4/16/2009		7/26/2009
144	SSB 5705	Special distr voting rights	4/20/2009		7/26/2009
409	SSB 5718	Sexually violent predators	5/7/2009		5/7/2009
284	SSB 5719	Kit vehicle requirements	4/29/2009		7/26/2009
316	SB 5720	Tuition waivers/stepchildren	4/30/2009		7/26/2009
486	SSB 5723	Small business assistance	5/14/2009		7/26/2009
281	SSB 5724	Biomass energy	4/29/2009		7/26/2009
487	SSB 5725	Organ transplants	5/14/2009		7/26/2009
304	SB 5731	Health plan information	4/30/2009		7/26/2009
490	SSB 5732	Traffic infractions	5/14/2009		7/26/2009
574	SSB 5734	Higher educ tuition fees	5/19/2009	PV	7/26/2009
317	SSB 5738	OSPI review of compliance	4/30/2009		7/26/2009
59	SB 5739	Concealed pistol license	4/10/2009		7/26/2009
454	ESSB 5746	Sentencing juveniles/crimes	5/11/2009		7/26/2009
177	SSB 5752	Dentists	4/22/2009		7/26/2009
208	SSB 5765	Fruit & veg district fund	4/24/2009		7/26/2009
118	SB 5767	WA clean air act provisions	4/16/2009		7/26/2009
458	ESSB 5768	SR 99 Alaskan Way viaduct	5/12/2009		7/1/2009
179	SSB 5776	Student fees and charges	4/22/2009		7/26/2009
555	SSB 5777	State health insurance pool	5/19/2009		7/26/2009**
128	SSB 5793	One-occupant farm conveyance	4/17/2009		7/26/2009
567	SSB 5795	Tacoma Narrows toll account	5/19/2009		7/26/2009
178	SSB 5797	Solid waste handling permits	4/22/2009		7/26/2009
247	SB 5804	Leaving PT work voluntarily	4/28/2009		7/26/2009
60	ESSB 5808	Fire protection districts	4/10/2009		7/26/2009
566	E2SSB 5809	Workforce training/unemplmnt	5/19/2009	PV	5/19/2009
292	ESSB 5810	Deeds of trust foreclosures	4/30/2009		7/26/2009
491	ESSB 5811	Foster child placements	5/14/2009		7/26/2009
61	SB 5832	Sex offense prosecution	4/10/2009		7/26/2009
373	SSB 5834	Alcoholic beverages	5/6/2009		7/26/2009
145	SSB 5839	Irrigation district admin	4/20/2009		7/26/2009
492	E2SSB 5850	Human trafficking violations	5/14/2009	PV	7/26/2009*

423	E2SSB 5854	Built environment pollution	5/8/2009		7/26/2009
197	ESSB 5873	Apprenticeship utilization	4/23/2009		7/26/2009
266	SSB 5881	Truancy	4/28/2009		7/26/2009
213	SSB 5882	Racial disproportionality	4/24/2009		7/26/2009
556	ESSB 5889	Education system flexibility	5/19/2009		7/26/2009
305	SSB 5891	Primary care medical	4/30/2009		7/26/2009
575	ESSB 5892	State purchased health care	5/19/2009		5/19/2009
557	ESB 5894	Utilities & trans commission	5/19/2009		7/26/2009
267	ESSB 5901	Local infrastructure	4/28/2009		7/26/2009
62	SB 5903	Public works contracts	4/10/2009		7/26/2009
63	SSB 5904	Independent contractor	4/10/2009		7/26/2009
268	SB 5909	High tech sales & use tax	4/28/2009		7/26/2009
558	SSB 5913	U of W health sci library	5/19/2009	PV	7/26/2009
559	ESB 5915	Budget implementation	5/19/2009		5/19/2009
318	SSB 5921	Clean energy initiative	5/4/2009		5/4/2009
297	ESB 5925	Higher ed study abroad insur	4/30/2009		7/26/2009
424	SSB 5931	Mental health practitioners	5/8/2009		7/26/2009
48	SB 5944	Lake Whatcom/phosphorus	4/10/2009		7/26/2009
545	2SSB 5945	WA health partnership plan	5/18/2009	PV	7/26/2009
180	SB 5952	Sexual orientation/defining	4/22/2009		7/26/2009
493	SSB 5963	Unemployment insurance	5/14/2009		5/14/2009
467	ESSB 5967	Public community athletics	5/12/2009		7/26/2009
468	2SSB 5973	Student achievement gap	5/12/2009		7/26/2009
347	SB 5974	Live nonambulatory livestock	5/5/2009		7/26/2009
261	SB 5976	Tire replacement fees	4/28/2009		7/26/2009
374	ESSB 5978	Consumer rebate requirements	5/6/2009		7/26/2009
129	SB 5980	School plant funding	4/17/2009		7/26/2009
146	SSB 5987	Corrections dept. personnel	4/20/2009		7/26/2009
147	SB 5989	Greenhouse gas emissions	4/20/2009		7/26/2009
560	ESB 5995	Eliminating boards and comms	5/19/2009		6/30/2009
130	SSB 6000	Homeowners' associations	4/17/2009		7/26/2009
488	SB 6002	WA state quality forum	5/14/2009		7/26/2009
489	SSB 6009	Long-term care facilities	5/14/2009		7/26/2009
425	E2SSB 6015	Commercialization/innovation	5/8/2009		7/26/2009
546	SSB 6016	Students with dyslexia	5/18/2009		7/26/2009
131	SSB 6019	Employee wellness programs	4/17/2009		7/26/2009
198	SSB 6024	Publ assistance applications	4/23/2009		11/1/2009
386	ESB 6033	Owner-occupied foreclosure	5/7/2009	PV	7/26/2009
457	SSB 6036	Water cleanup planning & imp	5/11/2009		7/26/2009
181	SB 6068	Definition of "conviction"	4/22/2009		7/26/2009
426	SB 6070	Dredged riverbed materials	5/8/2009		7/26/2009
427	SSB 6088	Commute trip reduction	5/8/2009		7/26/2009**
496	SSB 6095	Puget Sound pilotage tariff	5/15/2009		7/26/2009
494	SB 6096	Vessels in foreign commerce	5/14/2009		5/14/2009
428	SB 6104	State agency hours	5/8/2009		7/26/2009
576	ESSB 6108	State lottery/Powerball	5/19/2009		7/26/2009
577	SB 6121	Biotoxin testing, monitoring	5/19/2009		7/1/2009
415	SSB 6122	Sec of state/elections div	5/8/2009	PV	7/26/2009
429	SB 6126	Boxing & similar events	5/8/2009		7/26/2009
547	ESB 6137	Common school fund transfers	5/18/2009		5/18/2009
430	SB 6157	Publ retirement compensation	5/8/2009		7/26/2009
544	ESB 6158	Family leave insurance prog	5/18/2009		7/26/2009
561	SSB 6161	Pension systems funding	5/19/2009		7/1/2009
376	SSB 6162	Community custody	5/6/2009	PV	7/26/2009**
422	SB 6165	Shorelines hearings board	5/8/2009		7/26/2009
418	ESB 6166	State trust lands timber	5/8/2009	PV	7/26/2009
431	SB 6167	Crimes against property	5/8/2009		7/26/2009
578	SB 6168	Education program costs	5/19/2009	PV	7/26/2009
562	ESSB 6169	Tax collection tools	5/19/2009		7/26/2009
469	ESSB 6170	Environmental tax incentives	5/12/2009		7/1/2009*
495	SSB 6171	Dept of health programs	5/14/2009		5/14/2009*
563	SB 6173	Sales tax compliance	5/19/2009		1/1/2010
579	SB 6179	Chemical dependency services	5/19/2009		7/26/2009
580	ESSB 6180	Long-term care workers	5/19/2009		7/26/2009*
	SB 6181	Intensive resource pilot	5/19/2009	V	

**HOUSE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Sixty-First Legislature
2009 Regular Session**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/EFFECTIVE DATE
184	HB 1000	Extending state route 397	4/23/2009	
288	ESHB 1002	Certificate of discharge	4/30/2009	PV 7/26/2009
501	ESHB 1004	Energy efficiency code	5/15/2009	7/26/2009
65	E2SHB 1007	Sustainable energy trust	4/13/2009	7/26/2009
132	SHB 1010	Definition of a biofuel	4/21/2009	PV 7/26/2009
66	SHB 1011	ID device use	4/13/2009	7/26/2009*
413	ESHB 1018	Special election dates	5/8/2009	7/26/2009*
242	2SHB 1021	DOH authority in hospitals	4/28/2009	7/26/2009
240	SHB 1022	Statutory costs	4/28/2009	7/26/2009
241	2SHB 1025	Higher edu course materials	4/28/2009	7/26/2009
67	HB 1030	Special commitment center	4/13/2009	7/26/2009
243	ESHB 1033	Lead wheel wgt alternatives	4/28/2009	7/26/2009
34	HB 1034	Armory rental or lease	4/9/2009	7/26/2009
378	SHB 1036	Military justice code	5/6/2009	7/26/2009
245	SHB 1038	Specialized forest products	4/28/2009	7/26/2009
68	SHB 1041	Occupational therapy meds	4/13/2009	7/26/2009
185	HB 1042	Notices of dishonor	4/23/2009	7/26/2009
265	HB 1048	Free public parking property	4/28/2009	7/26/2009
35	EHB 1049	Veterans' relief	4/9/2009	7/26/2009
248	HB 1050	Veterans' scoring criteria	4/28/2009	7/26/2009
216	2SHB 1052	Firearm licenses for aliens	4/25/2009	7/26/2009
133	EHB 1053	Raffle ticket price increase	4/21/2009	7/26/2009
36	SHB 1055	Construction trade workers	4/9/2009	7/26/2009
186	HB 1058	RCW editorial standards	4/23/2009	7/26/2009
187	EHB 1059	Statute corrections	4/23/2009	7/26/2009
434	SHB 1062	Electrolytic process tx exem	5/11/2009	7/26/2009
199	HB 1063	Salmon & steelhead recovery	4/24/2009	7/26/2009
7	HB 1066	Noncharter code cities	2/18/2009	2/18/2009
188	SHB 1067	Limited partnership act	4/23/2009	7/26/2009*
217	SHB 1071	Nurse practitioners	4/25/2009	7/26/2009
69	HB 1076	Victim input re: wrk release	4/13/2009	7/26/2009
70	E2SHB 1078	Exchange facilitators	4/13/2009	8/1/2009
435	2SHB 1081	Railroad crossing protection	5/11/2009	7/26/2009
348	EHB 1087	Minority & women's business	5/6/2009	PV 7/26/2009
525	SHB 1103	Vulnerable adults' estates	5/18/2009	7/26/2009
190	SHB 1110	Home-based instruction	4/23/2009	7/26/2009
6	HB 1113	School construction grants	2/18/2009	2/18/2009
436	SHB 1119	Nonprofit institution funds	5/11/2009	5/11/2009
218	HB 1120	Uniform law commission	4/25/2009	7/26/2009
71	HB 1121	State flag account	4/13/2009	7/26/2009
244	ESHB 1123	Methicillin-resistant staph	4/28/2009	7/26/2009
382	HB 1127	Credit and debit card info	5/7/2009	7/26/2009
72	SHB 1128	Innovation partnership zones	4/13/2009	7/26/2009
349	HB 1137	Christmas tree protections	5/6/2009	7/26/2009
438	ESHB 1138	Retail store restroom access	5/11/2009	7/26/2009
439	HB 1148	Protection of animals	5/11/2009	7/26/2009
73	HB 1155	Spec ed prog medical billing	4/13/2009	7/26/2009
192	HB 1156	Alternative route program	4/23/2009	7/26/2009
330	HB 1158	Electronic juror signatures	5/5/2009	7/26/2009
384	HB 1166	Linked deposit program loans	5/7/2009	7/26/2009
385	EHB 1167	Linked deposit program study	5/7/2009	PV 7/26/2009
502	SHB 1170	Parenting plan modification	5/15/2009	7/26/2009
474	2SHB 1172	Development rights transfer	5/14/2009	7/26/2009
416	HB 1184	Conservation project loans	5/8/2009	7/26/2009
193	HB 1195	Undisputed claims payment	4/23/2009	7/26/2009
74	HB 1196	Small works roster projects	4/13/2009	7/26/2009
75	HB 1197	Alternative public works	4/13/2009	7/26/2009
219	HB 1199	Public works funds retainage	4/25/2009	7/26/2009
319	SHB 1201	Community integration prog	5/4/2009	7/26/2009
76	SHB 1202	Life insur policy benefits	4/13/2009	7/26/2009
77	SHB 1205	Court of appeals judges	4/13/2009	7/26/2009
350	E2SHB 1208	Property tax administration	5/6/2009	7/26/2009
351	SHB 1215	Motor vehicle warranties	5/6/2009	7/26/2009
497	ESHB 1216	Capital budget 2009-2011	5/15/2009	PV 5/15/2009*

78	HB 1217	Amusement game locations	4/13/2009	7/26/2009
37	HB 1218	Contempt of court sanctions	4/9/2009	7/26/2009
38	SHB 1221	Civil commitment witnesses	4/9/2009	7/26/2009
352	SHB 1225	Trans systems/fuel tx effect	5/6/2009	7/26/2009
79	EHB 1227	RV's as primary residences	4/13/2009	7/26/2009
440	HB 1238	Juvenile case records access	5/11/2009	7/26/2009
526	SHB 1239	Dependency proceedings	5/18/2009	7/26/2009
564	ESHB 1244	Operating 2007-09 & 2009-11	5/19/2009	PV 5/19/2009
33	SHB 1254	Grain commission	4/9/2009	7/26/2009
135	HB 1257	Deferred prosecution files	4/21/2009	7/26/2009
81	SHB 1261	Adult guardianship	4/13/2009	1/1/2010
202	HB 1264	Public agency entities	4/24/2009	7/26/2009
201	HB 1270	Electr signatures/pub assist	4/24/2009	7/26/2009
136	SHB 1271	Veterinary drugs	4/21/2009	7/26/2009
498	ESHB 1272	State bonds and accounts	5/15/2009	5/15/2009
137	HB 1273	Raffles by counties & cities	4/21/2009	7/26/2009
39	SHB 1280	Explosives lic expiration	4/9/2009	7/26/2009
138	HB 1281	Victim and witness rights	4/21/2009	7/26/2009*
221	SHB 1283	Publ water supply operators	4/25/2009	7/26/2009
222	SHB 1286	Candidates for public office	4/25/2009	7/26/2009
503	HB 1287	Intrastate commuter aircraft	5/15/2009	7/26/2009
191	HB 1288	Home school declaration	4/23/2009	7/26/2009
442	2SHB 1290	Local tourism promotion	5/11/2009	7/26/2009
40	SHB 1291	Library district annexations	4/9/2009	7/26/2009
543	SHB 1292	180-day school year waivers	5/18/2009	7/26/2009
402	HB 1295	Annexing agri fair areas	5/7/2009	7/26/2009
320	SHB 1300	Mental health information	5/4/2009	7/26/2009
134	SHB 1303	Child mortality reviews	4/21/2009	7/26/2009
82	SHB 1308	Organ transplants	4/13/2009	7/26/2009
321	SHB 1309	Dental hygiene	5/4/2009	7/1/2009
149	EHB 1311	Reverse mortgage lending	4/24/2009	7/26/2009
224	SHB 1319	School distr employee ethics	4/25/2009	7/26/2009
41	HB 1322	School scoliosis screening	4/9/2009	7/26/2009
151	SHB 1323	Workforce & econ development	4/24/2009	7/26/2009
139	HB 1324	Peace officer psych exams	4/21/2009	7/26/2009
331	ESHB 1326	Pacific sardines	5/5/2009	7/26/2009
64	SHB 1328	Associate transfer degrees	4/13/2009	7/26/2009
504	SHB 1332	Watershed mgmt partnerships	5/15/2009	7/26/2009
83	HB 1338	Good cause for late filing	4/13/2009	7/26/2009
225	HB 1339	Employer contribution rates	4/25/2009	7/26/2009
443	SHB 1347	Financial education	5/11/2009	7/26/2009
323	ESHB 1349	Less restrictive treatment	5/4/2009	7/26/2009
238	2SHB 1355	Opportunity internship prog	4/25/2009	7/26/2009
227	HB 1361	Supervised community options	4/25/2009	7/26/2009
387	ESHB 1362	Vehicles/prostitution	5/7/2009	7/26/2009
90	HB 1366	Boilers & pressure vessels	4/15/2009	7/26/2009
388	2SHB 1373	Children's mental health	5/7/2009	7/26/2009**
152	HB 1375	Foster care citizen boards	4/24/2009	7/26/2009
444	ESHB 1379	Shoreline mgmt act/moratoria	5/11/2009	7/26/2009
153	HB 1380	Lease w/ option to purchase	4/24/2009	7/26/2009
324	EHB 1385	Sch employee sexl misconduct	5/4/2009	7/26/2009
91	SHB 1388	Pipeline safety fees	4/15/2009	7/26/2009
92	HB 1394	Workforce training & edu	4/15/2009	7/26/2009
353	HB 1395	Workforce & econ development	5/6/2009	7/26/2009
203	SHB 1397	Nurse authority delegation	4/24/2009	7/26/2009
42	ESHB 1401	Standrd health questionnaire	4/9/2009	7/26/2009
391	SHB 1402	Industrial insurance appeals	5/7/2009	7/26/2009
249	SHB 1413	Water discharge fees	4/28/2009	7/26/2009
43	SHB 1414	Health care assistants	4/9/2009	7/26/2009
228	SHB 1415	Wine at legislative gift ctr	4/25/2009	7/26/2009
250	SHB 1419	Sexually aggressive youth	4/28/2009	7/26/2009
505	SHB 1420	Real estate sellers	5/15/2009	7/26/2009
251	HB 1426	Use of certified mail	4/28/2009	7/26/2009
393	HB 1433	Damages to state property	5/7/2009	7/26/2009
154	SHB 1435	Cigarette & tobacco licenses	4/24/2009	7/26/2009
204	HB 1437	Fish & wildlife chaplain	4/24/2009	7/26/2009
155	ESHB 1441	Malt beverage distr & prod	4/24/2009	7/26/2009
522	ESHB 1445	Domestic partners/WSPRS	5/18/2009	7/26/2009
383	HB 1448	Tribal reservtn speed limits	5/7/2009	7/26/2009
239	EHB 1461	County employee pay periods	4/28/2009	7/26/2009

HOUSE BILLS PASSED REGULAR SESSION BY BOTH SENATE AND HOUSE

2195

80	EHB 1464	Affordable housing incentive	4/13/2009		7/26/2009
158	HB 1474	Border county higher ed proj	4/24/2009		7/26/2009
93	HB 1475	Agency rule-making info	4/15/2009		7/26/2009
159	HB 1478	Deployed military personnel	4/24/2009		7/26/2009
459	2SHB 1481	Electric vehicles	5/12/2009		7/26/2009
354	2SHB 1484	Habitat open space	5/6/2009	PV	7/26/2009
220	HB 1487	Resident students	4/25/2009		7/1/2009
148	HB 1492	Independent youth housing	4/24/2009		7/26/2009
293	HB 1498	Involunt commitment/firearms	4/30/2009		7/26/2009
252	SHB 1505	Sexually exploited juveniles	4/28/2009		7/26/2009
156	HB 1506	Firefighttr survivor benefits	4/24/2009		7/26/2009
44	SHB 1510	Birth certificates	4/9/2009		7/26/2009
160	ESHB 1512	Rail freight service funding	4/24/2009		7/26/2009
230	EHB 1513	Water and sewer facilities	4/25/2009		7/26/2009
231	HB 1515	Electronic records approval	4/25/2009		7/26/2009
355	ESHB 1516	Dungeness crab fishery gear	5/6/2009		7/26/2009
325	HB 1517	Restoration of right to vote	5/4/2009		7/26/2009
	SHB 1518	Accountancy practices	4/21/2009	V	
285	2SHB 1522	Elec product repair & resuse	4/29/2009		7/26/2009
	HB 1527	Boarding home medicaid rates	5/18/2009	V	
326	SHB 1529	Telemedicine	5/4/2009		7/26/2009
334	EHB 1530	Asset protection waiver act	5/5/2009		7/26/2009
253	SHB 1532	Reclaimed water systems	4/28/2009		7/26/2009
94	HB 1536	Household goods carriers	4/15/2009		7/26/2009
205	HB 1548	Military service credit	4/24/2009		7/26/2009
226	HB 1551	Survivor benefits	4/25/2009		7/26/2009
336	SHB 1552	Rule-making hearings access	5/5/2009		7/26/2009
433	ESHB 1553	Damages claims against govt	5/11/2009		7/26/2009
432	SHB 1555	Underground economy/construc	5/11/2009		7/26/2009*
17	HB 1562	Graduating w/out certificate	3/30/2009		3/30/2009
150	SHB 1565	Business continuity plans	4/24/2009		1/1/2011
335	EHB 1566	Insurance commissioner	5/5/2009		7/26/2009
161	HB 1567	Insurance	4/24/2009		7/26/2009
162	EHB 1568	Persons selling insurance	4/24/2009		7/1/2009
45	HB 1569	Local public works fund	4/9/2009		7/26/2009
332	ESHB 1571	Water rights adjudication	5/5/2009		7/26/2009
254	HB 1578	Air pollution control authty	4/28/2009		7/26/2009
508	HB 1579	Nonprofit legal services	5/15/2009		7/26/2009
183	2SHB 1580	Pilot local water mgmt prog	4/23/2009		7/26/2009
337	SHB 1583	County auditors	5/5/2009		7/26/2009
322	HB 1589	Conditional release orders	5/4/2009		7/26/2009
437	SHB 1592	Registering w/ sec of state	5/11/2009		7/26/2009
164	HB 1596	Woman's right to breastfeed	4/24/2009		7/26/2009
523	EHB 1616	Domestic partner pensions	5/18/2009		7/26/2009
460	ESHB 1619	School capital projects	5/12/2009		7/26/2009
120	SHB 1621	Consumer loan companies	4/20/2009		7/26/2009*
394	HB 1640	U of W consol endowment fund	5/7/2009		7/26/2009
165	SHB 1663	Relocation assistance rights	4/24/2009		7/26/2009
232	ESHB 1664	Motorsport franchise agrmnts	4/25/2009		7/26/2009
166	HB 1675	Alternative route program	4/24/2009		7/26/2009
95	HB 1678	LEOFF plan 2/disabled	4/15/2009		7/26/2009
96	HB 1682	Hort pest & disease boards	4/15/2009		7/26/2009
167	SHB 1692	Publ facilities district brd	4/24/2009		7/26/2009
4	ESHB 1694	Fiscal matters 2007-2009	2/18/2009		2/18/2009
509	E2SHB 1701	Dept of information systems	5/15/2009		7/1/2009**
510	ESHB 1709	Small loan default risk	5/15/2009		1/1/2010
338	HB 1717	Milwaukee Road corridor	5/5/2009		6/30/2009
97	SHB 1730	Regulatory assistance office	4/15/2009		7/26/2009
255	SHB 1733	Current use valuation progs	4/28/2009		7/26/2009
327	SHB 1740	Dentistry license issuance	5/4/2009		5/4/2009
396	ESHB 1741	School employees dismissal	5/7/2009		7/26/2009
528	SHB 1749	Mortgage broker practices	5/18/2009		7/26/2009*
511	SHB 1751	Rural cnty public facilities	5/15/2009		7/26/2009
524	SHB 1758	High school diplomas/options	5/18/2009		7/26/2009
98	SHB 1765	Impaired physician program	4/15/2009		7/26/2009
397	SHB 1769	Housing & dependency matters	5/7/2009		7/26/2009
333	SHB 1778	Fish & wildlife Title 77 RCW	5/5/2009	PV	7/26/2009*
477	ESHB 1782	Dependency matters/parents	5/14/2009		7/26/2009
399	HB 1789	Offender release dates	5/7/2009		8/1/2009
400	HB 1790	Domestic violence crt orders	5/7/2009		8/1/2009
389	SHB 1791	Alternative sentencing	5/7/2009		8/1/2009*
390	ESHB 1792	Search and arrest authority	5/7/2009		7/26/2009

392	SHB 1793	Alternative student trans	5/7/2009		7/26/2009
84	ESHB 1794	Calculating child support	4/13/2009		10/1/2009
168	SHB 1808	Paramedic & nursing training	4/24/2009		7/26/2009
404	SHB 1812	Wine labels	5/7/2009		7/26/2009
513	EHB 1815	Property tax open space prog	5/15/2009		7/26/2009
401	SHB 1816	Wireless phone numbers	5/7/2009		7/26/2009
475	EHB 1824	Concussion mgmt/youth sports	5/14/2009		7/26/2009
121	SHB 1825	Growth management act	4/20/2009		7/26/2009
122	HB 1826	Foreclosure sales	4/20/2009		7/26/2009
377	HB 1835	Respectful language/statutes	5/6/2009		7/26/2009
46	SHB 1843	Motor carrier regulation	4/9/2009		7/26/2009
169	HB 1844	Dept of licensing employees	4/24/2009		7/26/2009
476	SHB 1845	Medical support obligations	5/14/2009		10/1/2009
229	ESHB 1847	Bid limits	4/25/2009		7/26/2009
170	HB 1852	Fingerprint record checks	4/24/2009		7/26/2009
395	SHB 1856	Tenants who are victims	5/7/2009		7/26/2009
529	SHB 1869	Health care cost information	5/18/2009		7/26/2009
47	HB 1878	St schools for blind & deaf	4/9/2009		7/26/2009
381	E2SHB 1879	Deaf & hard of hearing	5/7/2009		7/26/2009
233	HB 1888	Mobile homes titling	4/25/2009		7/26/2009
403	2SHB 1899	Retired active physician lic	5/7/2009		7/26/2009
3	ESHB 1906	Unemployment compensation	2/16/2009		4/5/2009
445	SHB 1919	Drug court funding	5/11/2009		7/26/2009
89	ESHB 1926	Hospice agency exemption	4/15/2009		7/26/2009
530	E2SHB 1935	Adult family homes	5/18/2009		7/26/2009
234	2SHB 1938	Postadoption sibling contact	4/25/2009		7/26/2009
123	ESHB 1939	Vehicle documentary fees	4/20/2009		7/26/2009
406	SHB 1943	Early learning workforce	5/7/2009		7/26/2009
407	2SHB 1946	Higher ed online technology	5/7/2009		7/26/2009*
340	2SHB 1951	Salmonid hatcheries	5/5/2009		7/26/2009
157	SHB 1953	Fish & wildlife officers	4/24/2009		7/26/2009
236	ESHB 1954	Sealing juvenile records	4/25/2009		7/26/2009
341	SHB 1957	Wildlife and recreation prog	5/5/2009		7/26/2009
514	ESHB 1959	Marine container ports	5/15/2009		7/26/2009**
235	E2SHB 1961	Increasing adoptions act	4/25/2009		7/26/2009*
342	EHB 1967	One hundred year floodplains	5/5/2009		7/26/2009
8	ESHB 1978	Econ stimulus trans funding	3/5/2009		3/5/2009
256	SHB 1984	Vehicle air conditioning	4/28/2009		7/26/2009
446	EHB 1986	Peer mentoring pilot program	5/11/2009		7/26/2009
99	HB 1997	Puget Sound science research	4/15/2009		7/26/2009
531	SHB 2003	Prof educator standards brd	5/18/2009		7/26/2009*
119	SHB 2013	Self-service storage insur	4/20/2009		7/1/2010
328	HB 2014	Prescription pads	5/4/2009		7/26/2009
215	E2SHB 2021	Student financial aid	4/25/2009	PV	8/1/2009
398	HB 2025	Health care info sharing	5/7/2009		7/26/2009
532	ESHB 2035	Sex offender e-mail address	5/18/2009		7/26/2009
506	EHB 2040	Beer & wine regulation comm	5/15/2009		7/26/2009
100	SHB 2042	Motion pic competitiveness	4/15/2009		4/15/2009
534	ESHB 2049	Exempt employment practices	5/18/2009		7/26/2009
257	SHB 2052	Health insurance partnership	4/28/2009		7/26/2009
9	SHB 2061	Publ deposit protection comm	3/6/2009		3/6/2009
85	SHB 2071	Parents of needy families	4/13/2009	PV	7/26/2009*
515	ESHB 2072	Special transportation needs	5/15/2009	PV	7/26/2009
535	ESHB 2075	Excise taxation	5/18/2009		7/26/2009
447	E2SHB 2078	Developmental disabilities	5/11/2009		7/26/2009
343	SHB 2079	Health prof licensing info	5/5/2009		7/26/2009
101	SHB 2095	Driver training schools	4/15/2009		7/26/2009
258	ESHB 2105	Diagnostic imaging services	4/28/2009		4/28/2009
520	2SHB 2106	Child welfare system	5/18/2009	PV	7/26/2009*
450	2SHB 2119	Dual credit opportunities	5/11/2009		7/26/2009
461	EHB 2122	Newspaper industry B & O tax	5/12/2009		7/1/2009***
516	ESHB 2125	Community preservation	5/15/2009		7/26/2009
102	ESHB 2126	Cemetery & funeral dir brds	4/15/2009		7/26/2009
463	ESHB 2128	Children's health coverage	5/12/2009	PV	7/26/2009
448	HB 2129	Greenhouse gas emissions	5/11/2009	PV	7/26/2009
223	HB 2132	Instruction in civics	4/25/2009		7/26/2009
344	HB 2146	Water or sewer facilities	5/5/2009		7/26/2009
345	SHB 2157	Salmon recovery	5/5/2009		7/26/2009
329	SHB 2160	Wellness incentives	5/4/2009		7/26/2009
163	HB 2165	Forest biomass energy proj	4/24/2009		7/26/2009

HOUSE BILLS PASSED REGULAR SESSION BY BOTH SENATE AND HOUSE

2197

441	EHB 2194	Offender medical placement	5/11/2009		8/1/2009
405	HB 2199	Shifts in shoreline location	5/7/2009		7/26/2009
171	HB 2206	OASI fund and account	4/24/2009		7/26/2009
517	SHB 2208	Motorsports vehicle dealers	5/15/2009		5/15/2009
472	ESHB 2211	SR 520 corridor tolls	5/13/2009		8/1/2009
124	SHB 2214	Airport transportation	4/17/2009		4/17/2009
449	ESHB 2222	Stormwater discharge permits	5/11/2009		7/26/2009
339	SHB 2223	Agribusiness vehicle drivers	5/5/2009		7/26/2009
536	E2SHB 2227	Evergreen jobs act	5/18/2009	PV	7/26/2009
565	EHB 2242	Department of commerce	5/19/2009	PV	7/26/2009
537	ESHB 2245	PEBB eligibility	5/18/2009		1/1/2010
499	ESHB 2254	Colleges & construction	5/15/2009		7/26/2009
548	ESHB 2261	State's education system	5/19/2009	PV	7/26/2009*
214	EHB 2279	First degree child assault	4/25/2009		8/1/2009
237	EHB 2285	Local improvement districts	4/25/2009		4/25/2009
356	SHB 2287	State agency paper use	5/6/2009		7/26/2009
451	ESHB 2289	Energy freedom program	5/11/2009		5/11/2009*
533	EHB 2299	Public facilities districts	5/18/2009		7/26/2009
452	HB 2313	Farm vehicle permits	5/11/2009		7/26/2009
518	ESHB 2327	State agency reports	5/15/2009	PV	7/26/2009
294	HB 2328	State government admin cost	4/30/2009		4/30/2009
462	HB 2331	Homeless services docmnt fee	5/12/2009		7/26/2009
512	SHB 2339	State parks system donation	5/15/2009		7/26/2009
568	SHB 2341	Basic health plan program	5/19/2009		7/26/2009*
539	SHB 2343	Education program savings	5/18/2009		7/1/2009
540	ESHB 2344	Resident undergrad tuition	5/18/2009		7/26/2009
569	SHB 2346	Crisis residential centers	5/19/2009		7/26/2009
527	HB 2347	Review of support payments	5/18/2009		7/26/2009
538	HB 2349	Hospital adjustments	5/18/2009		7/26/2009
541	SHB 2356	Student achievement fund	5/18/2009		7/1/2009
570	EHB 2357	Nursing facilities/medicaid	5/19/2009		5/19/2009
507	EHB 2358	Liquor license fees	5/15/2009		7/26/2009
478	HB 2359	Long-term care workers	5/14/2009		7/26/2009
571	SHB 2361	In-home care/state payments	5/19/2009		5/19/2009
572	SHB 2362	Judicial branch agencies	5/19/2009		7/1/2009
573	SHB 2363	Educational employees	5/19/2009		7/1/2009

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Sixty-First Legislature
2009 Regular Session**

Senate Bill No.

Status Title

SENATE JOINT MEMORIALS

SJM 8001	Endangered species act
SJM 8003	Health info technology
SJM 8006	State routes 503 & 502
SJM 8012	Discrimination against women
SJM 8013	Medicare waiting period

SENATE CONCURRENT RESOLUTIONS

SCR 8400	Joint rules adoption
SCR 8401	Deceased former members
SSCR 8404	St workforce training plan
SCR 8407	Bills/house of origin
SCR 8408	Adjourning SINE DIE

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

**Sixty-First Legislature
2009 Regular Session**

House Bill No.

Statue Title

HOUSE JOINT MEMORIALS

HJM 4000	County health care costs
HJM 4005	Nisei veterans postage stamp
HJM 4014	Trucking industry

HOUSE CONCURRENT RESOLUTIONS

HCR 4400	Legislature organized
HCR 4401	Legislature joint sessions
HCR 4402	Legislature cutoff dates

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5000	16					
5001	16	188	465		189	C259
5001-S			466	466	1257, 1292(P), 1599(S)	C259
5002	16	177	611	611	2142	
5003	16					
5004	16	401			814	
5005	16	401	639			
5005-S			639	639	2142	
5006	16					
5007	16	344	493			
5007-S			493	494	2142	
5008	16	419	733	733	1516, 1517, 1547(P), 1723(S),	C269
5009	16	193	448			C50
5009-S			448	448	874, 891(P), 899(S)	C50
5010	16					
5011	16	344	471			C273
5011-S			471, 498, 499	471, 499	471, 498, 1517, 1518, 1518, 1547(P), 1723(S)	C273
5012	16	144	471			C20
5012-S			471	471	842, 862(P), 874(S)	C20
5013	16	188	463	465	463, 465, 1914, 2116, 2116, 2139(P), 2140(S),	C417
5014	16	109	474	475	475, 2142	
5015	17	158	435	435	1067, 1131(P)	C206
5016	17	158			814	
5017	17	158	468	468	974, 1019(P), 1067(S)	C103
5018	17	158			814	
5019	17	158			814	
5020	17					
5021	17					
5022	17					
5023	17	363			814	
5024	17	150			814	
5025	17	363			814	
5026	17	382	495			
5026-S			495	495	2141	
5027	17	382				
5028	17	158	471	471	1257, 1292(P), 1599(S)	C260
5029	17	158			813	
5030	18	95	532			C21
5030-S			532	532	842, 862(P), 874(S)	C21
5031	18	95	499	499	2141	
5032	18	158	549			
5032-S			549	555	555, 2141	
5033	18					
5034	18	95			814	
5035	18	109	745			C22
5035-S			745	745	842, 862(P), 874(S)	C22
5036	18	95			814	
5037	18					
5038	18	90	467	468	1518, 1519, 1547(P), 1723(S),	C549PV
5039	19	188			813	
5040	20	95	156			C357
5040-S			156	157	1519, 1547(P), 1723(S),	C357
5041	20					
5042	20	150	155			C358
5042-S			155	155	1519, 1547(P), 1723(S),	C358
5043	20	188	359			C23

HISTORY OF SENATE BILLS

2201

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5043-S			359	359	842, 862(P), 874(S)	C23
5044	20	344	361		347	C172
5044-S			361	362	1162, 1236(P), 1310(S)	C172
5045	20	204, 451	495			C270
5045-S2			495	495	1576, 1583, 1674(P), 1723(S),	C270
5046	20					
5047	20	109			813	
5048	20	188	358			
5048-S			358	359	2142	
5049	20					
5050	20					
5051	20					
5052	21					
5053	21	95			814	
5054	21					
5055	21	183	417			C24
5055-S			417	417	842, 862(P), 874(S)	C24
5056	21	177	484			C359
5056-S			484	484	1519, 1520, 1521, 1547(P), 1723(S)	C359
5057	21					
5058	21	150			814	
5059	21					
5060	21	102	439	439	1521, 1547(P), 1723(S),	C360
5061	21	225	734			
5061-S			734	734	2141	
5062	21	225			228	
5063	21	120			814	
5064	21					
5065	21					
5066	22					
5067	22	363, 451				
5068	22					
5069	22	183			814	
5070	22	150				
5071	22	217	718	719	1257, 1292(P), 1599(S)	C464
5072	22					
5073	22	809	1866			C479
5073-S			1866	1866	2023, 2088(P), 2134(S)	C479
5074	22	198	468	468	2142	
5075	22	363			24, 369	
5076	22	177	432	432	2142	
5077	22					
5078	22					
5079	23	109			814	
5080	23					
5081	23					
5082	23					
5083	23					
5084	23	363			813	
5085	23					
5086	23	419			814	
5087	23					
5088	23					
5089	23					
5090	23					
5091	59					
5092	59					
5093	59					
5094	59					
5095	59					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5096	59	159				814
5097	59	188				814
5098	59					
5099	59					
5100	59					
5101	59					
5102	60	116	143	143	904, 905(P), 974(S)	C86
5103	60	150				814
5104	60					
5105	69	394				814
5106	69					
5107	69	136	156	156	1804, 1805, 1870(P), 1950(S),	C419
5108	69					
5109	69					
5110	69	193	740			C361
5110-S			740	741	1622, 1690(P), 1723(S),	C361
5111	69	102				814
5112	69					
5113	69					
5114	69					
5115	69	394	687			
5115-S			687	687		2141
5116	69	109				814
5117	70	177	474			71 C194
5117-S			474	474	1162, 1236(P), 1310(S)	C194
5118	70					
5119	70					
5120	70	217	570	570	1634, 1690(P), 1723(S),	C362
5121	70					
5122	70					
5123	70					
5124	70	102				814
5125	70	126	439	439	904, 905(P), 974(S)	C87
5126	70					
5127	70	419	715, 755	755		2141
5128	70					
5129	70					71
5130	70	217	469			C10
5130-S			469	469	790, 791, 796(P), 801(S),	C10
5131	70	382	512			C19
5131-S			512	512	842, 862(P), 874(S)	C19
5132	71					
5133	71	382				814
5134	71					
5135	71	116	433	433	842, 862(P), 874(S)	C26
5136	71	150	434			C51
5136-S			434	434	874, 891(P), 899(S)	C51
5137	71					
5138	76	382, 451	642			
5138-S2			642	642		2142
5139	76					
5140	76					
5141	76	217	712			
5141-S			712	712		2141
5142	76					
5143	76					
5144	76					
5145	76					
5146	76	344				347
5147	77	419	569	569	904, 905(P), 974(S)	C88
5148	77					

HISTORY OF SENATE BILLS

2203

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5149	77	204, 363			814	
5150	77					
5151	77	116	484			C140
5151-S			484	484	974, 1059(P), 1098(S)	C140
5152	77	198	569			
5152-S			569	569	2142	
5153	77	144	435	436	1521, 1522, 1547(P), 1723(S),	C363
5154	77					
5155	77					
5156	77	150	436	436	842, 862(P), 874(S)	C25
5157	77	363			814	
5158	77	225			814	
5159	77					
5160	78	198	734			C364
5160-S			734	734	1529, 1530, 1575(P), 1723(S),	C364
5161	78	193				
5162	78					
5163	78					
5164	78	144	436	436	774(P), 774, 788(S)	C13
5165	78	198			814	
5166	78	159	477			C408
5166-S			477	477	1759, 1870(P), 1950(S),	C408
5167	78	217			814	
5168	78					
5169	78					
5170	78					
5171	78	144	439			C365
5171-S			440	440	1530, 1575(P), 1723(S),	C365
5172	78	382	581			C465
5172-S			581	581	1522, 1547(P), 1723(S),	C465
5173	79	419	739	739	1522, 1523, 1547(P), 1723(S),	C295
5174	79					
5175	79	344			814	
5176	79	382, 451			814	
5177	79	419	581			C466
5177-S			581	581	1523, 1524, 1547(P), 1723(S),	C466
5178	79	198			813	
5179	79	198	669			
5179-S			669	669	2141	
5180	79	109	440	440	1530, 1531, 1575(P), 1723(S),	C274
5181	79				80	
5182	79					
5183	79					
5184	79	188	449	449	842, 862(P), 874(S)	C27
5185	79					
5186	79				2133	
5187	80					
5188	80					
5189	80	373			814	
5190	80	159	437			C28
5190-S			437	437	842, 862(P), 874(S)	C28
5191	80	204			814	
5192	81					
5193	81	373	474	474	2141	
5194	81					
5195	81	204	446			C104
5195-S			446	446	974, 1019(P), 1067(S)	C104

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5196	81					
5197	81	150			814	
5198	81					
5199	82	136	450			C367PV
5199-S			450	450	1635, 1690(P), 1723(S),	C367PV
5200	82	144	447	448	447, 1514, 1959, 2142	
5201	82	126			814	
5202	82					
5203	82					
5204	82					
5205	82	188	450	450	2141	
5206	82	225				
5207	82	159			814	
5208	82	373				
5209	82	217			814	
5210	82	419			814	
5211	82	159	511	511	2141	
5212	83	217	510			
5212-S			510	510	2141	
5213	83					
5214	83					
5215	83					
5216	83					
5217	83					
5218	83	159	433	433	2142	
5219	83	383	745			
5219-S			745	746	2142	
5220	83	383			814	
5221	83	159	417	417	779(P), 779, 788(S)	C15
5222	83					
5223	83	2132				
5224	83					
5225	84	394	534			
5225-S			534	537	537, 2141	
5226	84					
5227	84	116			813	
5228	84	363	545			C29
5228-S			546	546	842, 862(P), 874(S)	C29
5229	84	225	584			C410
5229-S			584	585	1531, 1532, 1575(P), 1723(S),	C410
5230	84					
5231	84	383			813	
5232	84	189	468		85	
5232-S			468	469	2142	
5233	84	159	445	445	974, 1019(P), 1067(S)	C105
5234	84					
5235	84	198			814	
5236	84					
5237	84					
5238	90	166, 383	486			C30
5238-S			487	487	842, 862(P), 874(S)	C30
5239	90	225			814	
5240	90					
5241	90					
5242	91					
5243	91					
5244	91					
5245	91	401			814	
5246	91					
5247	91					
5248	91	126, 451	665			C380

HISTORY OF SENATE BILLS

2205

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5248-S			665	665	1653, 1661, 1690(P), 1723(S),	C380
5249	91					
5250	91					
5251	91					
5252	91	383	475			C411
5252-S			475	475	1762, 1763, 1870(P), 1950(S),	C411
5253	91	383			388	
5254	91					
5255	91	373, 451				
5256	92					
5257	92	126			814	
5258	92	126			814	
5259	92					
5260	92	204			206	
5261	92	217	469			C31
5261-S			469	469	842, 862(P), 874(S)	C31
5262	92	351	686			C366
5262-S			686	686	1532, 1575(P), 1723(S),	C366
5263	92	199	497			C453
5263-S			497	498	1914, 2091, 2092, 2115(P), 2134(S),	C453
5264	92	166				
5265	92	225				
5266	92	383			813	
5267	92	159	447			C173
5267-S			447	447	1162, 1236(P), 1310(S)	C173
5268	93	150	436			C368
5268-S			436	437	1532, 1533, 1575(P), 1723(S),	C368
5269	93	151	438			
5269-S			438	439	2142	
5270	93	338, 383	477			C369
5270-S			477	477	1635, 1690(P), 1723(S),	C369
5271	93	199	569			C106
5271-S			569	569	974, 1019(P), 1067(S)	C106
5272	93	344			814	
5273	93	193	434			C370
5273-S			434	434	1583, 1674(P), 1723(S),	C370
5274	93					
5275	93					
5276	93	344	472			C207
5276-S			472	472	1162, 1236(P), 1310(S)	C207
5277	93	120	475	476	1515, 1516, 1547(P), 1723(S),	C372
5278	93	160			814	
5279	93					
5280	94	419			814	
5281	94					
5282	94	373			814	
5283	94					
5284	94	384	543	543	974, 1019(P), 1067(S)	C109
5285	94	401	549			C480
5285-S			549	549	1697, 2003, 2007, 2088(P), 2134(S),	C480
5286	94	218	545			Vetoed
5286-S			545	545	1635, 1636, 1690(P), 1723(S),	Vetoed
5287	94				94	
5288	94	120	327			C375PV
5288-S			327	335	334, 1989, 2002, 2002, 2088(P), 2134(S)	C375PV

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5289	94	160	417	417	1533, 1535, 1575(P), 1723(S),	C277
5290	94	136	435			C32
5290-S			435	435	842, 862(P), 874(S)	C32
5291	95					
5292	96	225				
5293	96					
5294	96					
5295	96	384	573			
5295-S			573	573	2142	
5296	96	364			814	
5297	96	166	510	510		
5298	96	144	450	450	1162, 1236(P), 1310(S)	C174
5299	96					
5300	96					
5301	96	401	611			
5301-S			611	611	2141	
5302	96					
5303	96	364	746	746	1162, 1236(P), 1310(S)	C209
5304	96					
5305	97	218	439	439	974, 1019(P), 1067(S)	C110
5306	97					
5307	97					
5308	97					
5309	97					
5310	97					
5311	97	364			814	
5312	97					
5313	97					
5314	97					
5315	97	364	499	500	974, 1019(P), 1067(S)	C111
5316	97	189	378	378	2141	
5317	97	344	582			
5317-S			582	582	2141	
5318	98	401	687			C290PV
5318-S			687	687	1636, 1637, 1690(P), 1724(S),	C290PV
5319	98	183, 218			814	
5320	98	364	494	494	2141	
5321	98	441	665			C550
5321-S			665	666	1701, 2064, 2065, 2095(P), 2134(S),	C550
5322	98	160	546	546	974, 1019(P), 1067(S)	C112
5323	98	218			814	
5324	98	160			814	
5325	98					
5326	98	177	516			C210
5326-S			516	531	1162, 1236(P), 1310(S)	C210
5327	98	338	575			C107
5327-S			575	575	974, 1019(P), 1067(S)	C107
5328	98					
5329	98					
5330	98					
5331	98	441			814	
5332	98	429	687			
5332-S			687	687	2141	
5333	99	429				
5334	99	126				
5335	99					
5336	99					
5337	99	394			814	
5338	99					

HISTORY OF SENATE BILLS

2207

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5339	99					
5340	99	199	532		200	C278
5340-S			532	532	1535, 1536, 1575(P), 1724(S),	C278
5341	99				101	
5342	99					
5343	99	401	734			C113
5343-S			734	734	974, 1019(P), 1067(S)	C113
5344	99	384	513			C11
5344-S			513	515	514, 791, 793, 794, 796(P), 801(S)	C11
5345	99					
5346	99	199, 429	498			C298
5346-S2			498	498	1637, 1639, 1690(P), 1724(S),	C298
5347	100					
5348	100	189	446	446	774(P), 774, 788(S)	C16
5349	100					
5350	100	183	447			C114
5350-S			447	447	974, 1019(P), 1067(S)	C114
5351	100					
5352	100	842	865			C470PV
5352-S			865, 866, 867	873	1739, 1926, 2030, 2060, 2088(P), 2134(S)	C470PV
5353	100					
5354	100	218	477	478	1605, 1988, 1988, 1989, 2088(P), 2134(S)	C481
5355	100	199	574	574	1536, 1537, 1575(P), 1724(S),	C306
5356	100	151	466	466	1067, 1131(P), 1310(S)	C195
5357	100					
5358	100					
5359	100	199	569	570	1515, 1914, 1915, 2003(P), 2085(S),	C414
5360	100	401	595			C299PV
5360-S			595	595	1537, 1538, 1575(P), 1724(S),	C299PV
5361	100	419				
5362	101					
5363	102					
5364	102					
5365	103					
5366	103	160			814	
5367	103	345	476			C271
5367-S			476	476	1538, 1575(P), 1724(S),	C271
5368	103	441	532			C308
5368-S			532	533	1539, 1540, 1575(P), 1724(S),	C308
5369	103	126	510			C52
5369-S			510	511	874, 891(P), 899(S)	C52
5370	103	151	447	447	2141	
5371	103					
5372	103					
5373	103					
5374	103	338	555	556	2141	
5375	103	351			814	
5376	103	384			814	
5377	103	394				
5378	104	199	476	476	2141	
5379	104	226				
5380	104	402	669			C53
5380-S			669	669	874, 891(P), 899(S)	C53
5381	104	193			814	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5382	104					
5383	104	226	478			
5383-S			478	478	2141	
5384	104					
5385	104					
5386	104					
5387	104					
5388	104	193	433			C49
5388-S			433	433	874, 891(P), 899(S)	C49
5389	104					
5390	104					
5391	104	394	515			C412
5391-S			515	515	1763, 1766, 1870(P), 1950(S),	C412
5392	104					
5393	105					
5394	105	338			814	
5395	105					
5396	105	339			814	
5397	105	339			814	
5398	105	339			814	
5399	105	384			814	
5400	105	419	742			
5400-S			742	745	2141	
5401	105	373	542			C246
5401-S			542	542	1639, 1644, 1690(P), 1724(S),	C246
5402	105	394	570			C287
5402-S			570	570	1540, 1575(P), 1724(S),	C287
5403	105	345	547			
5403-S			547	547	2141	
5404	105	420			814	
5405	105					
5406	105	199	445			
5406-S			445	446	2141	
5407	106	1474				
5408	106					
5409	106					
5410	106	226	585			C542
5410-S			585	585	1540, 1543, 1575(P), 1724(S),	C542
5411	106	204			814	
5412	106	339	479	479	2141	
5413	106	345	542	542	1019, 1059(P), 1098(S)	C141
5414	106	204	488			C310PV
5414-S			488	493	492, 1543, 1546, 1546, 1575(P), 1724(S)	C310PV
5415	106	373			815	
5416	106	373			814	
5417	106	351	543			C14
5417-S			543	543	774(P), 774, 788(S)	C14
5418	107					
5419	107	193				
5420	107					
5421	107	394, 452	2014		815	C420
5421-S			2014	2015	2014, 2085, 2088(P), 2134(S)	C420
5422	107	183			815	
5423	107	226	596	597	597, 874, 891(P), 899(S)	C54
5424	107	420	735			
5424-S			735	735	2141	
5425	107					

HISTORY OF SENATE BILLS

2209

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5426	111	364	556	556	974, 1019(P), 1067(S)	C115
5427	111	204			813	
5428	111					
5429	111					
5430	111	183, 364			184, 813	
5431	111	384	479			C482
5431-S			480	480	1702, 1987, 1988, 2088(P), 2134(S),	C482
5432	111	345				
5433	111	384, 452	714			C551PV
5433-S2				715	714, 1605, 1913, 2120, 2124, 2140(S), 2140(P)	C551PV
5434	111	205	577			C116
5434-S			577	577	974, 1019(P), 1067(S)	C116
5435	111					
5436	111	226	471			C552PV
5436-S			472	472	1609, 2065, 2067, 2068, 2095(P), 2134(S)	C552PV
5437	111	183	466			C55
5437-S			466	466	874, 891(P), 899(S)	C55
5438	111	218			814	
5439	111	205			815	
5440	112	194	572			
5440-S			572	572		
5441	112	339				
5442	112	339				
5443	112	345				
5444	112					
5445	112	218			219	
5446	112	402			814	
5447	112	364			814	
5448	112	226			814	
5449	113	365	585			
5449-S			585	585	2141	
5450	113					
5451	113	351	511			
5451-S			511	511	2141	
5452	113	144	467	467	145, 1557, 1557, 1673(P), 1723(S),	C291
5453	113	384	725	725	725, 1703, 2142	
5454	113					
5455	113					
5456	113					
5457	113					
5458	113	441			814	
5459	113					
5460	113	126	142			C5
5460-S			142, 143	143	354, 358, 362(S), 362(P),	C5
5461	113	365	559			C307
5461-S			559	559	1557, 1673(P), 1723(S),	C307
5462	114					
5463	114					
5464	114					
5465	114					
5466	114					
5467	114				115	
5468	114	205	559			C311
5468-S			559	560	1558, 1673(P), 1723(S),	C311
5469	114	226	448			C125
5469-S			448	448	1019, 1059(P), 1098(S)	C125
5470	114	1525	1549	1549	1867, 2003(P), 2085(S)	C483
5471	114					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5472	114					
5473	116	184	640			C421
5473-S			640	640	1558, 1561, 1562, 1673(P), 1723(S)	C421
5474	116	205				
5475	116					
5476	116					
5477	117					
5478	117	184			814	
5479	117	402			814	
5480	117	199, 385	597			C175
5480-S			597	598	1162, 1236(P), 1310(S)	C175
5481	117	200	472			C56
5481-S			472	472	874, 891(P), 899(S)	C56
5482	117	385	574	574	1562, 1563, 1673(P), 1723(S),	C275
5483	117					
5484	117	374, 452	666			
5484-S2			666	666	2141	
5485	117	160	478			
5485-S			478, 479	479	2141	
5486	117	226, 452			815	
5487	117	420	586	586	874, 891(P), 899(S)	C57
5488	117					
5489	117					
5490	117					
5491	117	127, 395, 452	627			
5491-S2			627	633	2141	
5492	118	166	515	516	1019, 1059(P), 1131(S)	C126
5493	118					
5494	118					
5495	118	402			813	
5496	118					
5497	118	200			813	
5498	118	200	586	586	2141	
5499	118	365	735			C473PV
5499-S			735	735	2092, 2115(P), 2134(S),	C473PV
5500	118	189	592	592	2141	
5501	118	151, 453	592		151	C300
5501-S			592	592	1644, 1645, 1646, 1690(P), 1724(S)	C300
5502	118	420	592			
5502-S			592, 594	594	594, 2141	
5503	118	194				
5504	118	205	484			C456
5504-S			484	484	1563, 1569, 1673(P), 1723(S),	C456
5505	118					
5506	119	395				
5507	120	365	570	571	2141	
5508	120					
5509	120	385	668		1569	C346
5509-S			668	669	1569, 1673(P), 1723(S),	C346
5510	120	402	495			C484
5510-S			495	496	1703, 1867, 2091, 2091, 2091, 2115(P), 2134(S)	C484
5511	120	218	511	511	1019, 1059(P), 1098(S)	C127
5512	121					
5513	121	351	726			C279
5513-S			726	726	1570, 1571, 1572, 1673(P), 1723(S)	C279
5514	121					

HISTORY OF SENATE BILLS

2211

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5515	121				124	
5516	121	365			124, 815	
5517	121					
5518	121	351				
5519	121	385	746	755	746, 754, 2141	
5520	121					
5521	121				124	
5522	121					
5523	121	453			815	
5524	121					
5525	122	402	666	666	1915, 1919, 2003(P), 2085(S),	C455PV
5526	122	365			813	
5527	122					
5528	122	402	746			
5528-S			746	746		
5529	122	385	667			
5529-S			667	667	2141	
5530	122	374			815	
5531	122	402	543			C371
5531-S			543	544	1572, 1673(P), 1723(S),	C371
5532	122					
5533	122	420			815	
5534	122	218			815	
5535	122					
5536	122					
5537	122	441	718			C500
5537-S			718	718	2085, 2088(P), 2134(S)	C500
5538	123	420				
5539	123	385	575			C553
5539-S			575	575	1584, 1674(P), 1723(S),	C553
5540	123	429	529	530	529, 1584, 1585, 1674(P), 1723(S)	C280
5541	123					
5542	123	441	578	578	1019, 1059(P), 1098(S)	Vetoed
5543	123					
5544	123	351			814	
5545	123	395			398	
5546	123	385			814	
5547	123	200	560	560	1585, 1690(P), 1724(S),	C312
5548	123	429	493	493	1550, 2141	
5549	123	420			813	
5550	123	402			813	
5551	123	205	478			C182
5551-S			478	479	1019, 1059(P), 1098(S)	C182
5552	124					
5553	124	218	377			
5553-S			377	377	2141	
5554	124	151	155	156	1551, 1987, 1987, 1987, 2088(P), 2134(S)	C554
5555	124	189	377			
5555-S			377	378	378, 2141	
5556	124	365	561			C272
5556-S			561	561	1585, 1586, 1674(P), 1723(S),	C272
5557	124	453	1691			
5557-S			1691, 1692	1692	2141	
5558	124					
5559	124					
5560	124	160, 385, 453	642		388	C519PV
5560-S2			642	643	1646, 1682, 1870(P), 1950(S),	C519PV

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5561	128	226	467			C313
5561-S			467	467	1586, 1674(P), 1723(S),	C313
5562	128	227	639	639	1019, 1059(P), 1098(S)	C200
5563	128	151, 403			815	
5564	128	386			815	
5565	128	420	735			C282
5565-S			735	735	1586, 1587, 1674(P), 1723(S),	C282
5566	128	365	755			C289
5566-S			755	755	1587, 1674(P), 1723(S),	C289
5567	128	219			813	
5568	128	219	711	712	1512, 1528(P), 1724(S)	C309
5569	128	420			815	
5570	129	219			815	
5571	129	421	670			C176
5571-S			670	670	1067, 1131(P), 1310(S)	C176
5572	129	395, 453			814	
5573	129					
5574	129	351	494			C485
5574-S			494	494	1612, 1614, 1910, 2060, 2063, 2088(P), 2134(S)	C485
5575	129					
5576	129	421				
5577	129	403			814	
5578	129					
5579	129					
5580	129	219	561	561	1257, 1292(P), 1599(S)	C263
5581	130	205	472	473	1019, 1059(P), 1098(S)	C142
5582	130	205			815	
5583	130	205	755			C283
5583-S			756	756	1587, 1590, 1674(P), 1723(S),	C283
5584	130					
5585	130	403			409	
5586	130					
5587	130	219	561	562	1162, 1236(P), 1310(S)	C211
5588	130	403				
5589	131	403				
5590	131					
5591	131					
5592	131					
5593	131	365			814	
5594	131					
5595	131	403	533			C12
5595-S			533	533	786(P), 786, 788(S)	C12
5596	131	441			814	
5597	131	421			134	
5598	131	366				
5599	132	403	768	768	1310, 1474(P), 1599(S)	C264
5600	132	1474				
5601	132	366	735		369	C301
5601-S			736	736	1590, 1593, 1594, 1674(P), 1723(S)	C301
5602	132	219			814	
5603	132					
5604	132					
5605	132	194			814	
5606	132					
5607	132					
5608	132	366	595		369	C302PV
5608-S			595	595	1594, 1674(P), 1723(S),	C302PV
5609	132					

HISTORY OF SENATE BILLS

2213

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5610	132	352	736			C276
5610-S			736	736	1594, 1595, 1674(P), 1723(S),	C276
5611	132	386				814
5612	133	403				814
5613	133	345	501			C196
5613-S			501	501	1067, 1131(P), 1310(S)	C196
5614	133	395				815
5615	133	366				814
5616	133	151	156			C296
5616-S			156	156	1596, 1597, 1674(P), 1723(S),	C296
5617	133	345	586	586	1614, 1910, 2142	
5618	133					
5619	133					
5620	133	345				814
5621	133	189				814
5622	133	166				814
5623	133	177, 200				814
5624	133	374, 453				815
5625	134	421				815
5626	134					
5627	134					
5628	134	421				428
5629	134	227	484	486	1597, 1598, 1674(P), 1724(S),	C303
5630	136	421				815
5631	136					
5632	136					
5633	136	403				814
5634	136					
5635	136					
5636	137	386				815
5637	137					
5638	137	386	711			
5638-S			711	711		2141
5639	137	403				409
5640	137					
5641	137	166				
5642	137	339	486	486	1257, 1292(P), 1599(S)	C262
5643	137					
5644	137					
5645	137	339				815
5646	137	395				814
5647	137	194				
5648	137					
5649	137	404, 454	641			C379PV
5649-S2			641	642	1648, 1653, 1682, 1682, 1870(P), 1950(S)	C379PV
5650	138	366				814
5651	138	151, 386	715			C286
5651-S			715	717	717, 1598, 1599, 1599, 1674(P), 1724(S)	C286
5652	138					
5653	138					
5654	138					
5655	138	386				815
5656	138					
5657	138					
5658	138					
5659	138	374	531			
5659-S			531	531		2141

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5660	138					
5661	138	374	476	476	2141	
5662	138					
5663	139					
5664	139					
5665	139	366	560			C314
5665-S			560	560	1601, 1604, 1674(P), 1724(S),	C314
5666	139					
5667	139					
5668	139	421			814	
5669	139	205			815	
5670	139	374			814	
5671	139	366	543			C18
5671-S			543, 544	544	544, 795, 795, 801(P), 806(S)	C18
5672	139	421			815	
5673	139	189	446	446	1604, 1605, 1674(P), 1724(S),	C315
5674	139					
5675	139					
5676	139	366, 454	587			C212
5676-S2			587	587	1162, 1236(P), 1310(S)	C212
5677	139	194	611			C143
5677-S			611	612	1019, 1059(P), 1098(S)	C143
5678	140	184	739			
5678-S			739	740	2141	
5679	140					
5680	140	454	670	670	874, 891(P), 899(S)	C58
5681	140	386			814	
5682	140	442	726			
5682-S			726	727	2141	
5683	140					
5684	140	442	727			C471
5684-S			727	727	1551, 1867, 2003(P), 2085(S)	C471
5685	140					
5686	140					
5687	140	386, 454			814	
5688	140	339, 345	676		340	C521
5688-S2			676, 677	677	1574, 1673(P), 1724(S)	C521
5689	145					
5690	145	366				
5691	145	367, 454	727			
5691-S2			727	727	2141	
5692	145					
5693	145					
5694	145	395			814	
5695	145	374	767	768	974, 1019(P), 1067(S)	C108
5696	145	367			814	
5697	145					
5698	145	386	688			
5698-S			688	688	2141	
5699	146	346	562	562	974, 1019(P), 1067(S)	C117
5700	146	404			814	
5701	146	404			814	
5702	146	387			815	
5703	146	404			814	
5704	146	367	575			
5704-S			575	575	2141	
5705	146	367	688			C144
5705-S			688	688	1019, 1059(P), 1098(S)	C144

HISTORY OF SENATE BILLS

2215

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5706	146					
5707	146					
5708	146	404	713			
5708-S			713	713	2141	
5709	146					
5710	146					
5711	146					
5712	146					
5713	146	227				
5714	147	374, 454	587	587	376, 2141	
5715	147					
5716	147	387	757			
5716-S			757	757	2141	
5717	147	339	470	470	149, 2141	
5718	147	404	612			C409
5718-S			612	612	1766, 1773, 1870(P), 1950(S),	C409
5719	147	374	666			C284
5719-S			666	667	1622, 1623, 1690(P), 1724(S),	C284
5720	147	189	467	467	1623, 1624, 1690(P), 1724(S),	C316
5721	147	454			814	
5722	147					
5723	147	219	578			C486
5723-S			578	578	578, 1773, 1778, 1778, 1870(P), 1950(S)	C486
5724	147	367	643			C281
5724-S			643	643	1625, 1690(P), 1724(S),	C281
5725	147	374	486			C487
5725-S			486	486	1778, 1779, 1870(P), 1950(S),	C487
5726	147					
5727	147	387	573			
5727-S			573	573	2141	
5728	147	387			814	
5729	148					
5730	148	374				
5731	148	200	434	434	1625, 1690(P), 1724(S),	C304
5732	148	421	576			C490
5732-S			576	577	1805, 1806, 1870(P), 1950(S),	C490
5733	148	387				
5734	148	346	575			C574PV
5734-S			576	576	1919, 1920, 2003(P), 2085(S),	C574PV
5735	148	404, 455	691			
5735-S2			691, 694, 695, 696	696	696	
5736	148	206				
5737	148					
5738	152	395	556			C317
5738-S			556	556	1625, 1626, 1690(P), 1724(S),	C317
5739	152	194	445	445	874, 891(P), 899(S)	C59
5740	152					
5741	152					
5742	152	404	712			
5742-S			712	713	713, 2141	
5743	152					
5744	152					
5745	152	367			814	
5746	152	404	607			C454

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5746-S			607	610	610, 1779, 1782, 1782, 1870(P), 1950(S)	C454
5747	152					
5748	152	227			814	
5749	152	227			228, 814	
5750	152					
5751	153	200	572	572	2141	
5752	153	200	473			C177
5752-S			473	473	1162, 1236(P), 1310(S)	C177
5753	153	422				
5754	153					
5755	153					
5756	153					
5757	153	405			815	
5758	153	405			814	
5759	153	227			228, 815	
5760	153	422	577			
5760-S			577	578	1551, 2142	
5761	153					
5762	153					
5763	153	346	590			
5763-S			590	592	591, 2141	
5764	154	227			815	
5765	154	227	533			C208
5765-S			533	533	1162, 1236(P), 1310(S)	C208
5766	154					
5767	154	194	469	469	974, 1019(P), 1067(S)	C118
5768	154	375	496			C458
5768-S			496	497	1939, 1940, 2003(P), 2085(S),	C458
5769	154	227				
5770	154	367			814	
5771	154					
5772	154					
5773	161	422				
5774	161					
5775	161	396			814	
5776	161	422	756			C179
5776-S			756	756	1067, 1131(P), 1310(S)	C179
5777	161	396	595			C555
5777-S			595	596	1615, 1983, 1986, 1987, 2088(P), 2134(S)	C555
5778	161	422			814	
5779	161	396	668			
5779-S			668	668	2141	
5780	162	429	741			
5780-S			741	741	2141	
5781	162					
5782	162				164	
5783	162					
5784	162					
5785	162					
5786	162	422				
5787	162					
5788	162	422, 455			814	
5789	162	387			164	
5790	162					
5791	162	422, 455			164, 815	
5792	162	396				
5793	162	422	562			C128
5793-S			562	562	974, 1019(P), 1067(S)	C128
5794	163					

HISTORY OF SENATE BILLS

2217

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5795	163	367	531			C567
5795-S			531	531	2063, 2089, 2115(P), 2134(S)	C567
5796	163					
5797	163	340	448			C178
5797-S			448	449	1067, 1131(P), 1310(S)	C178
5798	163	422			814	
5799	163					
5800	163	396	531			
5800-S			531	532	2141	
5801	163	396			398	
5802	163	375	649			
5802-S			649	650	649, 2141	
5803	163	387			814	
5804	163	423	740	740	1257, 1292(P), 1599(S)	C247
5805	163					
5806	163	423			815	
5807	163	423	717			
5807-S			717	718	2141	
5808	173	387	558			C60
5808-S			558	558	874, 891(P), 899(S)	C60
5809	174	423, 455	573			C566PV
5809-S2			573, 721	722	722, 1617, 2117, 2118, 2118, 2139(P), 2140(S)	C566PV
5810	174	405	757, 764	765	757, 764, 1626, 1633, 1634, 1690(P), 1724(S)	C292
5811	174	405	599			C491
5811-S			599	607	606, 1709, 1976, 1983, 1983, 2088(P), 2134(S)	C491
5812	174	405			814	
5813	174					
5814	174					
5815	174					
5816	174	442			815	
5817	174	423				
5818	174					
5819	174					
5820	174					
5821	174					
5822	175					
5823	175	423			814	
5824	175					
5825	175	227				
5826	175	227	473			
5826-S			474	474	2141	
5827	175					
5828	175	423	639			
5828-S			640	640	2141	
5829	175					
5830	175					
5831	175					
5832	178	396	500	500	874, 891(P), 899(S)	C61
5833	178	405	737		180	
5833-S			737	737	2141	
5834	178	423	546			C373
5834-S			546	546	1661, 1663, 1690(P), 1724(S),	C373
5835	178					
5836	178					
5837	178					
5838	178					
5839	178	405	571			C145

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5839-S			571	571	1019, 1059(P), 1098(S)	C145
5840	178	387	671			
5840-S			671, 674, 675, 676	676	674, 676, 1553, 1556, 1911, 2142	
5841	178	346				
5842	178					
5843	179	375			815	
5844	179	405			180, 814	
5845	179					
5846	179	442			814	
5847	179	228				
5848	179					
5849	179					
5850	179	405, 455	678			C492PV
5850-S2			678	679	679, 1810, 1811, 1870(P), 1950(S)	C492PV
5851	179					
5852	179					
5853	179					
5854	179	388, 455	643			C423
5854-S2			644, 648	648	648, 1663, 1667, 1667, 1690(P), 1724(S)	C423
5855	179	352				
5856	179					
5857	180					
5858	180					
5859	180					
5860	180					
5861	180					
5862	180				180	
5863	180					
5864	180					
5865	180	346, 456			814	
5866	184					
5867	184					
5868	184	405			814	
5869	184	899				
5870	184					
5871	184					
5872	184					
5873	184	406	584			C197
5873-S			584	584	584, 1067, 1131(P), 1310(S)	C197
5874	185	406			814	
5875	185					
5876	185	406			814	
5877	185	423			428, 814	
5878	185	442			814	
5879	185	228	582			
5879-S			582	583	2141	
5880	185	367	650			
5880-S			650, 654, 655	655	655, 2141	
5881	185	406	500			C266
5881-S			500	500	1257, 1292(P), 1599(S)	C266
5882	185	406	560			C213
5882-S			560	560	1162, 1236(P), 1310(S)	C213
5883	185	375			814	
5884	185					
5885	185					
5886	185	406	689	690	690, 2141	
5887	185					
5888	186					
5889	186	368	655			C556

HISTORY OF SENATE BILLS

2219

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5889-S			655	662	662, 1715, 1975, 1976, 2088(P), 2134(S)	C556
5890	186	375	662			
5890-S			662	665	665, 2141	
5891	186	424	556			C305
5891-S			556	557	1667, 1668, 1690(P), 1724(S),	C305
5892	186	346, 456	710			C575
5892-S			710	711	711, 1920, 1921, 1921, 2003(P), 2085(S)	C575
5893	186	375	547			
5893-S			547	547	2141	
5894	186	375	727	729	727, 729, 1619, 1921, 1922, 2003(P), 2085(S),	C557
5895	186	424, 456	696			
5895-S2			696, 700, 709	709	696, 709, 2141	
5896	186					
5897	186					
5898	186	825				
5899	186	206	223		187, 206	
5899-S			223	223	2141	
5900	187					
5901	187	346	494			C267
5901-S			494	495	1257, 1292(P), 1599(S)	C267
5902	189	429				
5903	190	388	561	561	874, 891(P), 899(S)	C62
5904	190	388	579			C63
5904-S			579	579	874, 891(P), 899(S)	C63
5905	190					
5906	190	352				
5907	190	388			814	
5908	190	406			814	
5909	190	424	498	498	1257, 1292(P), 1599(S)	C268
5910	190	206			815	
5911	190					
5912	190					
5913	190	424	612			C558PV
5913-S			612	612	1621, 1959, 1959, 1959, 2088(P), 2134(S)	C558PV
5914	190	424				
5915	190	406	1690	1691	1691, 2085, 2088(P), 2134(S)	C559
5916	190	368, 456	737		191	
5916-S2			737	738	2141	
5917	191	396			191, 815	
5918	191	424				
5919	191					
5920	191	406			815	
5921	191	206, 368	643			C318
5921-S			643	643	1668, 1669, 1690(P), 1724(S),	C318
5922	191					
5923	191					
5924	191	368			369	
5925	191	424	583	583	1669, 1670, 1690(P), 1724(S),	C297
5926	195					
5927	195					
5928	195	375			197, 815	
5929	195					
5930	195	456				
5931	195	397	689			C424
5931-S			689	689	1677, 1870(P), 1950(S),	C424

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5932	195					
5933	195	424				
5934	195	406			814	
5935	195	424				
5936	195					
5937	195					
5938	195	442			814	
5939	196	407				
5940	196	425	571	571	2141	
5941	196	368, 456	587			
5941-S2			587	590	590, 2141	
5942	196					
5943	196	407, 457	719		409	
5943-S2			719, 720	720	2141	
5944	196	425	571	572	874, 892(P), 899(S)	C48
5945	196	425, 457	598			C545PV
5945-S2			598	598	1679, 1870(P), 1950(S),	C545PV
5946	196					
5947	196					
5948	197	407			815	
5949	197					
5950	197					
5951	197	368	713	714	2141	
5952	197	425	677	678	1019, 1059(P), 1098(S)	C180
5953	197	442			814	
5954	201					
5955	201					
5956	201					
5957	201	375, 457	668			
5957-S			668	668	2141	
5958	201	425			814	
5959	201					
5960	201					
5961	201					
5962	201					
5963	201	425	723			C493
5963-S			723, 725	725	725, 1935, 2138, 2138, 2138, 2139(P), 2140(S)	C493
5964	201	425			814	
5965	202					
5966	202					
5967	206	397	714			C467
5967-S			714	714	1679, 1680, 1681, 1870(P), 1950(S)	C467
5968	207	407			409	
5969	207	407			814	
5970	207					
5971	207					
5972	207					
5973	207	425, 457	612			C468
5973-S2			612	613	1806, 1807, 1808, 1870(P), 1950(S)	C468
5974	207	397	493	493	1681, 1870(P), 1950(S),	C347
5975	207					
5976	207	388	873	873	1257, 1292(P), 1599(S)	C261
5977	207					
5978	207	425	544			C374
5978-S			544	544	1682, 1683, 1870(P), 1950(S),	C374
5979	207	376			815	
5980	207	425	548	549	974, 1019(P), 1067(S)	C129
5981	207	407			814	

HISTORY OF SENATE BILLS

2221

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5982	208					
5983	208					
5984	208					
5985	208					
5986	208	407, 457	582	582	2141	
5987	219	407	671			C146
5987-S			671	671	974, 1019(P), 1067(S)	C146
5988	220					
5989	220	340	449	449	1019, 1059(P), 1098(S)	C147
5990	220					
5991	220	407			815	
5992	220					
5993	220					
5994	220	408			222	
5995	220	408	1871, 1908	1909	222, 1871, 1908, 2125, 2132, 2132, 2139(P), 2140(S)	C560
5996	221					
5997	221					
5998	221					
5999	221					
6000	221	426	741			C130
6000-S			741	741	974, 1019(P), 1067(S)	C130
6001	221					
6002	221	346, 803	1696	1696	2023, 2088(P), 2134(S)	C488
6003	221					
6004	221	397			815	
6005	221					
6006	228	442			815	
6007	228					
6008	228					
6009	228	426	577			C489
6009-S			577	577	1683, 1870(P), 1950(S),	C489
6010	229					
6011	229					
6012	229	442			814	
6013	229					
6014	229					
6015	229	426, 457	738			C425
6015-S2			738	739	738, 1683, 1684, 1684, 1870(P), 1950(S)	C425
6016	229	426	736			C546
6016-S			736	737	1684, 1685, 1870(P), 1950(S),	C546
6017	229					
6018	229				229	
6019	229	426	598			C131
6019-S			598	598	1019, 1059(P), 1098(S)	C131
6020	229	442			815	
6021	340					
6022	340					
6023	340	397				
6024	340	408	670			C198
6024-S			670	670	974, 1019(P), 1067(S)	C198
6025	340					
6026	341					
6027	341	426			815	
6028	341					
6029	341				342	
6030	341					
6031	341					
6032	341	426	558			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6032-S			558	559	2141	
6033	341	376	557	557	557, 1685, 1686, 1686, 1870(P), 1950(S)	C386PV
6034	341	426				
6035	341	426	765			
6035-S			765	767	766, 2141	
6036	341	408	500			C457
6036-S			500	500	1686, 1687, 1870(P), 1950(S),	C457
6037	348	408	648		409	
6037-S			648	649	2141	
6038	348	426, 458				
6039	348					
6040	348					
6041	348					
6042	348					
6043	348					
6044	348					
6045	353					
6046	353					
6047	353	430			814	
6048	353	397	613, 624, 626	627	627, 2141	
6049	353					
6050	353					
6051	353	458			814	
6052	353	427	729			
6052-S			729	729	2141	
6053	353	427	598	598	2141	
6054	353					
6055	353					
6056	353	427				
6057	370					
6058	370					
6059	370					
6060	370					
6061	370					
6062	370				371	
6063	370	427			371	
6064	370					
6065	376	408	1696	1696	2142	
6066	376					
6067	376	427			814	
6068	376	443	687	688	1067, 1131(P), 1310(S)	C181
6069	377	408				
6070	377	427, 458	719	719	1687, 1688, 1870(P), 1950(S),	C426
6071	377					
6072	377					
6073	377					
6074	390	397				
6075	391					
6076	391					
6077	391	427				
6078	391					
6079	391					
6080	391					
6081	391					
6082	391	809				
6083	391	408			409	
6084	391					
6085	391	397			814	
6086	391				392	

HISTORY OF SENATE BILLS

2223

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6087	391	397			815	
6088	391	443	671			C427
6088-S			671	671	1688, 1870(P), 1950(S),	C427
6089	399					
6090	399	427			814	
6091	399					
6092	399	408			815	
6093	409					
6094	409					
6095	409	443	534			C496
6095-S			534	534	1688, 1689, 1870(P), 1950(S),	C496
6096	409	458	2083, 2084	2116	2115, 2138, 2140(S), 2140(P)	C494
6097	409					
6098	409					
6099	409					
6100	409					
6101	409					
6102	430					
6103	430	458	611	611	2141	
6104	430	458	667	668	1808, 1870(P), 1950(S),	C428
6105	430					
6106	431					
6107	444					
6108	444	803	1232			C576
6108-S			1232	1233	1232, 1922, 1922, 2003(P), 2085(S),	C576
6109	460	887	1132			
6109-S			1132, 1135		1136	
6110	460					
6111	460					
6112	460					
6113	460					
6114	460					
6115	481					
6116	481	1574				
6117	502					
6118	502					
6119	502					
6120	539					
6121	681	783	1671	1671	2023, 2088(P), 2134(S)	C577
6122	730	1689	1862			C415PV
6122-S			1862	1863	2092, 2093, 2134(P), 2140(S),	C415PV
6123	730					
6124	786					
6125	786					
6126	801	899	1696	1697	2093, 2115(P), 2134(S),	C429
6127	801					
6128	813					
6129	837	1689				
6130	837					
6131	837					
6132	837					
6133	837					
6134	837					
6135	837					
6136	837					
6137	837	2096	2119	2119	2119, 2139, 2140(S), 2140(P)	C547
6138	837	2132	2135			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6138-S			2135	2136	2133, 2142	
6139	837					
6140	837					
6141	837					
6142	837					
6143	837					
6144	837					
6145	837					
6146	842					
6147	875					
6148	888					
6149	888					
6150	899					
6151	899					
6152	904					
6153	1068					
6154	1068					
6155	1068					
6156	1068					
6157	1098	1474	1671	1671	2085, 2088(P), 2134(S)	C430
6158	1098	1474	1863, 2071	2071	1863, 2087, 2115(P), 2135(S)	C544
6159	1162					
6160	1162	1842	2073			
6160-S			2073	2073	2142	
6161	1162	1525	1548			C561
6161-S			1548	1548	2095, 2115(P), 2135(S),	C561
6162	1162	1925	2073			C376PV
6162-S			2073, 2074	2080	2087, 2115(P), 2135(S)	C376PV
6163	1162	1525				
6164	1257					
6165	1258	1525	1864	1865	2023, 2088(P), 2135(S)	C422
6166	1258	1525	1839	1840	1840, 2085, 2088(P), 2135(S)	C418PV
6167	1258	1525	1671	1672	2085, 2088(P), 2135(S)	C431
6168	1258	1526	1672	1672	2023, 2088(P), 2135(S)	C578PV
6169	1258	1526	1547			C562
6169-S			1547	1548	1867, 2003(P), 2085(S)	C562
6170	1258	1526	1549			C469
6170-S			1549	1550	2134, 2140(S), 2140(P)	C469
6171	1258	1526	1866			C495
6171-S			1866	1867	2135, 2140(S), 2140(P),	C495
6172	1258	1526	1672			
6172-S			1672	1672		
6173	1258	1526	1573	1573	1959, 1969, 2088(P), 2135(S),	C563
6174	1310					
6175	1310					
6176	1310					
6177	1311					
6178	1311					
6179	1311	1526	1672	1673	2023, 2088(P), 2135(S)	C579
6180	1311	1526	2016			C580
6180-S			2016	2023	2023, 2085, 2088(P), 2135(S)	C580
6181	1311	1526	1673	1673	2023, 2088(P), 2135(S)	Vetoed
6182	1311					
6183	1311	1527	1838, 1839	1839	2142	
6184	1476					
6185	1476					
6186	1674					
6187	1725					

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action	Action by Governor
6188	1844					
6189	1947					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000	23	160			815
8001	23	151	473	473	1257, 1292(P), 1599(S)
8002	80				
8003	101	177	449	449	974, 1019(P), 1067(S)
8004	119				
8005	148				
8006	148	160	435	435	1067, 1131(P), 1310(S)
8007	148	352			814
8008	187	194			814
8009	187	408			814
8010	187	427			814
8011	187	228			814
8012	202	408	715	715	202, 1067, 1131(P), 1310(S)
8013	229	346	597	597	1067, 1131(P), 1310(S)
8014	409				
8015	539				
8016	1258				

HISTORY OF SENATE JOINT RESOLUTIONS
HISTORY OF SENATE JOINT RESOLUTIONS

2227

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8200	23				
8201	23				
8202	71				
8203	71				
8204	71				
8205	71				
8206	80				
8207	80				
8208	84	161			815
8209	114	459	742	742	2141
8210	114				
8211	187				
8212	191	398			815
8213	191				
8214	342				
8215	399				
8216	563				
8217	730				

HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8400	23		24		24, 44(P), 44, 76(S),
8401	71		71		71, 90, 102(P), 128(S),
8402	80				
8403	85				
8404	101	347	767		
8404-S			767	767	1808, 1809, 1870(P), 1950(S),
8405	175				
8406	353	376			815
8407	2085		2138		2086, 2138, 2140, 2141(S), 2141(P), 2141
8408	2085		2139		2086, 2139, 2141(S), 2141(P), 2141

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8600	Senate organized	6
8601	Permanent Senate Rules	15
8602	Israel's democracy	108
8603	Amending Senate Rules	108
8604	Honoring the National Guard	125
8605	Honoring Tom Darling	813
8606	Home education families	1020
8607	Honoring Milburn Hart	115
8608	Honoring NCHS Xcountry team	135
8609	Mt. Baker MLK Jr scholarship	119
8610	100th Anniv. of Grandview	371
8611	Human Trafficking Awareness	142
8612	Miss Washington 2008	208
8613	Civic Education Day	164
8614	Recognizing Catholic Schools	165
8615	Honoring Childhaven	545
8616	City of Olympia	155
8617	Consul-General Haryong Lee	203
8618	V. Lane Rawlins	230
8619	Honoring Wilcox Farms	354
8620	Honoring the City of Granger	371
8621	Girls and Women in sports	181
8622	Energy Independence Day	192
8623	Abraham Lincoln's 200th Bday	222
8624	Recognizing 4H	203
8625	Alzheimer's Association	202
8626	Honoring Charles H. Mitchell	349
8627	Big Brothers Big Sisters Day	203
8628	Equal suffrage amendment	639
8629	Individuals with autism	875
8630	Honoring We The People	400
8631	WWII internees & veterans	350
8632	Veteran Affairs and HigherEd	1845
8633	Honoring Ronald Reagan	372
8634	Recognizing WSDOT and WA SP	380
8635	Traumatic brain injury	416
8636	Recognizing Pat Durham	482
8637	Recognizing Margaret Tudor	392
8638	Blessing of the Fleet	431
8640	Honoring Child's Play	512
8641	International Women's Day	462
8642	Honoring Floyd Jones	584
8643	UW's Scandinavian Dept.	691
8644	Celebrating Dairy Day	807
8645	Skagit Valley Tulip Festival	773
8646	2009 Daffodil Festival	789
8647	Recognizing credit unions	824
8649	Opportunities for veterans	1311
8650	Honoring Washington Scholars	807
8651	British Columbia Interns	808
8652	Teacher of the year for 2009	1099
8653	Jim Ward	828
8654	Peggy Pritchard Olson	838
8655	Pacific Northwest University	1759
8656	UW Women's X Country Team	838
8657	Colfax Bulldogs girls' bball	1512
8658	Making May arts ed month	1912
8659	Faraday Science Comm Award	904
8660	Apple Blossom Festival	975
8661	Honoring Benjamin Soria	1595
8662	Donate Life Month	1259

NUMBER	SUBJECT	ACTION
8663	Garden Raised Bounty	1675
8664	Honoring Peter Donnelly	1528
8665	98th Medical Detachment	1949
8666	Senate interim business	2139

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1000	342	887	1053	1053	335, 1098(S), 1127(P)	C184
1001-S	342				335, 2142	
1002-S	348	780	1100	1102	340, 1102, 1476, 1547(S), 1547(P)	C288PV
1004-S	399	816	1139, 1143	1148	390, 1143, 1147, 1476, 1547(S), 1547(P)	C501
1007-S2	681	809	896	896	634, 974(S), 994(P)	C65
1008-S	502	816			481, 2142	
1009-S2	730	816			681, 2142	
1010-S	410	780	1026	1026	398, 1067(S), 1070(P)	C132
1011-S	502	816	878	878	481, 899(S), 905(P)	C66PV
1016	460	776			444, 2142	
1018-S	503	831	971, 1860	973, 1862	487, 1860, 1860, 1862, 1926, 1950(S), 1952(P)	C413
1021-S2	681	825	1200, 1233	1234	634, 1574, 1724(S), 1732(P)	C242
1022-S	503	780	1099	1100	481, 1310(S), 1314(P)	C240
1025-S2	563	816	1481	1482	538, 1547(S), 1547(P)	C241
1028	342	776			335, 1572, 2142	
1030	410	780	892	892	398, 974(S), 994(P)	C67
1033-S	399	839	1148	1149	390, 1149, 1476, 1547(S), 1547(P)	C243
1034	134	776	865	865	127, 875(S), 891(P)	C34
1036-S	342	809	932	938	335, 938, 1574, 1724(S), 1732(P)	C378
1037	342				335, 2142	
1038-S	634	825	945	954	580, 954, 1476, 1547(S), 1547(P)	C245
1041-S	342	787	876	876	335, 899(S), 905(P)	C68
1042	342	780	1032	1032	335, 1098(S), 1127(P)	C185
1048	342	809	1495	1495	335, 1547(S), 1547(P)	C265
1049	134	776	851	851	128, 875(S), 891(P)	C35
1050	134	776	1411	1411	127, 1547(S), 1547(P)	C248
1052-S2	503	831	954	959	481, 958, 1476, 1547(S), 1547(P)	C216
1053	460	776	1015	1016	444, 1067(S), 1070(P)	C133
1055-S	410	783	851	852	398, 875(S), 891(P)	C36
1058	460	816	1068	1068	444, 1098(S), 1127(P)	C186
1059	563	816	1095	1095	538, 1098(S), 1127(P)	C187
1060-S	410				398, 2142	
1062-S	635	1527	2093	2094	580, 2094, 2095, 2120(S), 2120(P)	C434
1063	342	803	1148	1148	335, 1310(S), 1314(P)	C199
1066	148	166	211	211	145, 340(S), 340(P)	C7
1067-S	563	809	1068	1069	538, 1098(S), 1127(P)	C188
1068	460	787	1095	1095	444, 1098(S), 1127(P)	C189
1071-S	342	787	912, 926	926	335, 926, 1476, 1547(S), 1547(P)	C217
1075	563	825			538, 828, 2142	
1076	410	780	882	882	398, 899(S), 905(P)	C69
1078-S2	681	809	878	878	634, 899(S), 905(P)	C70
1079-S	391				390, 2142	
1080	503	780			481, 1572, 2142	
1081-S2	681	887	1020	1021	634, 1021, 1726, 1951(S), 1952(P)	C435
1085-S	563				538, 2142	
1087	400	839	1117	1118	390, 400, 1118, 1574, 1724(S), 1732(P)	C348PV
1088	563	776	1025		538, 1692, 2142	
1089	392				390, 2142	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1090-S						538
1090-S2	580					2142
1095-S2	563					538, 2142
1101	410	783				398, 2142
1103-S	392	810	1505	1509	390, 1509, 1796, 1951(S), 1952(P)	C525
1110-S	392	803	1058	1058	390, 1098(S), 1127(P)	C190
1113	148	177	211	211	145, 340(S), 340(P)	C6
1114-S	730	825				717, 1572, 2142
1119-S	410	817	998, 1000, 1727	1001, 1729	398, 998, 1001, 1727, 1729, 1926, 1950(S), 1952(P).	C436
1120	410	787	906	906	398, 906, 1476, 1547(S), 1547(P)	C218
1121	410	780	892	892	398, 974(S), 994(P)	C71
1123-S	681	825	1102	1104	634, 1104, 1574, 1724(S), 1732(P)	C244
1127	392	817	878	879	390, 879, 1574, 1724(S), 1732(P)	C382
1128-S	410	825	893	893	398, 974(S), 994(P)	C72
1131-S	681	839	893, 1729	896, 1731	634, 896, 1729, 1731,	
1132	410					398, 2142
1135-S	564	780				538, 2142
1137	410	810	927	927	398, 927, 1574, 1724(S), 1732(P)	C349
1138-S	503	831	1234, 1235, 1760	1235, 1761	481, 1235, 1760, 1761, 1926, 1950(S), 1952(P).	C438
1139	410					398, 2142
1140-S	564					538, 2142
1148	411	817	1509	1511	398, 1511, 1796, 1951(S), 1952(P)	C439
1152-S	539					502, 2142
1155	411	777	892	892	398, 974(S), 994(P)	C73
1156	411	825	1076	1076	398, 1098(S), 1127(P)	C192
1158	411	810	892	893	398, 893, 1574, 1724(S), 1732(P)	C330
1166	503	817	879	880	496, 880, 1673, 1724(S), 1732(P)	C384
1167	411	817, 899	1293	1294	398, 822, 1574, 1724(S), 1732(P)	C385PV
1170-S	411	797	1007, 1009, 1732	1009, 1734	398, 1009, 1732, 1734, 1926, 1950(S), 1952(P).	C502
1171	411	797				398, 2142
1172-S2	770	831	1477	1477	768, 1796, 1951(S), 1952(P)	C474
1180-S2	564					538, 2142
1184	682	810	1163	1164	634, 1164, 1574, 1724(S), 1732(P)	C416
1195	539	781	1069	1069	502, 1098(S), 1127(P)	C193
1196	411	781	929	929	398, 974(S), 994(P)	C74
1197	730	831	928	929	681, 974(S), 994(P)	C75
1199	770	831	1293	1293	768, 1294, 1547(S), 1547(P)	C219
1201-S	682	797	876	876	634, 1574, 1724(S), 1732(P)	C319
1202-S	564	817	928	928	538, 974(S), 994(P)	C76
1204	411					398, 2142
1205-S	564	810	891	891	538, 974(S), 994(P)	C77
1208-S2	564	810	1112, 1115	1117	538, 1117, 1131, 1674, 1724(S), 1732(P)	C350
1212	564	839	1138	1139	538, 1139, 1867, 2142	
1215-S	503	803	959	967	481, 580, 967, 1574, 1724(S), 1732(P)	C351

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1216-S	2023	2132	2136, 2137	2138	1951, 2137, 2140(S), 2140(P), 2140	C497PV
1217	411	777	882	883	398, 899(S), 905(P)	C78
1218	411	817	852	852	398, 875(S), 891(P)	C37
1221-S	411	781	844	844	398, 875(S), 891(P)	C38
1225-S	503	810	996, 997	997	481, 997, 1574, 1724(S), 1732(P)	C352
1227	539	817	880	880	502, 899(S), 905(P)	C79
1234-S	564				538, 2142	
1238	411	797	1498	1499	398, 1499, 1950, 2085(S), 2087(P)	C440
1239-S	539	831	1021, 1024, 1735	1024, 1736	502, 1024, 1734, 1735, 1736, 1926, 2085(S), 2087(P)	C526
1244-S	1947	1948	2024, 2025, 2026, 2027, 2028	2029	1946, 2120(S), 2120(P)	C564PV
1250-S	539	803			502, 2142	
1251	564	817			538, 1572, 2142	
1252-S2	564	839			538, 888, 2142	
1254-S	411	810	863	863	398, 875(S), 891(P)	C33
1257	460	781	938	938	444, 939, 1067(S), 1070(P)	C135
1261-S	460	787	891	891	444, 974(S), 994(P)	C81
1264	412	787	1187	1187	398, 1310(S), 1314(P)	C202
1270	412	777	1069	1069	398, 1098(S), 1127(P)	C201
1271-S	412	781	939	939	398, 1067(S), 1070(P)	C136
1272-S	2136		2136	2136	2136, 2140(S), 2140(P),	C498
1273	412	777	1026	1026	398, 1067(S), 1070(P)	C137
1280-S	412	783	844	844	398, 875(S), 891(P)	C39
1281	461	797	968	968	444, 1067(S), 1070(P)	C138
1283-S	564	797	1498	1498	538, 1498, 1547(S), 1547(P)	C221
1286-S	412	781	1497	1497	398, 1547(S), 1547(P)	C222
1287	730	1527	2008	2008	681, 2085(S), 2087(P)	C503
1288	503	804	1057	1057	481, 1098(S), 1127(P)	C191
1290-S2	770	817, 1574	1865	1865	768, 822, 1950(S), 1952(P)	C442
1291-S	412	777	844	845	398, 875(S), 891(P)	C40
1292-S	564	831	976, 977, 1737	977, 1738	538, 977, 1736, 1737, 1738, 1926, 2085(S), 2087(P)	C543
1295	412	810	883	884	398, 884, 1575, 1724(S), 1732(P)	C402
1300-S	682	832, 900	1241, 1296	1309	634, 837, 1302, 1309, 1673, 1724(S), 1732(P)	C320
1302	564				538, 2142	
1303-S	565	826	1024	1024	538, 1024, 1067(S), 1070(P)	C134
1304-S	412				398, 2142	
1308-S	503	783	890	891	481, 974(S), 994(P)	C82
1309-S	412	818	1104, 1105	1106	398, 1106, 1575, 1724(S), 1732(P)	C321
1310	565				538, 2142	
1311	503	818	989	989	481, 1067(S), 1070(P)	C149
1312	565	783			538, 1572, 2142	
1319-S	503	832	1058	1058	481, 1098(S), 1127(P)	C224
1321-S	682				634, 2142	
1322	412	787	852	852	398, 875(S), 891(P)	C41
1323-S	565	797	929	930	538, 1067(S), 1070(P)	C151
1324	412	832	930	930	398, 1067(S), 1070(P)	C139
1326-S	503	804	1164	1165	487, 1165, 1575, 1724(S), 1732(P)	C331
1328-S	565	810	880	881	538, 899(S), 905(P)	C64

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1329-S	682	839, 900	1149, 1157, 1158, 1159	1161	634, 1158, 1161, 2142	
1331	412				398, 2142	
1332-S	413	783	1500, 1501, 1909	1501, 1910	399, 1909, 1909, 1910, 2003, 2085(S), 2087(P)	C504
1338	413	777	905	905	399, 974(S), 994(P)	C83
1339	413	777	1069	1070	399, 1098(S), 1127(P)	C225
1347-S	682	826, 900	1477	1479	634, 1479, 1725, 1950(S), 1952(P)	C443
1349-S	682	832	1118	1120	634, 1120, 1600, 1724(S), 1732(P)	C323
1355-S2	565	810, 900	1324	1324	538, 1547(S), 1547(P)	C238
1357-S	635				580, 2142	
1361	504	781	1327	1327	481, 1547(S), 1547(P)	C227
1362-S	635	818	1009, 1010	1012	633, 1012, 1575, 1724(S), 1732(P)	C387
1366	413	784	890	890	399, 974(S), 994(P)	C90
1369-S	413	797			399, 1572, 2142	
1371-S	413				399, 2142	
1373-S2	682	832, 900	1259, 1260	1260	634, 1260, 1601, 1724(S), 1732(P)	C388
1374	731				681, 2142	
1375	413	781	967	967	399, 1067(S), 1070(P)	C152
1379-S	731	832	1183, 1184, 1186, 1738, 1951	1187, 1739, 1952	717, 1187, 1738, 1739, 1951, 1952, 2120(S), 2120(P),	C444
1380	413	804	930	930	399, 1067(S), 1070(P)	C153
1385	635	832	1503	1504	633, 1504, 1690, 1724(S), 1732(P)	C324
1388-S	413	784	907	907	974(S), 994(P)	C91
1389	413	777			399, 2142	
1393-S2	770	839, 900			768, 2142	
1394	504	784	890	890	481, 974(S), 994(P)	C92
1395	682	798	1120	1126	634, 1126, 1600, 1724(S), 1732(P)	C353
1397-S	504	784	1236	1236	481, 1310(S), 1314(P)	C203
1401-S	413	787	864	864	398, 875(S), 891(P)	C42
1402-S	771	839	1016, 1017	1017	768, 1574, 1724(S), 1732(P)	C391
1408-S	413				399, 2142	
1409-S	565				538, 2142	
1413-S	682	818	1237	1237	634, 822, 1310(S), 1314(P)	C249
1414-S	565	777	852	852	538, 875(S), 891(P)	C43
1415-S	771	818	1032	1032	768, 1098(S), 1127(P)	C228
1418-S	635	787			580, 2142	
1419-S	731	832	1138	1138	681, 1310(S), 1314(P)	C250
1420-S	504	818	1267, 1277, 1782	1287, 1791	481, 1277, 1287, 1782, 1791, 2085(S), 2087(P),	C505
1426	413	818	1126	1126	399, 1310(S), 1314(P)	C251
1429-S2	635				580, 2142	
1431	461	818			444, 1572, 2142	
1433	414	798	845	845	399, 845, 1575, 1724(S), 1732(P)	C393
1435-S	731	826	931	931	681, 1067(S), 1070(P)	C154
1437	414	804	1077	1077	399, 1098(S), 1127(P)	C204
1441-S	565	798	1025	1025	539, 1067(S), 1070(P)	C155
1445-S	635	862	1001	1007	633, 1006, 1673, 1724(S), 1732(P)	C522
1448	461	862	1031	1031	444, 1031, 1575, 1724(S), 1732(P)	C383
1450-S2	771	818			768, 822, 2142	
1456	539	804			502, 1572, 2142	
1457-S	565				538, 2142	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1460	635				580, 2142	
1461	414	798	1126	1127	398, 1310(S), 1314(P)	C239
1462	414	798			399, 2142	
1463	635				580, 2142	
1464	539	819	881	881	502, 899(S), 905(P)	C80
1468	566	811			539, 2142	
1474	566	798	967	967	539, 1067(S), 1070(P)	C158
1475	414	798	912	912	399, 974(S), 994(P)	C93
1478	414	811	977	978	399, 1067(S), 1070(P)	C159
1481-S2	682	819, 874, 1527	1811	1817	634, 822, 1816, 2085(S), 2087(P)	C459
1483	414	784			399, 1572, 2142	
1484-S2	566	804	1482, 1487, 1495	1497	539, 1497, 1690, 1724(S), 1732(P)	C354PV
1487	774	819, 900	1291	1291	770, 1547(S), 1547(P)	C220
1491	635				580, 2142	
1492	539	819	978	978	502, 1067(S), 1070(P)	C148
1496-S	771	832			768, 2142	
1498	566	798	1127	1128	539, 1310(S), 1314(P)	C293
1499	566	826			539, 828, 2142	
1505-S	414	798	1138	1138	399, 1310(S), 1314(P)	C252
1506	414	804	968	968	399, 1067(S), 1070(P)	C156
1510-S	504	784	864	864	481, 875(S), 891(P)	C44
1512-S	771	887	1025	1025	768, 1067(S), 1070(P)	C160
1513	504	798	1094	1094	487, 1098(S), 1127(P)	C230
1514-S	683				634, 2142	
1515	414	777	1070	1070	399, 1098(S), 1127(P)	C231
1516-S	540	804	1327, 1328	1328	502, 1328, 1673, 1724(S), 1732(P)	C355
1517	731	804	1264	1267	717, 1266, 1796, 1951(S), 1952(P)	C325
1518-S	414	778	930	930	399, 1067(S), 1070(P)	Vetoed
1522-S2	566	811	1166	1166	539, 1310(S), 1314(P)	C285
1527	504	805	1499	1500	481, 1500, 1952, 2085(S), 2087(P)	Vetoed
1529-S	566	811	1236	1237	539, 1236, 1575, 1724(S), 1732(P)	C326
1530	683	819	989	994	634, 993, 1575, 1724(S), 1732(P)	C334
1532-S	414	784	1106	1106	399, 1310(S), 1314(P), 1724(S)	C253
1536	540	799	928	928	502, 974(S), 994(P)	C94
1541	504				481, 2142	
1544	414				399, 2142	
1547	414				398, 2142	
1548	415	900	1094	1094	399, 1098(S), 1127(P)	C205
1551	504	784	1095	1096	481, 1098(S), 1127(P)	C226
1552-S	540	833	1032	1033	502, 1033, 1575, 1732(P)	C336
1553-S	566	833	1375, 1376, 1378, 1794	1378, 1796	539, 1376, 1377, 1378, 1794, 1796, 1950(S), 1952(P),	C433
1554-S	566	784			539, 1572, 2142	
1555-S	566	839, 901	1370, 1374	1375	539, 1374, 1867, 1950(S), 1952(P)	C432
1561	415				399, 2142	
1562	504	778	795	795	481, 779, 806(S), 806(P)	C17
1564-S	504				481, 2142	
1565-S	731	819	994	994	681, 1067(S), 1070(P)	C150
1566	504	819	994	995	487, 995, 1575, 1724(S), 1732(P)	C335
1567	415	819	931	931	399, 1067(S), 1070(P)	C161
1568	415	819	931	931	398, 1067(S), 1070(P)	C162
1569	504	805	864	864	481, 875(S), 891(P)	C45

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1571-S	774	819	1187, 1192, 1193	1232	770, 1231, 1673, 1724(S), 1732(P)	C332
1572-S	683	811			634, 1572, 2142	
1575-S	415				399, 2142	
1578	461	805	1106	1106	444, 1310(S), 1314(P)	C254
1579	683	1527	1817	1817	634, 1817, 2085(S), 2087(P)	C508
1580-S2	566	799	845, 846	846	539, 1547(P), 1547(S), 1575	C183
1583-S	461	811	1053	1056	444, 1055, 1575, 1724(S), 1732(P)	C337
1589	415	799	1246	1247	399, 1247, 1673, 1724(S), 1732(P)	C322
1592-S	461	785	1096, 1846	1096, 1849	444, 1846, 1846, 1849, 1926, 1950(S), 1952(P)	C437
1595-S	540	805			502, 806, 2142	
1596	505	778, 820	939	939	481, 1067(S), 1070(P)	C164
1597-S	731	788	1693, 1695		681, 1927, 2142	
1614-S	2024				2023, 2143	
1616	635	1527	1865	1866	633, 1950(S), 1952(P)	C523
1618-S2	635	820			633, 822, 2143	
1619-S	505	901	1325, 1326, 1958	1327, 1958	487, 1327, 1958, 2120(S), 2120(P),	C460
1621-S	683	811	1013	1013	634, 1068(S), 1070(P)	C120
1640	566	799	888	890	539, 889, 1575, 1724(S), 1732(P)	C394
1647-S	567				538, 2143	
1663-S	771	820	995	995	768, 1068(S), 1070(P)	C165
1664-S	567	826	1260	1261	539, 1260, 1547(S), 1547(P)	C232
1669-S	683	778			634, 2143	
1675	505	833	1059	1059	481, 1098(S), 1127(P)	C166
1678	505	778	911	911	481, 974(S), 994(P)	C95
1679	567				538, 2143	
1682	415	778	897	897	399, 974(S), 994(P)	C96
1683-S	635				580, 2143	
1690	567				539, 2143	
1692-S	567	820	942	942	539, 1068(S), 1070(P)	C167
1694-S	175	228	230, 325	326	173, 228, 326, 362(S), 362(P), 362	C4
1698-S2	731				717, 2143	
1701-S2	683	840, 901	1317, 1320	1324	640, 1320, 1324, 1914, 2003, 2085(S), 2087(P)	C509
1703-S	683	826			634, 1572, 2143	
1709-S	684	840	1136	1137	641, 1137, 1804, 1840, 1841, 1845, 1950(S), 1952(P),	C510
1717	505	887	1051	1052	481, 1052, 1574, 1724(S), 1732(P)	C338
1722	771				768, 2143	
1728	505	805			487, 1572, 2143	
1730-S	461	781	896	896	444, 974(S), 994(P)	C97
1733-S	636	805	1127	1127	580, 1310(S), 1314(P)	C255
1740-S	540	785	1237	1238	502, 1238, 1600, 1724(S), 1732(P)	C327
1741-S	684	826	968, 971	1015	640, 971, 1574, 1724(S), 1732(P)	C396
1747-S2	684	811			640, 2143	
1749-S	567	811	853	860	539, 860, 1574, 1724(S), 1732(P)	C528
1751-S	731	781, 1599	1868	1869	681, 782, 1868, 2003, 2085(S), 2087(P)	C511
1752-S	567	811			538, 2143	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1753	731				681, 2143	
1757	505				481, 2143	
1758-S	567	833	1059, 1061, 1792	1062, 1794	539, 1061, 1792, 1794, 1926, 2085(S), 2087(P).	C524
1761-S	636				580, 2143	
1762-S2	567	826			539, 2143	
1765-S	567	805	896	897	539, 974(S), 994(P)	C98
1769-S	636	833	1033	1038	580, 1038, 1574, 1724(S), 1732(P)	C397
1774-S	771				768, 2143	
1776-S	732	901	1312, 2068, 2070	1314, 2070	681, 1313, 1953, 2068, 2070,	
1778-S	771	840, 901	1167, 1200, 1217	1231	768, 1217, 1231, 1674, 1724(S), 1732(P)	C333PV
1782-S	771	833	1380, 1381, 1387, 1953	1387, 1958	768, 1387, 1953, 1958, 2120(S), 2120(P).	C477
1785	415	833			399, 2143	
1789	505	799	907	909	481, 908, 1574, 1724(S), 1732(P)	C399
1790	415	833	1070	1070	399, 1070, 1574, 1724(S), 1732(P)	C400
1791-S	461	820	1247, 1252	1256	444, 1252, 1256, 1574, 1724(S), 1732(P)	C389
1792-S	567	820	1261	1261	538, 1261, 1600, 1724(S), 1732(P)	C390
1793-S	771	887	1076	1076	768, 1076, 1601, 1724(S), 1732(P)	C392
1794-S	505	820	884	884	481, 899(S), 905(P)	C84
1797-S2	771	805			768, 1572, 2143	
1802-S	568				539, 2143	
1808-S	732	820	944	945	717, 1068(S), 1070(P)	C168
1812-S	540	799	876, 877	877	502, 1600, 1724(S), 1732(P)	C404
1815	636	812, 1527	1817	1820	633, 1819, 1926, 1950(S), 1952(P)	C513
1816-S	505	840	1128, 1129	1131	481, 1129, 1130, 1600, 1724(S), 1732(P)	C401
1818	568				539, 2143	
1822	771				768, 2143	
1824	505	788	881	882	496, 882, 1673, 1724(S), 1732(P)	C475
1825-S	505	833	1013	1013	481, 1068(S), 1070(P)	C121
1826	506	820	989	989	481, 1068(S), 1070(P)	C122
1830	636	833			580, 2143	
1831-S	506				481, 2143	
1835	461	788	1292	1292	444, 1292, 1600, 1724(S), 1732(P)	C377
1836	774	840, 901	1378, 1379, 1380	1380	770, 841, 1380, 2143	
1838-S	636				580, 2143	
1841-S	506				481, 2143	
1843-S	540	799	860	860	502, 875(S), 891(P)	C46
1844	506	821	1095	1095	481, 1098(S), 1127(P)	C169
1845-S	636	834	978, 1850	988, 1858	580, 988, 1850, 1858, 1927, 2085(S), 2087(P).	C476
1847-S	540	812	1295	1295	502, 1547(S), 1547(P)	C229
1852	415	805	1071	1071	399, 1098(S), 1127(P)	C170
1856-S	540	821	939	942	502, 941, 1600, 1724(S), 1732(P)	C395
1864-S	568				538, 2143	
1869-S	540	788	885, 1797	886, 1797	502, 886, 1796, 1797, 2085(S), 2087(P)	C529
1876	506				487, 2143	
1878	636	778	861	861	580, 875(S), 891(P)	C47

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1879-S2	732	834	1042, 1050	1051	681, 1050, 1600, 1724(S), 1732(P)	C381
1880	540	834			502, 1572, 2143	
1883-S	684				634, 2143	
1886-S	772	834			768, 2143	
1887-S	772	834			768, 2143	
1888	506	821	1387	1388	481, 1547(S), 1547(P)	C233
1889-S	684	834			634, 2143	
1898-S	540				502, 2143	
1899-S2	636	826	1013	1015	580, 1015, 1600, 1724(S), 1732(P)	C403
1900-S	636	834			580, 1572, 2143	
1906-S	197	206	222	223	195, 206, 335(S), 335(P), 335	C3
1912	636	821			580, 1572, 2143	
1914-S	732				681, 2143	
1919-S	772	834, 898	1480	1481	768, 1481, 1725, 1950(S), 1952(P)	C445
1926-S	636	821	897	897	580, 974(S), 994(P)	C89
1935-S2	732	821	1028, 1030, 1802	1030, 1804	681, 1030, 1802, 1803, 2085(S), 2087(P),	C530
1938-S2	684	834, 901	1262	1262	634, 837, 1547(S), 1547(P)	C234
1939-S	684	835	997	997	641, 1068(S), 1070(P)	C123
1943-S	461	835	1062	1063	444, 1063, 1600, 1725(S), 1762(P)	C406
1946-S2	636	812, 901	1314	1316	580, 1316, 1673, 1725(S), 1762(P)	C407
1951-S2	637	826	1056	1057	580, 1057, 1600, 1725(S), 1762(P)	C340
1952-S	637				580, 2143	
1953-S	637	806	1096	1096	580, 1098(S), 1127(P)	C157
1954-S	772	835	1501	1502	768, 1547(S), 1547(P)	C236
1956-S	506				487, 2143	
1957-S	637	806	846	849	580, 849, 1600, 1725(S), 1762(P)	C341
1959-S	637	781	1294	1295	580, 1797, 1948, 2085(S), 2087(P)	C514
1961-S2	684	835, 902	1262	1262	634, 888, 1547(S), 1547(P)	C235
1965	772	799			768, 2143	
1967	732	835	1079	1080	717, 1080, 1600, 1725(S), 1762(P)	C342
1972-S	637	806	1820	1820	580, 1839	
1978-S	496		497	497	496, 499(S), 499(P),	C8
1981-S	637	812			580, 2143	
1984-S	541	812	1112	1112	502, 1310(S), 1314(P)	C256
1985-S2	732	835			681	
1986	684	821, 902	1324	1325	634, 1325, 1725, 1950(S), 1952(P)	C446
1996-S	541				502, 2143	
1997	568	782	909	909	538, 974(S), 994(P)	C99
2003-S	684	835	1063	1065	634, 1065, 1600, 1725(S), 1762(P)	C531
2010-S	684	898			634, 2143	
2013-S	506	821	942	942	481, 1068(S), 1070(P)	C119
2014	541	785	1131	1132	502, 1132, 1600, 1725(S), 1762(P)	C328
2021-S2	684	821, 902	1241, 1245	1245	641, 1245, 1674, 1725(S), 1762(P)	C215PV
2025	461	835	943	944	444, 944, 1600, 1725(S), 1762(P)	C398
2035-S	506	835	1398, 1406	1406	487, 1405, 1406, 1725, 1950(S), 1952(P)	C532

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2040	685	799	864, 865	865	641, 1798, 1951(S), 1952(P)	C506
2042-S	732	799	943	943	681, 974(S), 994(P)	C100
2044	541				502, 2143	
2049-S	541	840	1262	1264	502, 1264, 1600, 1725(S), 1762(P)	C534
2052-S	732	778, 812	1238	1239	681, 1310(S), 1314(P)	C257
2061-S	496		497	497	481, 496, 502(S), 512(P)	C9
2068-S	1576				1574, 2143	
2071-S	637	835	885	885	580, 899(S), 905(P)	C85PV
2072-S	637	874, 902	1080, 1086	1092	633, 874, 1091, 1600, 1725(S), 1762(P)	C515PV
2075-S	1258	1527	1573	1693	1166, 1692, 1693, 1725(S), 1762(P)	C535
2078-S2	772	836	1026, 1027	1028	768, 1027, 1600, 1725(S), 1762(P)	C447
2079-S	732	836	1239	1240	681, 1240, 1600, 1725(S), 1762(P)	C343
2095-S	685	822	998	998	1068(S), 1070(P)	C101
2105-S	732	785	1241	1241	717, 1310(S), 1314(P)	C258
2106-S2	685	836, 898	1411, 1444	1473	634, 837, 1444, 1473, 1690, 1725(S), 1762(P)	C520PV
2113-S2	685				634, 2143	
2114-S2	685				634, 2143	
2116-S	568	800	1193, 1195, 1197, 1798	1197, 1801	538, 1197, 1798, 1801, 1959,	
2117	568	806			538, 2143	
2119-S2	732	836, 902	1107	1111	681, 1109, 1111, 1600, 1725(S), 1762(P)	C450
2122	733	2096	2097	2119	717, 2118, 2140(P), 2140(S)	C461
2125-S	637	827	1502, 2089	1503, 2090	633, 1502, 2089, 2090, 2095, 2120(S), 2120(P),	C516
2126-S	733	782	909	909	681, 974(S), 994(P)	C102
2128-S	637	827, 902	1288, 1290, 1291	1291	633, 1291, 1601, 1725(S), 1762(P)	C463PV
2129	541	822	1039	1042	502, 1042, 1600, 1725(S), 1762(P)	C448PV
2130-S2	685	827, 1925	2097, 2101	2112	634, 2101, 2112	
2132	461	827	1316	1317	444, 1547(S), 1547(P)	C223
2138	733				717, 2143	
2142	541				502, 2143	
2146	568	836	1504	1505	538, 1505, 1690, 1725(S), 1762(P)	C344
2147-S	685				634, 2143	
2157-S	638	785	1071	1075	1075, 1600, 1725(S), 1762(P)	C345
2160-S	638	822	850	851	580, 850, 1600, 1725(S), 1762(P)	C329
2164	685				634, 2143	
2165	638	827	909	911	580, 911, 1547(S), 1547(P), 1574	C163
2167-S2	685				634, 2143	
2185	506				481, 2143	
2194	1311	1842	2071, 2073	2073	1257, 2073, 2085, 2120(S), 2120(P)	C441
2196-S	638	898			580, 2143	
2198-S	685				634, 2143	
2199	506	806	1077, 1078	1079	481, 1078, 1079, 1600, 1725(S), 1762(P)	C405
2199-S2			1109			C405
2206	772	785	1075	1076	768, 1098(S), 1127(P)	C171
2208-S	568	840	1503	1503	538, 1796, 1951(S), 1952(P)	C517

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2211-S	1514	1690	1940, 1942, 1945, 1946	1946	1512, 1942, 1945, 1946, 2003, 2085(S), 2087(P)	C472
2214-S	638	836	988	988	580, 1068(S), 1070(P)	C124
2222-S	772	822	1198, 1199	1200	768, 1200, 1601, 1725(S), 1762(P)	C449
2223-S	685	902	1093	1094	634, 1094, 1601, 1725(S), 1762(P)	C339
2227-S2	686	840	1388, 1392, 1396	1396	641, 1392, 1396, 1725, 1951(S), 1952(P)	C536PV
2242	774	841, 1528	1820	1838	770, 1838, 1948, 2085(S), 2087(P)	C565PV
2245-S	772	1528	2082	2082	768, 2120(S), 2120(P)	C537
2252-S	774				770, 2143	
2254-S	733	898	1928, 1929	1932	681, 1929, 1932, 2003, 2008, 2085(S), 2087(P)	C499
2261-S	775	841, 902	1329, 1347, 1365, 1366, 1367, 1368,	1370	770, 1347, 1369, 1674, 1725(S), 1762(P)	C548PV
2267-S	733				681, 2143	
2271	772				768, 2143	
2275-S	686	812			634, 2143	
2278-S	686	812			641, 2143	
2279	733	822	1509	1509	681, 1547(S), 1547(P)	C214
2285	772	836	1479	1479	768, 1547(S), 1547(P)	C237
2287-S	733	836	1396	1398	681, 1397, 1673, 1725(S), 1762(P)	C356
2289-S	638	822, 903	1487, 1490	1495	633, 1490, 1495, 1690, 1725(S), 1762(P)	C451
2295-S	813				806, 2143	
2299	775	837	1406, 1408	1411	770, 1408, 1410, 1867, 1951(S), 1952(P)	C533
2313	772	887	1092	1092	768, 1092, 1574, 1725(S), 1762(P)	C452
2318-S2	1844				1724, 2143	
2327-S	1476	1528	1670	1671	1310, 1670, 1867, 1951(S), 1952(P)	C518PV
2328	1259	1528	1548	1549	1162, 1549, 1867, 1951(S), 1952(P)	C294
2331	1844	1925	1927, 2009	2010	1724, 2009, 2120(P), 2120(S),	C462
2338-S	1675	1842	1869	1869	1674, 1869, 2143	
2339-S	1675	1842	1933	1935	1674, 1933, 2085(S), 2087(P)	C512
2341-S	1674	1842	2082, 2083	2083	1673, 2083, 2085, 2120(S), 2120(P)	C568
2343-S	1674	1842	1870	1870	1673, 1951(S), 1952(P)	C539
2344-S	1844	1925	2008, 2009	2009	1843, 2009, 2085(S), 2087(P)	C540
2346-S	1674	1926	2010, 2011	2013	1673, 2011, 2013, 2120(S), 2120(P)	C569
2347	1674	1843	1870	1870	1673, 1951(S), 1952(P)	C527
2349	1674	1843	1871	1871	1673, 1951(S), 1952(P)	C538
2356-S	1844	1926	2013	2013	1724, 2085(S), 2087(P)	C541
2357	2024	2096	2097	2097	2023, 2097, 2116, 2140(S), 2140(P)	C570
2358	1844	1926	2013	2014	1724, 2085(S), 2087(P)	C507
2359	1576	1690	1862	1862	1574, 1951(S), 1952(P)	C478
2360	1576	1690			1574, 2143	
2361-S	1675	1843	2015	2015	1673, 2015, 2116, 2134, 2140(S), 2140(P)	C571
2362-S	1675	1843	2080, 2081	2082	1674, 2080, 2081, 2085, 2120(S), 2120(P)	C572

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action	Action by Governor
2363-S	1725	2096	2113, 2114	2115	1690, 2114, 2140(S), 2140(P)	C573

HISTORY OF HOUSE JOINT MEMORIALS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3^d Reading Final Passage	Other Action
4000	415	778, 800	1239	1239	399, 1310(S), 1314(P)
4004-S	415	822			399, 1572, 2143
4005	370	782	1166	1166	370, 1310(S), 1314(P)
4014	462	782	851	851	444, 875(S), 891(P)

HISTORY OF HOUSE CONCURRENT RESOLUTIONS
HISTORY OF HOUSE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
4400	24		24		15, 24, 76(S), 76(P),
4401	24		24		15, 24, 76(S), 76(P),
4402	24		24		15, 24, 76(S), 76(P),

MESSAGE FROM GOVERNOR

Amended Pardons..... 110
 Gubernatorial Appointments..... 45, 81, 102, 127, 145, 151,
 161, 173, 178, 200, 206, 347, 352, 369, 376,
 430, 730, 770, 774, 782, 785, 812, 887, 1098,
 1257, 1476, 1723, 1912, 1948
 Pardons & Commutation..... 32
 PV on 2SSB 5596..... 41
 PV on 2SSB 6377..... 40
 PV on 2SSB 6732..... 39
 PV on 2SSB 6855..... 43
 PV on E2SSB 6111..... 41
 PV on E2SSB 6673..... 42
 PV on ESSB 6580..... 42
 PV on ESSB 6665..... 42
 PV on SB 6310..... 40
 PV on SB 6818..... 43
 PV on SSB 6743..... 40
 PV on SSB 6897..... 41
 Veto on SSB 6804..... 40

MESSAGE FROM SECRETARY OF STATE

PV on bills..... 39

MESSAGE FROM STATE AGENCY

Dept. of Social & Health Services Report..... 1843

MESSAGE FROM STATE OFFICES

CTED, Washington New Americans Program..... 389
 Department of Corrections..... 823
 Department of Corrections, Security Threats..... 110
 Department of Corrections, work release..... 390
 Department of Health..... 389
 Department of Health, Local Health Compliance Pandemic Influenza..... 390
 Department of Health, Water System Acquisition..... 390
 Department of Social & Health Services, Workfirst Contract
 389
 Dept. Social & Health Report..... 822
 Dept. Social & Health Services..... 823
 Office of Financial Management, 2008 Audit Resolution Report..... 110
 Office of Lieutenant Governor..... 388
 Oversight Committee, Moral Guidance of Incarcerated Person..... 389
 State Department of Agriculture, Pesticide Investigation
 390
 Superintendent of Public Instruction, Students in Foster Care..... 389
 WA. State Dept. of Health..... 823
 WA. State Health Care Authority, Disease Management
 110
 WA. State Health Care Authority, Payment Options..... 110
 WA. State Parks & Recreation Commission..... 823
 WA. State Parks & Recreation, NW Weather & Avalanche Center..... 110
 Washington Economic Development Commission, Innovation Economy..... 389
 Washington State Treasurer..... 823

PRESIDENT OF THE SENATE

Intro. of Special Guest, Members of Energy Industries..... 192
 Intro. Special Guest..... 119
 Intro. Special Guest, Consul General, Jee See Heng..... 192
 Intro. Special Guest, 98th Medical Detachment members
 1949
 Intro. Special Guest, Aelric Riggs..... 473
 Intro. Special Guest, Alzheimer's Association..... 202
 Intro. Special Guest, Apple Blossom Queen Katherine Safar
 975
 Intro. Special Guest, Benjamin Soria's family..... 1595
 Intro. Special Guest, Boy Scout, Luke Wylie..... 209
 Intro. Special Guest, Boys & Girls Club members..... 1069
 Intro. Special Guest, Bruce Lachney..... 863
 Intro. Special Guest, Childhaven members..... 545
 Intro. Special Guest, Consul of Spain..... 210
 Intro. Special Guest, Daffodil Princess'..... 789
 Intro. Special Guest, Dairy Ambassadors..... 696
 Intro. Special Guest, Dan Newhouse, Director of Department of Ag..... 689

Intro. Special Guest, Delegation from Germany..... 1497

Intro. Special Guest, Dennis Schatz. 904

Intro. Special Guest, Donate Life Today Director. 1259

Intro. Special Guest, Dr. Charles Mitchell. 349

Intro. Special Guest, Eagle Scouts. 210

Intro. Special Guest, Federal Way Soroptimists..... 142

Intro. Special Guest, Floyd Jones..... 584

Intro. Special Guest, former Secretary of State, Ralph Munro..... 538

Intro. Special Guest, Home Schoolers. 1020

Intro. Special Guest, Janet Kepka, Mayor of Wilkeson
..... 828

Intro. Special Guest, Jim Ward..... 828

Intro. Special Guest, Lakefair Queen, Kimberly Forgaard
..... 1

Intro. Special Guest, Mayor of Granger and Mayor of Grandview..... 371

Intro. Special Guest, Members of Daffodil Festival..... 789

Intro. Special Guest, members of GRUB. 1675

Intro. Special Guest, Members of the Pacific NW University
..... 1759

Intro. Special Guest, members of the United Kingdom
..... 789

Intro. Special Guest, Members of the VFW..... 813

Intro. Special Guest, Members of Wilcox Family Farms
..... 354

Intro. Special Guest, Miss Tri-Cities, Kyna Marie Harris
..... 782

Intro. Special Guest, Miss Washington..... 208

Intro. Special Guest, Nick Conti..... 192

Intro. Special Guest, Niesi Veterans Committee. 361

Intro. Special Guest, Nigeria Delegation. 928

Intro. Special Guest, Olympia Cit Council..... 155

Intro. Special Guest, Omak Stampede Queen, Amanda Emerson..... 926

Intro. Special Guest, Rogers Weed, Director of Dept. of CTED. 1676

Intro. Special Guest, ROTC Cadets. 1476

Intro. Special Guest, Susan Johnson, Teacher of the Year
..... 1099

Intro. Special Guest, Tom Darling. 813

Intro. Special Guest, U. S. Marine Corps & U. S. Navy members. 538

Intro. Special Guest, UW Scandinavian Faculty..... 691

Intro. Special Guest, V. Lane Rawlins. 230

Intro. Special Guest, WA State Historical Society, David Nicandri..... 222

Intro. Special Guest, Washington National Guard. 125

Intro. Special Guest, Washington State Historical Society members. 639

Intro. Special Guests, Pat Durham. 482

Intro. Special Guests, President of the 2009 Capitol Lakefair
..... 1

Intro. Special Guests, Senator Becker family..... 3

Intro. Special Guests, Senator Jarrett family..... 4

Intro. Special Guests, Taiwan Dignitaries. 2

Intro. Special, Members of ArtsEd..... 1912

Remarks by the President. 1, 4, 25, 26, 210, 224, 336, 338,
438, 485, 574, 667, 669, 741, 767, 866, 988,
1096, 1160, 1487, 1587, 1600, 1806, 1869,
1938, 2007, 2008, 2115, 2120, 2133, 2140

Reply by the President. 25, 85, 209, 350, 379, 438, 485,
486, 591, 625, 667, 766, 767, 829, 867, 998,
1015, 1058, 1233, 1370, 1487, 1548, 1585,
1605, 1693, 1709, 1938, 1939, 2008, 2029,
2063, 2071, 2081, 2084, 2095, 2096, 2115,
2124, 2133, 2134

Ruling by the President. 530, 579, 872, 1160, 1193, 1197,
1233, 1237, 1573, 1681, 1682, 1692, 1867,
1927, 2014, 2089, 2115, 2133, 2134

PRESIDENT OF THE SENATE (SENATOR FRANKLIN PRESIDING)

Intro. Special Guest, Dr. Margaret Tudor..... 392

Intro. Special Guest, former Senator Johnson. 884

Intro. Special Guest, Honoring Child's Play Members..... 512

Intro. Special Guest, StandWithUs Members..... 108

Intro. Special Guest, WA. State Poet Laureate, Sam Green
..... 181

Intro. Special Guest, Women in Sports..... 181

Remarks by the President Pro Tempore. 877, 878
 Reply by the President Pro Tempore. 877, 1845
 PRESIDENT OF THE SENATE (SENATOR FRANKLIN PRESIDING)
 Intro. Special Guest, Peter Schmidt. 1845
 PRESIDENT PRO TEMPORE OF THE SENATE
 Reply by the President Pro Tempore. 1845
 WASHINGTON STATE LEGISLATURE
 Joint Session. 60, 71
 Joint Session, Memorial Service. 336
 Joint Session: Medal of Merit. 212, 213
 Joint Session: State Elected Officials Oaths. 72
 Joint Session: State of the Judiciary. 85
 Message from Secretary of State. 60
 Remarks by Doug Sutherland. 66
 Remarks by Mike Murphy. 67
 Remarks by Terry Bergeson. 66
 Remarks by the Speaker (Representative Morris presiding)
 336
 State of the State, Governor Gregoire. 72
 WASHINGTON STATE SENATE
 Appt. Special Committee, notify Governor. 24
 Appt. Special Committee, notify House. 6
 Committee from House, ready for business. 6
 Intro. Special Guest, Apple Blossom Court. 975
 Moment of Silence, children that were killed in Graham
 1058
 Moment of Silence, Donna Sorrell. 813
 Parliamentary Inquiry, Senator Benton 485, 1725
 Parliamentary Inquiry, Senator Brandland. 2095
 Parliamentary Inquiry, Senator Brown 1938
 Parliamentary Inquiry, Senator Eide 485, 1693, 2081,
 2115
 Parliamentary Inquiry, Senator Hargrove 2081
 Parliamentary Inquiry, Senator Holmquist 574
 Parliamentary Inquiry, Senator Honeyford 478, 2116
 Parliamentary Inquiry, Senator Jacobsen 1587
 Parliamentary Inquiry, Senator Kastama 1938
 Parliamentary Inquiry, Senator Keiser 1939
 Parliamentary Inquiry, Senator Kline 998
 Parliamentary Inquiry, Senator Kohl-Welles 1938
 Parliamentary Inquiry, Senator McCaslin. 877
 Parliamentary Inquiry, Senator McCaslin 670, 1839
 Parliamentary Inquiry, Senator Murray 1585
 Parliamentary Inquiry, Senator Schoesler 1845
 Parliamentary Inquiry, Senator Tom 1547, 2084
 Parliamentary Inquiry, Senator Zarelli 1025
 Personal Privilege, Senator Becker. 209, 210, 789, 1025,
 1058
 Personal Privilege, Senator Benton. 577, 1314
 Personal Privilege, Senator Brandland. 210, 223, 670,
 2097
 Personal Privilege, Senator Brown. 25, 1370
 Personal Privilege, Senator Carrell. 210, 2125
 Personal Privilege, Senator Delvin. 209, 379, 418
 Personal Privilege, Senator Eide. 211, 223, 438, 440
 Personal Privilege, Senator Franklin. 85, 125, 829
 Personal Privilege, Senator Fraser. 26, 417, 863
 Personal Privilege, Senator Hatfield. 108, 1166
 Personal Privilege, Senator Haugen. 335, 418, 2060
 Personal Privilege, Senator Hewitt. 25, 26, 125, 223, 230,
 782, 1096, 2029, 2140
 Personal Privilege, Senator Hobbs. 360, 379
 Personal Privilege, Senator Honeyford. 222, 1264, 1548,
 2086
 Personal Privilege, Senator Jacobsen. 361, 691, 1498,
 1845, 1910
 Personal Privilege, Senator Jarrett. 379, 667
 Personal Privilege, Senator Kastama. 739
 Personal Privilege, Senator Kilmer. 209, 808
 Personal Privilege, Senator King. 829

OTHER SENATE ACTIONS

2247

Personal Privilege, Senator Kline.....	595
Personal Privilege, Senator Kohl-Welles.....	361
Personal Privilege, Senator Marr.....	209, 359, 379, 418, 2060
Personal Privilege, Senator McAuliffe.....	210, 380, 808, 1474, 2030
Personal Privilege, Senator McCaslin.....	1104, 1312, 1498, 1600, 1684, 2114
Personal Privilege, Senator McDermott.....	438, 1925
Personal Privilege, Senator Oemig.....	108, 379, 418
Personal Privilege, Senator Parlette.....	1104
Personal Privilege, Senator Pflug.....	379, 1584, 2124
Personal Privilege, Senator Prentice.....	877, 2029
Personal Privilege, Senator Pridemore.....	379
Personal Privilege, Senator Ranker.....	418, 1500
Personal Privilege, Senator Regala.....	829
Personal Privilege, Senator Roach.....	210, 379, 655, 828, 829, 988, 1604, 2124
Personal Privilege, Senator Rockefeller.....	360, 418
Personal Privilege, Senator Schoesler.....	208, 379, 418, 450, 1104
Personal Privilege, Senator Sheldon.....	482
Personal Privilege, Senator Shin.....	360, 1530, 2091
Personal Privilege, Senator Stevens.....	813
Personal Privilege, Senator Swecker.....	26, 1311, 1739, 2060
Personal Privilege, Senator Tom.....	2029, 2097
Point of Inquiry, Senator Benton.....	530, 591, 978, 1131, 2009
Point of Inquiry, Senator Berkey.....	2065
Point of Inquiry, Senator Carrell.....	1398
Point of Inquiry, Senator Delvin.....	1069, 1398
Point of Inquiry, Senator Fairley.....	1294, 1295
Point of Inquiry, Senator Franklin.....	571, 745, 1473
Point of Inquiry, Senator Hatfield.....	648
Point of Inquiry, Senator Holmquist.....	1366
Point of Inquiry, Senator Honeyford.....	1495
Point of Inquiry, Senator Kastama.....	515
Point of Inquiry, Senator Keiser.....	597, 1766, 1863
Point of Inquiry, Senator King.....	2059
Point of Inquiry, Senator Marr.....	571, 718
Point of Inquiry, Senator Morton.....	1487
Point of Inquiry, Senator Oemig.....	1670
Point of Inquiry, Senator Pflug.....	570, 711, 1778, 1921, 2114
Point of Inquiry, Senator Prentice.....	358, 2083
Point of Inquiry, Senator Roach.....	477, 478, 487, 514, 720, 988, 1604, 1761
Point of Inquiry, Senator Schoesler.....	144, 2083
Point of Inquiry, Senator Sheldon.....	735
Point of Inquiry, Senator Swecker.....	1515
Point of Order, Senator Benton.....	1230, 1233, 1237
Point of Order, Senator Brandland.....	211, 1696, 2084, 2133
Point of Order, Senator Brown.....	767, 2008
Point of Order, Senator Carrell.....	2124
Point of Order, Senator Eide.....	766, 1604
Point of Order, Senator Hargrove.....	1015, 1709
Point of Order, Senator Hatfield.....	1160
Point of Order, Senator Haugen.....	866, 2063
Point of Order, Senator Holmquist.....	766
Point of Order, Senator Honeyford.....	1573, 1927
Point of Order, Senator Keiser.....	1864, 1937, 1938
Point of Order, Senator Kilmer.....	2063
Point of Order, Senator King.....	1695
Point of Order, Senator Marr.....	1370, 1845
Point of Order, Senator McCaslin.....	877, 878
Point of Order, Senator McDermott.....	877
Point of Order, Senator Morton.....	715, 755
Point of Order, Senator Pflug.....	625, 867, 1584
Point of Order, Senator Regala.....	528
Point of Order, Senator Rockefeller.....	529, 1160, 1197

Point of Order, Senator Schoesler. 1233, 1573, 1653, 1845,
 2071, 2133
 Point of Order, Senator Stevens. 866, 1708
 Point of Order, Senator Swecker. 1648
 Point of Order, Senator Tom. 1695, 1696
 Point of Order, Senator Zarelli. 1183
 Point of Personal Privilege, Senator Holmquist. 1477
 Point of Personal Privilege, Senator McDermott. 350
 Remarks by Kimberly Forgaard, Lakefair Queen. 1
 Remarks by Queen Katherine Safar. 975
 Remarks by Sam Green. 182
 Remarks by Senator Berkey. 4
 Remarks by Senator Eide. 878, 1231, 1487, 1725
 Remarks by Senator Franklin. 4
 Remarks by Senator Hargrove. 4
 Remarks by Senator Jacobsen. 1183, 1487
 Remarks by Senator Kastama. 5
 Remarks by Senator Kohl-Welles. 4
 Remarks by Senator McAuliffe. 5
 Remarks by Senator McCaslin. 877, 878
 Remarks by Senator Morton. 1487
 Remarks by Senator Murray. 5
 Remarks by Senator Parlette. 5
 Remarks by Senator Rockefeller. 719, 1160
 Remarks by Senator Shin. 5
 Statement for the Journal, Senator Benton. 487
 Statement for the Journal, Senator Hargrove. 486
 Statement for the Journal, Senator Morton. 530
 Statement for the Journal, Senator Roach. 546

ACCOUNTANTS

Attest or compilation services, performing without proper licensing: ***SHB 1518 (2009) V**, SB 5434
 Board of accountancy, protection of CPA and client financial and medical information presented to the board: SB 5435
 Estate distribution documents, certified public accountants exempted from restrictions on marketing for certain purposes: HB 1331, SB 5343

ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; COURTS; CRIMINAL PROCEDURE)

Acknowledgment of paternity, documentation necessary to challenge: SB 5623
 Adoption proceedings, children's interests in maintaining postadoption contact with siblings: ***2SHB 1938, CH 234 (2009)**
 Adoption proceedings, department of social and health services duties: SB 5803
 Cease and desist orders, department of licensing issuance when unlicensed persons engage in hulk hauling and scrap processing: SB 5381
 Commitment proceedings, allocation of court-related costs in certain cases: SB 6022
 Commitment proceedings, counseling for sex offense victim who testifies: SB 5209
 Commitment proceedings, counseling for sex offense victim whose crime occurred in another state and who testifies: ***SHB 1221, CH 38 (2009)**
 Commitment proceedings, sexually violent predators: SB 5718
 Contempt of court sanctions, location of imprisonment: ***HB 1218, CH 37 (2009)**
 Dependency proceedings, administrative office of the courts to develop standard court forms and format rules: SB 5577
 Dependency proceedings, department of social and health services notification of duties and responsibilities to a child subject to: SB 5758
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285
 Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**
 Dependency proceedings, housing services and assistance for the child: SB 5266
 Dependency proceedings, legal representation of children: SB 5609
 Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**
 Dependency proceedings, notifying parent or parents of filing of petition and concurrent permanency planning: SB 5510
 Dependency proceedings, parenting plans and residential schedules: ***SHB 1239, CH 526 (2009)**, SB 5231
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: SB 6014
 Dependency proceedings, visitation by caregiver: SB 5988
 False claims against a governmental entity, procedures and penalties: SB 5144, SB 5224
 Guardians ad litem, background information on certain guardians to be maintained: SB 5657
 Guardians ad litem, background information records and procedures for appointment: SB 5285
 Guardianship, uniform adult guardianship and protective proceedings jurisdiction act: ***SHB 1261, CH 81 (2009)**
 Natural resource infraction proceeding, failure to sign infraction notice no longer a misdemeanor: ***SB 5298, CH 174 (2009)**
 Recreational access to private and public lands, landowner liability provisions: SB 5069
 Review of property valuation for tax purposes, burden of proof for corrections to valuations made by public officials: SB 5965
 Safety belt assemblies and child restraint systems, admissibility in a civil action of failure to use: SB 5349
 Utilities and transportation commission, public service company customer interest protections in proceedings: SB 5055

ADMINISTRATIVE PROCEDURE

Administrative procedure act, scope of agency actions under: SB 5983
 Appropriations for 2009, 2010, or 2011, agency authority to use emergency rule making when implementing requirements or reductions: ***ESB 5915, CH 559 (2009)**
 Emergency rule making, agency authority to use when implementing requirements or reductions in appropriations for 2009, 2010, or 2011: ***ESB 5915, CH 559 (2009)**
 Hearings, subpoenas and disclosure of certain evidence: SB 5245
 Small businesses, first-time paperwork violations: SB 5042

ADOPTION

Duties of department of social and health services: SB 5803

Federal fostering connections to success and increasing adoptions act of 2008, implementation: ***E2SHB 1961, CH 235 (2009)**

Postadoption contact with siblings, children's interests in maintaining: ***2SHB 1938, CH 234 (2009)**

ADULT FAMILY HOMES

Provider health benefits collective bargaining: SB 5787

Providers, geriatric specialty certification: ***E2SHB 1935, CH 530 (2009)**, SB 5932

Restrictive covenants, void if certain kinds of limits placed on location of certain adult family homes: ***E2SHB 1935, CH 530 (2009)**

Restrictive covenants, void if limits placed on location of certain adult family homes: SB 5932

ADVERTISING

Home-based instruction, school district advertising and marketing to students prohibited: ***SHB 1110, CH 190 (2009)**

Music, truth in music advertising act: ***SB 5284, CH 109 (2009)**

Political, archiving of mailed advertising: SB 5096

Promotional, deceptive advertising of prizes: SB 5210

AFRICAN-AMERICANS (See also MINORITY AND WOMEN'S BUSINESS ENTERPRISES)

Child welfare services, remediating racial disproportionality in: HB 2164

Child welfare system, reducing racial disproportionality in system and racial disparities in outcomes: ***2SHB 2106, CH 520 (2009) PV**

Commission on African-American affairs, duties to be absorbed by newly created commission on minority affairs: SB 5589

Historically Black college fund pilot project: SB 5077

Racial disproportionality advisory committee, recommendations concerning child welfare system: SB 5882

AGRICULTURE (See also COMMODITY COMMISSIONS; FARMS; LIVESTOCK)

Agribusiness drivers, exemption from certain commercial driver's license requirements: ***SHB 2223, CH 339 (2009)**

Agricultural fairs, annexation by cities or towns of territory used for: ***HB 1295, CH 402 (2009)**

Agricultural lands designated by a county as lands of long-term commercial significance, approval for state agency purchase or funding: SB 5968

Agricultural products business and occupation tax exemptions income limit, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911

Agricultural structures, definition: ***SB 5120, CH 362 (2009)**

Agricultural structures, fees for permitting, plan review, building, and inspection: ***SB 5120, CH 362 (2009)**

Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: SHB 1135, SB 5797

Animal identification, voluntary participation in a state or national animal identification system: SB 5956

Apples, disclosure of production and export information on patented or trademarked apples: SB 5818

Biofuel, definition: SB 5118

Cloned animals, labeling required to identify food from: SB 5338

Commodity commissions, exemption from certain administrative cost reductions: SB 6097

Community agricultural worker safety grant program to be implemented by nonprofit opportunities industrialization center: SB 5992

Current use land classifications for property tax purposes, interest rate and penalty provisions: SB 5424

Dairy nutrient management program, compliance with: SB 5677

Energy efficiency and renewable energy improvements for agricultural property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Farm and agricultural land, commercial agricultural purposes defined for property taxation: SB 5817

Fruit and vegetable district fund, district two manager authorized to transfer funds to plant pest account: SB 5765

Fully contained communities, approval by county if land not designated agricultural land: HB 1456

Genetically engineered plants, breach of contract and patent infringement: SB 5006

Grain commission, created to succeed wheat and barley commissions: ***SHB 1254, CH 33 (2009)**, SB 5076

Horticultural pest and disease boards, membership: ***HB 1682, CH 96 (2009)**, SB 5764

Invasive plant species, noxious weed control board to amend definitions to address weeds spreading by seed and other reproductive propagules: SB 5745

Irrigation public utility tax deduction clarified, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911
 Meat and poultry inspection program, establishment and requirements: SB 5517
 Milk pricing, task force to study milk pricing mechanisms: SB 6092
 Milk products used for animal food consumption, standards and licensing: SB 5678
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**
 Pesticide incident reporting and tracking review panel, elimination of: SB 6171
 Poultry slaughter and sale, special permits: SB 5350
 Propane, sales and use tax exemption for nonhighway use by farmers: SHB 2275
 Property tax, specifications for farm and agricultural land classification: ***EBH 1815, CH 513 (2009)**, SB 5792
 Washington heritage livestock and poultry breed recognition program: SB 5002
 Water rights, sufficient cause for nonuse: SB 5692
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: SB 5272
 Wine and beer, sales at legislative gift center to promote Washington agricultural goods: SB 5158

AGRICULTURE, DEPARTMENT (See also COMMODITY COMMISSIONS)

Community agricultural worker safety grant program to be administered by department: SB 5992
 Dairy nutrient management program, monitoring compliance with: SB 5677
 Genetically engineered plants, testing farms for breach of contract or patent infringement: SB 5006
 Meat and poultry inspection program, establishment and requirements: SB 5517
 Mobile custom farm slaughtering unit loan program: SB 5004

AIDS

Grants for AIDS programs, consolidation of administrative services in department of health: HB 2360

AIR POLLUTION (See also ECOLOGY, DEPARTMENT)

Air operating permits, offset credits for sawmills using biomass fuel to generate electricity: SB 5182
 Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 Control authorities, board of directors: ***HB 1578, CH 254 (2009)**, SB 5374
 Control facilities, sales tax deferral: SB 5766
 Greenhouse gas emissions performance standard, compliance provisions: SB 6090
 Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: SB 5735
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**
 Outdoor burning, limitations within urban growth areas: SB 5835
 Outdoor wood-fired boilers, emission performance standards: SB 5022
 Solid fuel burning devices, restrictions: SB 5565
 State funding for local projects, greenhouse gas emissions criteria: SHB 2010

AIRLINES AND AIRPORTS

Airline consumer advocate, creation of office of the: SB 5068
 Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: ***SHB 2214, CH 124 (2009)**
 Airports owned or controlled by municipalities or Indian tribes, maximum amount for loan or grant by department of transportation: SB 6012
 Commuter air carriers, sales and use tax exemptions for intrastate operations: ***HB 1287, CH 503 (2009)**, SB 5358
 General authority peace officers employed by airports to be considered uniformed personnel for interest arbitration: HB 1822
 Passengers, rights: SB 5068

ALCOHOL AND DRUG ABUSE

Chemical dependency services, mental health treatment, and therapeutic courts, permissible uses of local sales and use tax for: SB 5301
 Chemical dependency specialist services at children and family services offices, department of social and health services contracting for: ***SB 6179, CH 579 (2009)**

Drug court program, funding to support administrative and overhead costs associated with operation of: ***SHB 1919, CH 445 (2009)**

Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516

ALCOHOLIC BEVERAGES

Art galleries, serving wine to customers: SB 5110

Beer and strong beer, tax revenues to be deposited in reserve account and benefits account: SB 6093, SB 6094

Beer and wine boutique and gift delivery license, off-premises sales: SB 5111

Beer and wine, manufactured for exhibition or private consumption: ***SB 5060, CH 360 (2009)**

Beer commission, provisions: HB 1171

Breathalyzers, sales and use tax exemption when sold to businesses providing alcohol for on-site consumption: SB 5003

Contracting out of liquor sales to contract liquor stores, process and store regulations: SB 5729

Craft wineries, definition and licensing: SB 5709

Dogs allowed in taverns and restaurants with liquor licenses: SB 5192

Joint select committee on beer and wine regulation, modifying current three-tier system of manufacturing, distributing, and retailing: ***EHB 2040, CH 506 (2009)**, SB 6027

Legislative gift center, sales of wine and beer: SB 5158

Liquor license fees, increases for various establishments: ***EHB 2358, CH 507 (2009)**

Malt beverages, contractual relationships between wholesale distributors and suppliers: ***ESHB 1441, CH 155 (2009)**, SB 5403

Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462

Regulation, licensing and licensee provisions: SB 5834

Spas, serving wine to customers: SB 5110

Spirits, beer, and wine nightclub license created: SB 5367

Spirits, limitation on purchase discounts for certain liquor control board-licensed establishments: SB 6119

Spirits, tax revenues from sale of spirits to be deposited in reserve account and benefits account: SB 6093, SB 6094

Wedding boutiques, serving wine to customers: SB 5110

Wine and beer, manufactured for exhibition or private consumption: ***SB 5060, CH 360 (2009)**

Wine sales at legislative gift center: ***SHB 1415, CH 228 (2009)**

Wine, labels for Washington wine: ***SHB 1812, CH 404 (2009)**

Wineries, craft winery definition and licensing: SB 5709

Wineries, reporting requirements for small domestic: SB 5483

AMUSEMENT PARKS AND RIDES

Inspection of amusement rides and issuance of amusement apparatus operating decal: SB 5633

ANIMALS (See also DOGS; HORSES AND HORSE RACING; LIVESTOCK)

Animal emergency planning guidance for local jurisdictions, evacuation and sheltering services to be provided during disaster or emergency: SB 5337

Companion animal spay/neuter assistance program: SB 5329

Cruelty to animals, penalties: SB 5790

Cruelty to animals, violations and penalties: SB 5402

Dog breeding, humanitarian requirements for certain practices: SB 5651

Dog guides and service animals in training: SB 5103

Dogs allowed in taverns and restaurants with liquor licenses: SB 5192

Dogs to be allowed in outdoor areas of bars and coffee shops, pilot project: SB 5336

Dogs, requirement for owner or keeper of a dog found killing any domestic animal to kill the dog eliminated: SB 5870

Dogs, requirement for sheriff to kill any dog at large without a metal identification tag eliminated: SB 5200

Domestic violence, animal protection orders: ***HB 1148, CH 439 (2009)**

Identification, voluntary participation in a state or national animal identification system: SB 5956

Live nonambulatory livestock, violations and penalties for knowingly transporting or accepting delivery of in certain situations: ***SB 5974, CH 347 (2009)**

Mice and rat traps, exemption from restrictions on traps: SB 5382

Milk products used for animal food consumption, standards and licensing: SB 5678

Mole trapping, body-gripping traps: SB 5123

Pet and livestock owners, rights when residing in unincorporated areas subject to annexation by a city or town: SHB 1831
 Pet remains, burial in same cemetery as human remains: SB 5063
 Pets, protecting from perpetrators of domestic violence: ***HB 1148, CH 439 (2009)**
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**
 Service animals and dog guides in training: SB 5103
 Trapping, licensing and regulations: SB 5389
 Wolf-hybrid classified as a potentially dangerous wild animal: SB 5383

APPLIANCES (See also ELECTRONIC EQUIPMENT)

Energy efficiency code, products added and removed: ***ESHB 1004, CH 501 (2009)**

APPRENTICES AND APPRENTICESHIP PROGRAMS

Apprentice training agents, department of labor and industries to revoke agent's status if found to have more than one violation: SB 5873
 Evergreen jobs act, provisions relating to apprenticeship council and apprenticeship programs: ***E2SHB 2227, CH 536 (2009) PV**
 Public works projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: SB 5873
 Unemployment compensation benefits, good cause for leaving work voluntarily to include entering an apprenticeship program: SB 5242

ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT

Abandoned cemeteries and historic graves, department authority: ***ESHB 2126, CH 102 (2009)**, SB 5868
 Cemeteries and graves, certificates of authority for historic preservation: SB 5178
 Historic preservation grant program and advisory board: SB 5018
 Human remains, adoption by director of rules to implement chapter 275, laws of 2008: 2SHB 1090

ARCHITECTS

Landscape architects, licensing: SB 5273
 Licensure board for landscape architects: SB 5273
 Registration provisions: SB 5529

ART AND ART WORKS

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**
 Cultural access authorities, creation, organization, and funding: SB 5786
 Taxpayer funding of art works for correctional facilities and halfway houses, prohibition: SB 5217

ATTORNEY GENERAL

Airline consumer advocate, office of the: SB 5068
 Home construction board to be created within office of consumer education for home construction: E2SHB 1393
 Initiative measures, role of office in agency review of: SB 6184
 Office of consumer education for home construction, creation in office of attorney general and duties: E2SHB 1393, SB 5895
 Office of the state homeowners' association ombudsman, creation: SB 6055

ATTORNEYS

Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator: SHB 1900
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: SB 5215
 Prosecuting attorney, to be considered a nonpartisan office: SB 5065
 Statutory costs, provisions: ***SHB 1022, CH 240 (2009)**, SB 5025
 Supreme court, transferring all mandatory, regulatory, licensing, and disciplinary functions of the state bar association to: SB 6025

AUDITORS AND AUDITING

County auditors, provisions: ***SHB 1583, CH 337 (2009)**

AUTISM

Autism spectrum disorders, insurance coverage: SB 5203

Foster parent training program, department of social and health services to include needs of children with autism: SB 6071

AVIATION (See also AIRLINES AND AIRPORTS)

Aerospace technology and advanced manufacturing, membership and duties of Washington institute of: E2SHB 2318

Aerospace workers, considered to be dislocated workers if unemployed due to aerospace industry downsizing and restructuring: SB 5809

BAIL AND BAIL BONDS

Bench warrants, limited jurisdiction courts using bail bond agencies to execute bench warrants: SB 5247

Corporate surety bail bonds, minimum premium fees and penalties for violations: SB 6188

BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)

Credit cards, posting of payments at time and date when paying in person: SB 5861

Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositaries: ***SHB 2061, CH 9 (2009)**, SB 5928

BICYCLES

Motor vehicle overtaking and passing pedestrian or bicycle, legal requirements: HB 1491, SB 5335

BIRDS

Ornithologist, state: SB 5066

BLIND

State school, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**, SB 5650

BOATS (See also COMMERCIAL VESSELS AND SHIPPING)

Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: SB 5691

Maritime historic vessel restoration and preservation program: SB 6185

Pilot vessel amnesty disposal program: SB 5058

Registration, fee collected with application to fund saltwater algae control account: SB 5412

Vessel registration, fees and surcharges: SB 6049

BODY PIERCING

Sterilization requirements and standard universal precautions: SHB 1085, SB 5762

Tattooing, body art, body piercing, comprehensive regulations: SB 5391

Waivers of practitioner liability or exculpatory clauses signed by client declared void: SHB 1085

BOILERS

Boiler and unfired pressure vessel statutes, technical changes: ***HB 1366, CH 90 (2009)**, SB 5278

Outdoor wood-fired boilers, emission performance standards: SB 5022

BONDS

Baseball stadium construction bonds, lodging and local sales and use taxes to be used for retiring: ESHB 2252, SB 6116

Bond retirement funds, University of Washington and Washington State University: ***ESHB 2254, CH 499 (2009)**

Community revitalization financing, use of general obligation bonds for public improvements: SB 5045

Department of transportation highway contracts, bond amounts: SB 5499

General obligation bonds for ferry vessel construction, repayment through use of certain tourism industry tax revenues: SB 6005

General obligation bonds for state route 520 corridor, payment of principal and interest: ***ESHB 1272, CH 498 (2009)**

General obligation bonds for transportation projects, payment of principal and interest: ***ESHB 1272, CH 498 (2009)**

General obligation bonds, capital and operating budget project financing: ***ESHB 1272, CH 498 (2009)**, SB 5223

General obligation bonds, economic stimulus capital budget project financing: SB 5603

General obligation bonds, high capacity transportation corridor area authority to issue: ***SB 5540, CH 280 (2009)**

General obligation bonds, issued by regional transportation corridor authority: SB 5493

General obligation bonds, school construction assistance grant program financing: ***HB 1113, CH 6 (2009)**

Interjurisdictional funding of projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: SB 5796

Stadium and exhibition center development bonds, local sales and use taxes to be used for retiring: SB 6116

State route 520 corridor, issuance of general obligation bonds to fund projects on: ***ESHB 1272, CH 498 (2009)**

Sustainable energy trust program, financing through issuance of bonds: ***E2SHB 1007, CH 65 (2009)**

Toll revenue bonds, authority to issue bonds for certain projects as: ***ESHB 1272, CH 498 (2009)**

Toll revenue, use for payment of principal, interest, and premium on bonds related to transportation projects: ***ESHB 1272, CH 498 (2009)**

BOUNDARY REVIEW BOARDS

Boundary review boards, authority to expand annexation limited: SHB 1457, SB 5420

BRIDGES

Interstate 5/Columbia River/Vancouver project, funding restrictions: SB 6040

Kollin Nielson memorial bridge: SJM 8007

State boundary bridge, construction requirements and funding: SB 5330

State route 520 floating bridge, authorization of early tolling to finance replacement floating bridge and landings: ***ESHB 2211, CH 472 (2009)**

State route 9 Snohomish river bridge replacement project, department of transportation to begin environmental planning process and prepare final design: SB 6072

Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: SB 5795

Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556

BUDGET

Basic health plan changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**

Budget stabilization account, transfer of extraordinary revenue growth to: SJR 8209

Capital and operating budgets, general obligation bond issuance authority: ***ESHB 1272, CH 498 (2009)**, SB 5223

Capital, 2009-2011: ***ESHB 1216, CH 497 (2009) PV**, SB 5222

Economic stimulus capital budget: SB 5604

Economic stimulus capital budget, general obligation bond issuance authority: SB 5603

Economic stimulus transportation funding and appropriations: ***ESHB 1978, CH 8 (2009)**, SB 5458

Fiscal matters, 2007-2009: ***ESHB 1694, CH 4 (2009)**

Omnibus appropriations bills, public and legislative review period: SB 5186

Operating, 2009-2011: SB 5600

Operating, 2009-2011 biennium and 2007-2009 supplemental: ***ESHB 1244, CH 564 (2009) PV**

Operating, supplemental 2009: SB 5407

Projected deficits, prohibiting adoption of budgets that result in: SJR 8210

Transparency improvement, consolidating various accounts into state general fund: SB 5073

Transportation, 2009-2011: SB 5352

Transportation, economic stimulus funding and appropriations: ***ESHB 1978, CH 8 (2009)**, SB 5458

Transportation, supplemental 2007-2009: SB 5351

Transportation, supplemental 2008: ***ESHB 1978, CH 8 (2009)**

Tuition for higher education, resident undergraduate tuition fees to be set in omnibus appropriations act: ***ESHB 2344, CH 540 (2009)**

BUILDING CODE COUNCIL (See also BUILDING CODES/PERMITS)

Electric vehicles, adoption of rules for infrastructure development and transition from combustion to electric vehicles: SB 5418

Electric vehicles, council adoption of rules for infrastructure requirements: ***2SHB 1481, CH 459 (2009)**

State energy code, adoption of rules to aid strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in built environment: E2SHB 1747, SB 5854

Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854

Wood framing used in residential construction, council to adopt rules concerning testing for moisture content before enclosing: SB 6043

BUILDING CODES/PERMITS

Agricultural structures, definition: ***SB 5120, CH 362 (2009)**

Agricultural structures, fees for permitting, plan review, building, and inspection: ***SB 5120, CH 362 (2009)**

Water conservation appliances, requirements for high efficiency toilets and urinals: SB 5948

Wood framing used in residential construction, building code council to adopt rules concerning testing for moisture content before enclosing: SB 6043

BUSINESSES (See also CORPORATIONS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES; PARTNERSHIPS)

Advertising, deceptive promotional advertising of prizes: SB 5210

Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: ***SHB 2214, CH 124 (2009)**

Architects, registration: SB 5529

Art galleries, serving wine to customers: SB 5110

Bail bond agencies, limited jurisdiction courts using agencies to execute bench warrants: SB 5247

Bars and coffee shops, pilot project allowing dogs in outdoor areas of: SB 5336

Beer and wine boutique and gift delivery license, off-premises sales: SB 5111

Beer and wine, modifying current three-tier system of manufacturing, distributing, and retailing: ***EHB 2040, CH 506 (2009)**, SB 6027

Bisphenol A in products, prohibition: 2SHB 1180

Bisphenol A in products, prohibition and alternatives: SB 5282

Boxing, martial arts, and wrestling events, payment of certain event and license fees into business and professions account: ***SB 6126, CH 429 (2009)**

Breaches of security involving unencrypted consumer personal information, consumer protections: SB 5564

Breathalyzers, sales and use tax exemption when sold to businesses providing alcohol for on-site consumption: SB 5003

Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: SB 5395

Business and occupation tax credit for qualified employment positions with eligible businesses in Washington: SB 5899

Business projects in rural counties, eligible persons claiming tax credit to complete an annual survey: SB 5341

Cable television service franchise requirements regarding public, education, and government access cable channels: SB 5241

Car rental businesses, authority of counties to impose local sales and use tax on retail rentals for special funding: ESHB 2252

Commercialization of technologies, fostering in part through the investing in innovation grants program: SB 5553

Commuter air carriers, sales and use tax exemptions for intrastate operations: ***HB 1287, CH 503 (2009)**, SB 5358

Construction contractors, trade workers to be in possession of licenses, certificates, or permits while working: ***SHB 1055, CH 36 (2009)**

Construction trades, department of labor and industries regulation: SB 5091

Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1621, CH 120 (2009)**, SB 5759

Craft wineries, definition and licensing: SB 5709

Department of licensing oversight, removing from certain businesses and professions: SB 6037

Director of commercialization and innovation created within office of the governor: SB 6015

Electric utilities, conservation achieved in excess of biennial conservation acquisition targets to be counted against renewable energy targets: SB 5280

Electrolytic processing businesses, business and occupation tax exemption: SB 5206

Electrolytic processing businesses, tax exemption for electricity use: ***SHB 1062, CH 434 (2009)**

Employer-assisted housing program, business and occupation tax credits for participating employers: SB 5585

Employment opportunities for persons with criminal convictions, encouraging businesses through licensing process: SB 5142

Energy efficiency and renewable energy improvements for commercial property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Exchange facilitators, consumer protections: ***E2SHB 1078, CH 70 (2009)**

Exchange facilitators, requirements and consumer protections: SB 6032

For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: SB 5850

Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94 (2009)**, SB 5450

Hulk hauling and scrap processing by unlicensed persons, department of licensing issuance of cease and desist orders and civil penalties: SB 5381

Identification devices, limits on scanning: ***SHB 1011, CH 66 (2009) PV**

Interior design, registration provisions and creation of state board for registered interior designers: SB 5514

Landscape architects, licensing: SB 5273

Legislative gift center, sales of wine: ***SHB 1415, CH 228 (2009)**

Limousine carriers, regulation by counties, cities, and port districts: SB 5686

Liquor license fees, increases for various establishments: ***EHB 2358, CH 507 (2009)**

Lodging businesses, exemption from imposed charge when within a tourism promotion area: SB 5265

Log transportation businesses, public utility tax calculations: SB 5744

Malt beverages, contractual relationships between wholesale distributors and suppliers: ***ESHB 1441, CH 155 (2009)**, SB 5403

Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462

Minority business enterprises linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**

Motor carriers, safety requirements and compliance reviews: ***SHB 1843, CH 46 (2009)**

Motor vehicle dealers and manufacturers, termination, cancellation, or nonrenewal of franchises between: SB 5595

Motor vehicle dealers, disclosure of damage to new or previously unregistered vehicle: SB 5388

Motor vehicle wholesalers, retailers, and associated service providers, business and occupation tax rate reduction: SB 5996

Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**

Motorsports, termination or cancellation of manufacturer and dealer franchise agreements: ***ESHB 1664, CH 232 (2009)**

Music, truth in music advertising act: ***SB 5284, CH 109 (2009)**

New, business and occupation tax exemptions: SB 6057

Newspaper industry, decreasing business and occupation tax burden for: ***EHB 2122, CH 461 (2009)**, SB 5961

Newspaper, magazine, and periodical publishing, business and occupation tax reductions for: SB 5962

Newspapers, taxation of publishing: SB 5942

Nightclubs, spirits, beer, and wine nightclub license created: SB 5367

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: SB 5748

Office of regulatory assistance, program for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**

Printing businesses, business and occupation tax reductions for: SB 5962

Product recall or safety warning, retailer to provide notice to customers: SB 5866

Public contracting, defining microbusiness, minibusiness, and small business for purposes of: HB 1830

Registered collectors, repair and reuse of electronic products: ***2SHB 1522, CH 285 (2009)**

Rental car businesses, child restraint systems availability requirements: SHB 2198

Rental car companies, clarifying charges and fees in rental car agreements: SB 5509

Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**

Research and development tax credits, modifying business and occupation tax provisions: SB 5733

Retail stores, restroom access for persons with certain medical conditions: ***ESHB 1138, CH 438 (2009)**

Retail theft, aggravated: SB 5622

Retailers to provide notice to customers in the event of a product recall or safety warning: SB 5866

Retailers, sales tax sourcing provisions: SB 5113, SB 5357

Rural county tax credit, modification: SHB 1981, SB 5825

Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**

Scrap processors, vehicles demolished by licensed processor excluded from definition of junk vehicle: SB 6059

Self-service storage facilities, issuance of insurance to occupants by licensed self-service storage specialty producers: ***SHB 2013, CH 119 (2009)**, SB 5933

Small business loan reserve program and reserve fund, creation: SB 6085

Small businesses, business assistance account: SB 5723

Small, access to state personal service contracting opportunities: 2SHB 1095

Small, business and occupation tax credit increase: SB 5050

Small, first-time paperwork violations: SB 5042
 Small, health care insurance plan discount for employee wellness programs: SB 6019
 Small, reducing reporting requirements and business and occupation tax on: SB 5975
 Small, report on barriers to participation in linked deposit program by minority and women's business enterprises: SB 5883
 Small, Washington voluntary retirement accounts program: SB 5791
 Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429
 Spas, serving wine to customers: SB 5110
 Tattooing, body art, body piercing, comprehensive regulations: SB 5391
 Taverns and restaurants with liquor licenses, dogs allowed in: SB 5192
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 Tobacco products, sale by mail order or internet: SB 5340
 Unfair business practices, recovery of damages due to: SHB 1683, SB 5531
 Unsolicited goods or services, charging customer prohibited: SB 5210
 Vehicle dealer documentary service fees, disclosure that fee is negotiable required: ***ESHB 1939, CH 123 (2009)**, SB 5816
 Veteran-owned businesses linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**
 Veteran-owned, state contracts: SB 5041
 Voice over internet protocol and protocol-enabled services, limits on governmental regulation: SB 5628
 Washington customized employment training program, provision of training assistance to employers locating or expanding in state: SB 5616
 Washington manufacturing innovation and modernization extension service program, business and occupation tax credit for participants: SB 5713
 Wedding boutiques, serving wine to customers: SB 5110
 Wineries, craft winery definition and licensing: SB 5709
 Wineries, reporting requirements for small domestic: SB 5483
 Wireless communications, billing upon termination of wireless device services: SB 5863
 Wireless communications, early termination of wireless device contracts: SB 5860
 Wireless communications, provisions related to wireless phone numbers used by directory providers: ***SHB 1816, CH 401 (2009)**
 Wireless communications, service provider replacement of wireless device: SB 5283
 Women's business enterprises linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**

CAMPAIGNS (See also PUBLIC DISCLOSURE)

Advertising, archiving of political mailings: SB 5096
 Candidate filing, provisions modified: SB 5271
 Candidates for public office, false statements about constituting libel or defamation: ***SHB 1286, CH 222 (2009)**, SB 5211
 Citizens public campaign act: SB 6177
 Citizens public campaign fund: SB 6177
 Contributions prior to legislative sessions, restrictions removed: SB 5990
 Election provisions, technical corrections: SB 5327
 Funding and disclosure laws, reorganization and technical clarification: SB 5029
 Office holders during campaigns, permissible use of public resources: SB 5991
 Supreme court campaigns, public funding provisions: SB 5912

CAPITOL CAMPUS

Capitol campus design advisory committee, membership: HB 1016
 Heritage center, state capitol committee to approve names for public spaces: SB 5328
 Legislative gift center, sales of wine: ***SHB 1415, CH 228 (2009)**
 Legislative gift center, sales of wine and beer: SB 5158
 State capitol campus special height district, creation: SB 5799

CEMETERIES (See also HUMAN REMAINS)

- Abandoned cemeteries and historic graves, department of archaeology and historic preservation authority: ***ESHB 2126, CH 102 (2009)**, SB 5868
- Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: ***ESHB 2126, CH 102 (2009)**, SB 5868
- Historic cemeteries and graves, certificates of authority to preserve: SB 5178
- Pet remains, burial in same cemetery as human remains: SB 5063

CENTRAL WASHINGTON UNIVERSITY

- Board of trustees, adding a faculty member to board: SHB 1841
- Capital projects account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

CHARITABLE ORGANIZATIONS (See also NONPROFIT ORGANIZATIONS)

- Raffles, increasing ticket prices: ***EHB 1053, CH 133 (2009)**, SB 5124

CHECKS AND CHECK CASHING

- Cashers and sellers, fee and installment plan assistance for borrowers at risk of default on small loans: ***ESHB 1709, CH 510 (2009)**
- Cashers and sellers, providing flexibility in the repayment of small loans: SB 5750
- Cashers and sellers, restricting certain financial institutions from underwriting small loans through cap on borrower's aggregate balance: SB 5920
- Cashers and sellers, restrictions on communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**
- Cashers and sellers, small loan interest or fees maximum rate: SB 5150
- Dishonored checks, notices of dishonor and penalties: ***HB 1042, CH 185 (2009)**, SB 5024
- Small loan monitoring system, director of financial institutions to develop and implement: SB 5862, SB 5920
- Small loans, fee and installment plan assistance for borrowers at risk of default: ***ESHB 1709, CH 510 (2009)**
- Small loans, providing flexible repayment: SB 5750
- Small loans, restricting certain financial institutions from underwriting through cap on borrower's aggregate balance: SB 5920
- Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**

CHEMICAL DEPENDENCY

- Chemical dependency services, mental health treatment, and therapeutic courts, permissible uses of local sales and use tax for: SB 5301
- Chemical dependency specialist services at children and family services offices, department of social and health services contracting for: ***SB 6179, CH 579 (2009)**

CHILD ABUSE (See also CHILDREN)

- Prevention, public school education programs for: SB 5935

CHILD CARE

- Child care center directors and workers, collective bargaining over state support for centers: SHB 1329, SB 5572
- Licensed child care in Washington state, comprehensive plan for improving: SB 5993
- Providers, various provisions: SB 5506
- Review panel for facility licensing compliance agreements, department of early learning authority to convene: SB 5905
- Voluntary quality rating and improvement system for child care centers and homes and early education programs: SB 5620
- WorkFirst program, exemption from participation following birth of child and subsequent notification of services including child care: SB 5286

CHILD CUSTODY

- Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285
- Guardians ad litem, background information records and procedures for appointment: SB 5285
- Parenting plans, modification due to parent's military service: ***SHB 1170, CH 502 (2009)**, SB 5212
- Parenting plans, permanent: SB 5824
- Visitation rights for grandparents, petitioning process: SB 5477, SB 5643, SB 6013

CHILD SUPPORT

Calculation of support, economic tables and provisions: ***ESHB 1794, CH 84 (2009)**

License suspension program: SB 5166

Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612

Payments, review by secretary of department of social and health services: ***HB 2347, CH 527 (2009)**

CHILDREN (See also CHILD CARE; CHILD CUSTODY; CHILD SUPPORT; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS)

Abandonment of a dependent person in the fourth degree, penalties: ESHB 1234, SB 5454

Acknowledgment of paternity, documentation necessary to challenge: SB 5623

Adoption, department of social and health services duties: SB 5803

Aggravated first degree murder to include offenders fourteen years old and younger: SB 5820

Amber alert plan, state patrol to develop and implement: SB 5012

At-risk youth, energy efficiency worker training program: SB 5051

Autism spectrum disorders, insurance coverage: SB 5203

Chief for a day program, state patrol providing a day of special attention to chronically ill children: HB 1785, SB 5582

Child mortality reviews to be conducted and collected by local health departments with assistance from department of health: ***SHB 1303, CH 134 (2009)**

Child support, medical support obligations as part of child support order: ***SHB 1845, CH 476 (2009)**, SB 5612

Child welfare services, crisis residential center provisions and appropriations: ***SHB 2346, CH 569 (2009)**

Child welfare services, performance-based contracts: SB 6031

Child welfare services, performance-based contracts for the provision of: SB 5943

Child welfare services, remediating racial disproportionality in: HB 2164

Child welfare system, enhancing safety and well-being of children through performance-based contracts with supervising agencies: ***2SHB 2106, CH 520 (2009) PV**

Child welfare system, recommendations of racial disproportionality advisory committee: SB 5882

Child welfare system, reducing racial disproportionality in system and racial disparities in outcomes: ***2SHB 2106, CH 520 (2009) PV**

Child welfare transformation design committee, establishment: SB 5943

Child welfare transparency committees, creation: SB 5654

Children in public schools, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: SB 5361

Children's product recall or safety warning, retailer to provide notice to customers: SB 5866

Correcting or restraining a child, actions presumed unreasonable for purposes of discipline: SB 5706

Council for children and families to absorb duties of family policy council: SB 5589

Crisis residential centers for children, provisions and appropriations: ***SHB 2346, CH 569 (2009)**

Dependency proceedings, administrative office of the courts to develop standard court forms and format rules: SB 5577

Dependency proceedings, department of social and health services notification of duties and responsibilities to a child subject to: SB 5758

Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285

Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**

Dependency proceedings, housing services and assistance for the child: SB 5266

Dependency proceedings, legal representation of children: SB 5609

Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**

Dependency proceedings, notifying parent or parents of filing of petition and concurrent permanency planning: SB 5510

Dependency proceedings, parenting plans and residential schedules: ***SHB 1239, CH 526 (2009)**, SB 5231

Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: SB 6014

Dependency proceedings, visitation by caregiver: SB 5988

Developmental disabilities, infant toddler early intervention program: SB 5373

Developmental disabilities, intensive behavior support services: SB 5117

Developmental screenings, public medical assistance to include: SB 5484

Disabilities, infant toddler early intervention program: SB 5373

Endangered missing person advisory plan, state patrol to develop and implement: SB 5012

- Family and children's services, department of social and health services' powers, duties, and functions pertaining to children and family services transferred to department of: SB 6031
- Family policy council, duties to be absorbed by council for children and families: SB 5589
- Federal fostering connections to success and increasing adoptions act of 2008, implementation: ***E2SHB 1961, CH 235 (2009)**
- Foster care placement, parental request for placement of child with a relative: SB 5811
- Foster family homes, placement of child returning to out-of-home care: SB 5431
- Foster parent information, department of social and health services to maintain for public review: SB 5653
- Gangs, residential educational programs for juveniles found to be gang members: SB 5715
- Grandparent visitation rights, petitioning process: SB 5477, SB 5643, SB 6013
- Guardians ad litem, background information on certain guardians to be maintained: SB 5657
- Guardians ad litem, background information records and procedures for appointment: SB 5285
- Health care insurance, coverage for amino acid-based elemental formulas for infants and children: SB 5814
- Health care, affordable nonsubsidized state coverage for children: SB 5202
- Health care, community health care collaborative grant program established: SB 5360
- Hunting, requirements for hunters under age of fourteen: ESHB 1114
- Immunization of children, required documentation for exemption from: ESHB 1703, SB 5707
- Immunization registry program for children through age eighteen, department of health authority to create: SB 6041
- Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**
- Kindergarten entry assessments to be recommended by superintendent and department of early learning: SB 5619
- Mental health records, access to a minor's treatment information by a parent, guardian, or custodian: SB 5546
- Mental health services, access to care standards: ***2SHB 1373, CH 388 (2009)**
- Missing children, state patrol to develop and implement amber alert plan: SB 5012
- Newborn children, appropriate locations for transfer: SB 5318
- Novelty lighters, prohibition of sale and distribution: SB 5011
- Parenting plans, designation of time with minority residential parent: SB 5342
- Parenting plans, permanent: SB 5824
- Postadoption contact with siblings, children's interests in maintaining: ***2SHB 1938, CH 234 (2009)**
- Profoundly divergent children, providing special needs educational programs for: SB 6073
- Relocation of a child, principal residence defined in context of legal separation: SB 5453
- Rental car businesses, child restraint systems availability requirements: SHB 2198
- Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: 2SHB 2113
- Riding motorcycles, modifying restrictions: SB 5552
- Safety belt assemblies and child restraint systems, admissibility in a civil action of failure to use: SB 5349
- Scoliosis screening in schools, eliminating: ***HB 1322, CH 41 (2009)**
- Scoliosis screening in schools, eliminating requirements for: SB 5074
- Sexual exploitation of children, definition of sexually explicit conduct: SB 5145
- Sexually aggressive youth, treatment eligibility and funding: ***SHB 1419, CH 250 (2009)**
- Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: ***SHB 1505, CH 252 (2009)**
- Student discipline policies, use of physical force, mechanical restraints, and chemical sprays for discipline restricted: SB 5624
- Unattended in motor vehicles, penalties: SB 5126
- Unsupervised access to children, consumer credit reports on employees or volunteers who will or may have: SB 5936
- Viewing minors engaged in sexually explicit conduct on the internet, penalties: SB 5183
- Washington state center for childhood deafness and hearing loss, direction of state school for the deaf by: ***E2SHB 1879, CH 381 (2009)**
- Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475 (2009)**, SB 5763

CHIROPRACTORS

Chiropractic adjustments of the spine not included in definition of physical therapy: SB 5230

CITIES AND TOWNS (See also METROPOLITAN PARK DISTRICTS; PARKING)

Agricultural fairs, annexation by cities or towns of territory used for: ***HB 1295, CH 402 (2009)**

Airports owned or controlled by municipalities or Indian tribes, maximum amount for loan or grant by department of transportation: SB 6012

Annexation of a city or town by a library district, requirements: ***SHB 1291, CH 40 (2009)**

Annexation of a portion of a fire protection district, procedures and employee notification requirements: SB 5808

Annexation, direct petition method assessed valuation requirements: SB 5084

Boundary review boards, authority to expand annexation limited: SHB 1457, SB 5420

City-county assistance account, changes in distribution of moneys: ***SB 5511, CH 127 (2009)**

City-county assistance account, modifying distributions from: SB 5592

Claims for damages against local governmental entities, procedures and claim forms: ***ESHB 1553, CH 433 (2009)**

Code cities, special election for changing noncharter city's form of government: ***HB 1066, CH 7 (2009)**, SB 5054

Community facilities districts, formation and operation: SB 5954

Community preservation and development authorities, creation and functioning: ***ESHB 2125, CH 516 (2009)**

Community revitalization financing, use of general obligation bonds for public improvements: SB 5045

Community revitalization financing, use of tax allocation revenues for public improvements: SB 5045

Community trail advisory authority, establishment and grant program: SB 5545

Component cities and towns within Indian reservations, supplemental income exemption: SHB 1864

Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**

Electric vehicles, local government role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418

Energy efficiency and renewable energy improvements for municipal property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Facilities, levy limitations and leasing of city land for construction: SB 5445

Fire protection districts, certain areas in cities and towns authorized to annex to a district: HB 1561, ***SB 5426, CH 115 (2009)**

Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687

Growth management appeals legal assistance account: SB 5162

Growth management hearings boards, fees for review requests: SB 5162

High capacity transportation corridor areas, establishment and funding: ***SB 5540, CH 280 (2009)**

Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**, SB 5544

Interjurisdictional funding of projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Lake Tapps water supply, exercise of eminent domain authority by watershed management partnership: ***SHB 1332, CH 504 (2009)**

Liens against rental premises for utility charges when tenant is delinquent: SB 5281

Liens against rental premises for utility charges when tenant vacates or is delinquent: SB 5667

Livestock and pet owners, rights when residing in unincorporated areas subject to annexation by a city or town: SHB 1831

Local government crime-free rental housing programs: SB 5742

Local improvement districts, formation when comprised of property in more than one city or town: ***EHB 2285, CH 237 (2009)**

Local improvement districts, railroad crossing protection device financing: ***2SHB 1081, CH 435 (2009)**

Local infrastructure financing tool, provisions: SB 5901

Local infrastructure financing tool, use for downtown development and redevelopment: SB 6056

Local sales and use tax, crediting against state sales and use tax extended: SB 5321

Local tourism promotion areas, restriction on forming in counties with population of one million or more removed: ***2SHB 1290, CH 442 (2009)**

Lodging businesses, exemption from imposed charge when within a tourism promotion area: SB 5265

Lodging tax, limiting authority for levying special excise tax on furnishing of lodging: SB 6116

Metropolitan transit commissions, appointment of nonvoting labor members: SB 5757

Moratoria and interim official controls, local government authority to adopt under shoreline management act: ***ESHB 1379, CH 444 (2009)**

Motor vehicle collection and restoration, zoning and other regulation to allow: SB 5246

Noncharter code cities, qualified electors or city council authority to change existing ward boundaries: SB 5716

Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545

- Pet and livestock owners, rights when residing in unincorporated areas subject to annexation by a city or town: SHB 1831
- Projected population growth, allocation for planning purposes among cities in same county and with common borders: SB 6007
- Projects of statewide significance, qualifications and procedures for designation: SB 5473
- Public facilities districts, formation and authority in certain cases: SB 5296
- Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533 (2009)**
- Public funds, credit unions added to list of approved public depositaries: ESHB 1669, SB 5579
- Qualification of cities and towns as bona fide nonprofit organizations when conducting raffles: SB 5645
- Raffles, city or town authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137 (2009)**
- Rail freight service, funding through grants from essential rail assistance account: ***ESHB 1512, CH 160 (2009)**
- Railroad crossing protection devices, local improvement district financing: ***2SHB 1081, CH 435 (2009)**
- Railroads, expending existing real estate excise taxes on municipally owned heavy rail short lines: ***SB 5587, CH 211 (2009)**
- Real estate excise tax expenditures for parks and capital projects: SB 5630
- Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79 (2009)**
- Regional transfer of development rights program, inclusion of manufactured and mobile home parks in: SB 6124
- Sewer or water facility construction, contract requirements: ***HB 2146, CH 344 (2009)**
- Shoreline management act, local government authority to adopt moratoria and interim official controls: ***ESHB 1379, CH 444 (2009)**
- Special detention facilities, eligibility of potential inmates and sales and use tax exemption for facilities: SB 5244
- Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854
- Tax requirements, compliance with sales, use, and business and occupation tax requirements: SB 5737
- Tax revenue use flexibility during economic downturns, options: SB 6164
- Transfer of development rights program, central Puget Sound region: ***2SHB 1172, CH 474 (2009)**, SB 5165
- Transportation facilities, prohibition of development under local comprehensive plans: SB 5872
- Trees within urban growth area boundaries, property taxation and valuation: SB 5521
- Urban passenger transportation systems, clarifying limits of special fuel tax exemption: ***SHB 1225, CH 352 (2009)**
- Utility facilities, notice of necessary relocation from public agency: EHB 1499
- Utility local improvement districts, formation when comprised of property in more than one city or town: ***EHB 2285, CH 237 (2009)**
- Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230 (2009)**
- Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910
- Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**
- Web sites of public agencies, required posting of certain information: SB 6098

CIVIL PROCEDURE (See also ACTIONS AND PROCEEDINGS)

- Asbestos-related liabilities of corporations, limitations: SB 5964
- Commitment proceedings, allocation of court-related costs in certain cases: SB 6022
- Commitment proceedings, counseling for sex offense victim who testifies: SB 5209
- Commitment proceedings, counseling for sex offense victim whose crime occurred in another state and who testifies: ***SHB 1221, CH 38 (2009)**
- Commitment proceedings, sexually violent predators: SB 5718
- False claims against a governmental entity, procedures and penalties: SB 5144, SB 5224
- Liability, hydroelectric project owners not liable for unintentional injuries to users of project land or waterways for recreation: SB 5422
- Motor vehicle impoundment, civil cause of action for damages abolished: SB 5780
- Natural resource infraction proceeding, failure to sign infraction notice no longer a misdemeanor: ***SB 5298, CH 174 (2009)**
- Public hazards, provisions: ESB 5886
- Recreational access to private and public lands, landowner liability provisions: SB 5069
- Safety belt assemblies and child restraint systems, admissibility in a civil action of failure to use: SB 5349
- Seamen, claims brought for injury, illness, or death occurring from employment with the state: SB 6003

Service of process, process server qualifications: SB 5646
 Statutory costs, provisions: ***SHB 1022, CH 240 (2009)**, SB 5025
 Unfair business practices, recovery of damages due to: SHB 1683, SB 5531

CIVIL SERVICE

Sheriffs, five-member civil service commissions authorized: ***SB 5322, CH 112 (2009)**

CLEMENCY AND PARDONS BOARD

Hearings, right of victims or their survivors to present a statement: ***HB 1281, CH 138 (2009)**, SB 5207

CLIMATE

Climate change impacts coordinating team: SB 5138
 Climate protection forestry account created: SB 5747
 Climatologist, office of the state: SB 5138
 Greenhouse gas emissions performance standard, compliance provisions: SB 6090
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: SB 5735
 Integrated climate change response strategy: SB 5138
 Northwest weather and avalanche center, funding through newly created account: SB 5596
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854

CODE REVISER

Initiative measures, role of office in agency review of: SB 6184
 RCW, gender-based term technical corrections: ***SB 5038, CH 549 (2009) PV**
 RCW, revising editorial standards for publication: ***HB 1058, CH 186 (2009)**, SB 5121
 RCW, technical corrections: ***ESHB 1059, CH 187 (2009)**, SB 5122
 RCW, technical corrections to community custody provisions: SB 5190
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377 (2009)**
 Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93 (2009)**

COLLECTION AGENCIES

Dishonored checks, notices of dishonor and penalties: ***HB 1042, CH 185 (2009)**, SB 5024

COLLECTIVE BARGAINING

Adult family home providers, collective bargaining relationship with governor: SB 5787
 Child care center directors and workers, collective bargaining over state support for centers: SHB 1329, SB 5572
 Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: SB 5259
 Exempt employment, practices regarding: ***ESHB 2049, CH 534 (2009)**, SB 5939
 Exempt state employees, protecting collective bargaining rights in certain cases: ESHB 2267
 Extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986
 General authority peace officers employed by port districts and airports to be considered uniformed personnel for interest arbitration: HB 1822
 Juvenile detention employees to be considered uniformed personnel for interest arbitration: SB 5908
 Marine employees of the department of transportation, collective bargaining provisions: SB 6106
 Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: SB 5046
 Uniformed personnel, alternative arbitration process for joint operating agency employees at a commercial nuclear power plant: HB 1389, ***SB 5492, CH 126 (2009)**

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Adjunct faculty, increasing salaries: SB 5088
 American opportunity tax credit, notification of students concerning tax credits on billing statements: ***ESHB 2344, CH 540 (2009)**
 Archives and records management services, exemption from payment for services for higher education institutions not using them: SB 6034

Art for public buildings, removing requirement to purchase during 2009-2011 biennium: SB 5163, SB 5693

Bellevue College, creating: SB 5575

Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**

Building or capital projects accounts, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

Capital projects, setting priorities for: SHB 1898

Commercialization of technologies, higher education institutions to work with Washington technology center to foster: SB 5553

Course materials, information disclosure as cost saving measure: ***2SHB 1025, CH 241 (2009)**, SB 5778

Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: ***2SHB 2119, CH 450 (2009)**

Dual-credit programs, moneys from institutional financial aid fund available for: ***E2SHB 2021, CH 215 (2009) PV**, SB 6044

Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302

Educational opportunity grant program: ***E2SHB 2021, CH 215 (2009) PV**, SB 6044

Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, SB 5276

Financial aid, lottery proceeds to be used for: SB 6086

Financial aid, residency requirements for state need grant program: SB 5959

Freedom of speech and press, students': SB 5946

Governing boards of four-year state colleges and universities, adding a faculty member: SHB 1841

Graduation rates, improving through progression understandings: SB 5174

Higher education employees, annuities and retirement accounts: SB 5308

Higher education funding and access, surcharges and other economically responsible solutions for: SB 6156

Higher education loan program, creation: ***E2SHB 2021, CH 215 (2009) PV**

Higher education technology transformation task force to be convened by higher education coordinating board: ***2SHB 1946, CH 407 (2009)**

Historically Black college fund pilot project: SB 5077

Honorary doctorate degrees, authorizing regional universities to confer: ***SB 5173, CH 295 (2009)**

Information web-based access portal for students seeking college information, work group: SB 5043

Latino accessibility to higher education, joint select committee: SCR 8403

Legacy preferences in admissions, elimination of federal financial benefits for colleges and universities using: SJM 8010

Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: ***2SHB 1355, CH 238 (2009)**, SB 5773

Physician training, family medicine residency training grant program and account: SB 5502

Physician training, primary care physician conditional tuition waiver program and account: SB 5502

Procurement contracts, veteran-owned businesses: SB 5041

Public employees' benefits board, employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869

Public funds, credit unions added to list of approved public depositaries: ESHB 1669, SB 5579

Public works projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: SB 5873

Remedial and precollege classes, school district responsibility: SB 5188

Resident student, classification as: ***HB 1487, CH 220 (2009)**, SB 5405

Running start program, provisions: ***2SHB 2119, CH 450 (2009)**

Running start program, revising provisions: SB 5924

Snohomish Polytechnical College, higher education investment district financing: SB 5106

Social workers, degree in social work from council on social work education-accredited program required: SHB 1357, SB 5220

State college in Snohomish County, creating: SB 5625

Student fees and assessments, approval by student body and use: SB 5776

Study or research abroad, insurance requirements for higher education students participating in: ***ESB 5925, CH 297 (2009)**

Three-year baccalaureate degree programs, state and regional universities and The Evergreen State College directed to develop: SB 5237

Training projects for improvement of medical services for adults with developmental disabilities, grant program: SB 5376
 Tuition fees rates, state university boards of regents authority to establish: SB 5710
 Tuition waivers, reporting of enrollment of state employees receiving tuition waivers: SB 5576
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**
 Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: ***ESHB 2344, CH 540 (2009)**
 Tuition, students other than resident undergraduates: SB 5734
 University of Washington Snohomish county branch campus, establishment: SB 5864
 Washington investment in student excellence scholarship program: SB 5606
 Washington promise scholarship program: SB 5175
 Washington scholars program, changes: SB 6044
 Work-study program, state: SB 5044

COMMERCIAL VESSELS AND SHIPPING

Bunker fuel, business and occupation taxation of manufacturing and selling for use outside United States waters by foreign commercial vessels: ***SB 6096, CH 494 (2009)**
 Marine container ports, land use and transportation planning for: ***ESHB 1959, CH 514 (2009)**, SB 5853
 Marine transportation facilities for sand and gravel, permit requirements: SB 5836
 Pilot vessel amnesty disposal program: SB 5058
 Sand and gravel, permit requirements for marine transportation facilities for: SB 5836
 Strait of Juan de Fuca, emergency response system: ESHB 1409, SB 5344
 Vessel registration, fees and surcharges: SB 6049

COMMODITY COMMISSIONS

Administrative cost reductions, exemption from certain reductions: SB 6097
 Barley commission, to be replaced by grain commission: ***SHB 1254, CH 33 (2009)**, SB 5076
 Beer commission, provisions: HB 1171
 Grain commission, creation and rules: ***SHB 1254, CH 33 (2009)**, SB 5076
 Wheat commission, to be replaced by grain commission: ***SHB 1254, CH 33 (2009)**, SB 5076

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Academic employee salary increments: SB 5264
 Academic employees, modifying collective bargaining law to allow additional compensation: SB 5259
 Adjunct faculty, increasing salaries: SB 5088
 American opportunity tax credit, notification of students concerning tax credits on billing statements: ***ESHB 2344, CH 540 (2009)**
 Archives and records management services, exemption from payment for services for higher education institutions not using them: SB 6034
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: SB 5163, SB 5693
 Associate transfer degrees from public technical colleges: ***SHB 1328, CH 64 (2009)**, SB 5007
 Board of trustees, certain community college boards to include a student member as part of a pilot program: SB 5827
 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**
 Capital projects account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842
 Capital projects, setting priorities for: SHB 1898
 Cost-of-living increases for college district employees, suspension of: ***SHB 2363, CH 573 (2009)**
 Course materials, information disclosure as cost saving measure: ***2SHB 1025, CH 241 (2009)**, SB 5778
 Dropout reengagement system, interlocal agreements with educational service districts to provide programs: SHB 1418, SB 5618
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: ***2SHB 2119, CH 450 (2009)**
 Dual-credit programs, moneys from institutional financial aid fund available for: ***E2SHB 2021, CH 215 (2009) PV**, SB 6044
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302
 Educational opportunity grant program: ***E2SHB 2021, CH 215 (2009) PV**, SB 6044
 Employees of college districts, suspension of cost-of-living increases: ***SHB 2363, CH 573 (2009)**

Faculty, increasing full-time tenured positions and opportunities for adjunct faculty to teach full-time: SB 5538
 Financial aid, lottery proceeds to be used for: SB 6086
 Financial aid, residency requirements for state need grant program: SB 5959
 Freedom of speech and press, students': SB 5946
 Graduation rates, improving through progression understandings: SB 5174
 Higher education employees, annuities and retirement accounts: SB 5308
 Higher education funding and access, surcharges and other economically responsible solutions for: SB 6156
 Higher education loan program, creation: ***E2SHB 2021, CH 215 (2009) PV**
 Higher education technology transformation task force to be convened by higher education coordinating board: ***2SHB 1946, CH 407 (2009)**
 Information web-based access portal for students seeking college information, work group: SB 5043
 Latino accessibility to higher education, joint select committee: SCR 8403
 Lifelong learning account steering committee: SB 5555
 Maintenance and operations financing, use of certificates of participation: SHB 1914
 Nurses and paramedics, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: ***SHB 1808, CH 168 (2009)**
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: ***2SHB 1355, CH 238 (2009)**, SB 5773
 Peer mentoring pilot program, Western Washington University to collaborate with a community or technical college: ***EHB 1986, CH 446 (2009)**
 Personnel management systems, ethical audit: SB 5089
 Procurement contracts, veteran-owned businesses: SB 5041
 Public employees' benefits board, employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869
 Public funds, credit unions added to list of approved public depositaries: ESHB 1669, SB 5579
 Public technical colleges, offering associate transfer degrees: ***SHB 1328, CH 64 (2009)**, SB 5007
 Remedial and precollege classes, school district responsibility: SB 5188
 Resident student, classification as: ***HB 1487, CH 220 (2009)**, SB 5405
 Running start program, provisions: ***2SHB 2119, CH 450 (2009)**
 Running start program, revising provisions: SB 5924
 Salary increments for academic employees: SB 5264
 Student fees and assessments, approval by student body and use: SB 5776
 Study or research abroad, insurance requirements for higher education students participating in: ***ESB 5925, CH 297 (2009)**
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: SB 5376
 Tuition waivers, reporting of enrollment of state employees receiving tuition waivers: SB 5576
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**
 Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: ***ESHB 2344, CH 540 (2009)**
 Tuition, students other than resident undergraduates: SB 5734
 Washington investment in student excellence scholarship program: SB 5606
 Washington scholars program, changes: SB 6044
 Work-study program, state: SB 5044
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SB 5317

COMMUNITY AND TECHNICAL COLLEGES, BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449
 College board worker retraining program, expanding: SB 6091
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: ***2SHB 2119, CH 450 (2009)**
 Education and training programs for unemployed workers, board to develop plan to use certain funds for: SB 5809
 Evergreen jobs act, curriculum development and funding: ***E2SHB 2227, CH 536 (2009) PV**
 Higher education employees, annuities and retirement accounts: SB 5308
 Higher education funding and access, surcharges and other economically responsible solutions for: SB 6156
 Job skills program, funding and applications for: ***SB 5554, CH 554 (2009)**
 Maintenance and operations financing, use of certificates of participation: SHB 1914

Nurses and paramedics, board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: ***SHB 1808, CH 168 (2009)**
 Peer mentoring pilot program, board and Western Washington University to choose a community or technical college to collaborate in: ***EHB 1986, CH 446 (2009)**
 Remedial and precollege classes, school district responsibility: SB 5188
 Running start program, provisions: ***2SHB 2119, CH 450 (2009)**
 Running start program, revising provisions: SB 5924
 Workforce and economic development, multi-agency report to legislature on progress: ***SHB 1323, CH 151 (2009)**
 Workforce education and training, colleges designated as centers of excellence for: ***SHB 1323, CH 151 (2009)**, SB 5048

COMMUNITY ECONOMIC REVITALIZATION BOARD

Local infrastructure financing tool, use for downtown development and redevelopment: SB 6056
 Project selection, wage criteria: 2SHB 1252, SB 5075

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD; ECONOMIC DEVELOPMENT COMMISSION)

Auctioneering, industrial projects of statewide significance to include private capital investment in: SB 6145
 Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449
 Building communities fund program, competitive application process: SHB 1952
 Coal-powered facilities, strategies to replace energy lost by closure of: SB 5766
 Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384 (2009)**, SB 5884
 Community schools program, grants for development of community schools and conversion of empty schools into community facilities: E2SHB 1618
 Department of commerce, changing department's name to and adding duties: ***EHB 2242, CH 565 (2009) PV**
 Economic and workforce development, coordination of: ***SHB 1323, CH 151 (2009)**, SB 5048
 Economic development planning, department's role in coordination of services to assist: SB 5475
 Electric vehicles, department role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418
 Energy efficiency worker training program: SB 5051
 Energy freedom program, expanding: ***ESHB 2289, CH 451 (2009)**
 Evergreen jobs act, provisions relating to evergreen jobs initiative and training account: ***E2SHB 2227, CH 536 (2009) PV**
 Expedited low-income household energy audit program grants: SB 5649
 Green jobs, provisions of evergreen jobs act, including evergreen jobs initiative and training account: ***E2SHB 2227, CH 536 (2009) PV**
 Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687
 Housing everyone financing tool program, creation: SB 5856
 Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**
 Innovation partnership zone program: ***SHB 1128, CH 72 (2009)**
 Local infrastructure financing tool, use for downtown development and redevelopment: SB 6056
 Low-income households, sustainable residential weatherization: SHB 1060
 Low-income housing proposal funding, counties receiving funds to report to department on distribution: SB 5788
 Motion picture competitiveness programs, maximum funding assistance increase: ***SHB 2042, CH 100 (2009)**, SB 5876
 Name of the department, changing to department of commerce and adding duties: ***EHB 2242, CH 565 (2009) PV**
 Ocean renewable energy resources, department to conduct review of renewable energy potential of Washington's ocean waters: SB 5597
 Personal hygiene and cleaning product program for low-income persons, department to conduct a pilot project to evaluate: SB 6053
 Projects of statewide significance, designation by department: SB 5473
 Residential infrastructure program, loans to eligible jurisdictions and grants to nonprofit organizations for transit-proximate areas: SB 5377
 Special needs housing, financing loans or grant projects through the housing trust fund: SHB 1250, SB 5300
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854
 Sustainable residential weatherization, low-income households: SHB 1060
 Transfer of development rights program, central Puget Sound region: ***2SHB 1172, CH 474 (2009)**, SB 5165

Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SB 5317

Workforce and economic development, coordination of: ***SHB 1323, CH 151 (2009)**, SB 5048

Workforce and economic development, multi-agency report to legislature on progress: ***SHB 1323, CH 151 (2009)**

COMMUTING

Commute trip reduction programs for state agencies: SB 6088

Commute trip reduction tax credit, limitations: SB 5364

COMPUTERS

Broadband technologies, continuing the work of the high-speed internet strategy work group concerning broadband deployment and adoption: E2SHB 1698

Digital learning commons, policies and procedures: SB 5410

Digital products, sales and use tax provisions: ***ESHB 2075, CH 535 (2009)**

High-speed internet work group to be renamed the advisory council on digital inclusion: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: SB 5916

High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts on behalf of the state: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services to assess and map broadband and related services in state: SB 5917

High-speed internet, department of information services to conduct survey and create information system map of infrastructure owned or leased by state agencies: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services to procure information system map of high-speed internet infrastructure and service availability and adoption: ***E2SHB 1701, CH 509 (2009)**

Higher education technology transformation task force to be convened by higher education coordinating board: ***2SHB 1946, CH 407 (2009)**

Server equipment to be installed in an eligible computer data center, sales and use tax exemptions: SB 5997

CONCURRENT RESOLUTIONS

"The Washington Innovation Economy," adoption as state's economic development policy: SCR 8406

2009 legislative session, limiting business to budget work and natural emergencies: SCR 8402

Adjourning SINE DIE: ***SCR 8408 (2009)**

Bills, cutoff dates: ***HCR 4402 (2009)**

Bills, returning to house or origin: ***SCR 8407 (2009)**

Deceased former legislature members, joint session to honor: ***SCR 8401 (2009)**

Joint rules: ***SCR 8400 (2009)**

Latino accessibility to higher education, joint select committee: SCR 8403

Legislature organized, notification of governor: ***HCR 4400 (2009)**

Legislature, commission to evaluate: SCR 8405

Legislature, four joint sessions: ***HCR 4401 (2009)**

Workforce training, state comprehensive plan for 2008-2018: SCR 8404

CONDOMINIUMS

Associations, exemption from reserve account and study requirements for smaller associations: SB 5461

CONSERVATION

Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: SB 5299

Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: SB 5602

Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: ***SB 5348, CH 16 (2009)**

Paper, state agency paper conservation program to use one hundred percent recycled content paper: ***SHB 2287, CH 356 (2009)**

Renewable energy targets, conservation achieved by electric utilities in excess of biennial conservation acquisition targets to be counted against: SB 5280

Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185

Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198

Water conservation appliances, requirements for high efficiency toilets and urinals: SB 5948

Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

Wildlife and recreation program, qualified applicants and procedures for funding from accounts: ***SHB 1957, CH 341 (2009)**, SB 5843

Yukon to Yellowstone Rocky mountain ecosystem management: SB 5064

CONSERVATION COMMISSION

Operation and authority of commission: SB 5437

CONSERVATION DISTRICTS

Special assessments for activities and programs: SB 5086

CONSUMER PROTECTION

Asbestos in products, manufacturer duty to warn user of risks: SB 5964

Borrowers of small loans, consumer protections: SB 5750

Consumer credit reports, reports on employees or volunteers who will or may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults: SB 5936

Exchange facilitators, requirements and consumer protections: SB 6032

Lawful source of income, discrimination on basis of: SB 5672

Motor vehicle dealer failure to disclose known defects, consumer protections in cases of: SB 5675

Office of consumer education for home construction, created in office of attorney general: SB 5895

Product recall or safety warning, retailer to provide notice to customers: SB 5866

Rebates, consumer protections: SB 5978

Residential real property construction, improving through multiple strategies: SB 5895

Tenant screening reports, protecting consumers by establishing criteria for dissemination of credit and court record information contained in: SB 5922

Unfair business practices, recovery of damages due to: SHB 1683, SB 5531

Vehicle dealer documentary service fees, disclosure that fee is negotiable required: ***ESHB 1939, CH 123 (2009)**, SB 5816

CONTRACTORS

Construction industry, identification and records requirements for contractors: ***SHB 1555, CH 432 (2009)**, SB 5614

Construction trade worker licenses, certificates, or permits to be in possession while working: ***SHB 1055, CH 36 (2009)**

Construction trades, department of labor and industries regulation: SB 5091

County road construction budget restrictions, recalculating day labor construction projects: SB 5228

Home construction improvement, warranty protections and contractor registration: E2SHB 1393

Interagency advisory committee on the underground economy, created: SB 5614

Joint legislative task force on the underground economy in the construction industry, recommendations: SB 5614

Joint legislative task force on the underground economy, establishment and duties: ***SHB 1555, CH 432 (2009)**

Public works projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**, SB 5399

Public works, contractors to list all subcontractors: SB 5969

Public works, requirement that contractors and subcontractors report certain off-site, prefabricated, nonstandard, project-specific items: EHB 1836

Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**

Residential real property construction, improving through multiple strategies: SB 5895

Wood framing used in residential construction, testing for moisture content before enclosing: SB 6043

CONVENTION AND TRADE CENTERS

Convention and trade center account, lodging taxes for and certain transfers from: SB 6118

Convention place station expansion, financing and related issues: SB 5875

CORPORATIONS (See also NONPROFIT CORPORATIONS)

Asbestos-related liabilities, limitations: SB 5964

Corporate officer, defined for unemployment compensation purposes: SB 5471
 Corporations sole, licensing and renewal: ***SHB 1592, CH 437 (2009)**, SB 5849
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**
 Washington business corporation act, revisions: ***HB 1068, CH 189 (2009)**

CORRECTIONS, DEPARTMENT

Art works for correctional facilities and halfway houses, taxpayer funding of prohibited: SB 5217
 Categories of offenders supervised by department, reduction: SB 5288
 Community custody, developing an evidence-based community custody system for adult felons: SB 5325
 Community custody, technical corrections to RCW provisions: SB 5190
 Competency evaluation and restoration, procedural reform: ESB 5519
 Corrections personnel, department responsibility for meeting training needs of personnel it employs: SB 5987
 Cost savings, correctional: SB 6175
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131
 Extraordinary medical placement, conditions: ***EHB 2194, CH 441 (2009)**
 Firearms, correctional officers and sergeants who have completed training exempt from certain restrictions: SB 5929
 Illegal alien offenders, release to immigration and customs enforcement agency for early deportation: ESB 6183
 Mandatory overtime limits for corrections officers and sergeants employed by city or county jail: SB 5907
 Nonviolent criminals, alternatives to incarceration: SB 6175
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**, SB 5703
 Persistent offenders, resentencing hearing required if offender classified as persistent based on conviction for robbery in the second degree: SB 5292
 Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399 (2009)**
 Release dates for offenders, department to rely on jail certification to determine presentence earned release time: SB 5701
 Release from state institutions, earned release time and provision of rental vouchers for certain offenders: ***SB 5525, CH 455 (2009) PV**
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325 (2009)**, SB 5534
 Risk assessments, extending authority to supervise offenders based on: SB 5291
 Search and arrest of offenders, authority provisions: ***ESHB 1792, CH 390 (2009)**, SB 5700
 Sex offender residence approval, consideration of number of registered offenders within one mile as a factor: SB 5648

COUNSELORS AND COUNSELING

Counseling professions subject to authority of secretary of health under the uniform disciplinary act: ESHB 1514, SB 5369
 Family counseling pilot program, merit checks for couples completing a family preparation course: SB 5829
 Human trafficking course, all licensed counselors, marriage and family therapists, and social workers required to take: SB 5850
 Privilege, provisions for mental health counselors: SB 5931
 Social worker, definition and degree requirements: SHB 1357, SB 5220

COUNTIES (See also METROPOLITAN PARK DISTRICTS)

Accessible community advisory committees: SB 5902
 Agricultural lands designated by a county as lands of long-term commercial significance, approval for state agency purchase or funding: SB 5968
 Airports owned or controlled by municipalities or Indian tribes, maximum amount for loan or grant by department of transportation: SB 6012
 Arts and heritage programs, funding from special county arts, regional center, low-income housing, and community development fund: ESHB 2252
 Auctioneering, siting of a master planned location for major auctioneering activity: SB 6145
 Auditors, provisions: ***SHB 1583, CH 337 (2009)**
 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**
 Boundary review boards, authority to expand annexation limited: SHB 1457, SB 5420

Business projects in rural counties, eligible persons claiming tax credit to complete an annual survey: SB 5341

Canvassing board, counting absentee ballots: SB 5631

Chemical dependency services, mental health treatment, and therapeutic courts, local sales and use tax for: SB 5433

City-county assistance account, changes in distribution of moneys: ***SB 5511, CH 127 (2009)**

City-county assistance account, modifying distributions from: SB 5592

Claims for damages against local governmental entities, procedures and claim forms: ***ESHB 1553, CH 433 (2009)**

Community facilities districts, formation and operation: SB 5954

Community revitalization financing, use of general obligation bonds for public improvements: SB 5045

Community revitalization financing, use of tax allocation revenues for public improvements: SB 5045

Community trail advisory authority, establishment and grant program: SB 5545

County authority to levy and collect certain additional taxes: SB 5960

County investment pool, reimbursement of actual expenses incurred by a county establishing a pool: SB 5539

County supervised community options: ***HB 1361, CH 227 (2009)**

Court commissioners, appointed by superior court presiding judge to assist with criminal cases: SB 5151

Cultural access authorities, creation, organization, and funding: SB 5786

Economic development planning, department of community, trade, and economic development's role in coordination of services to assist: SB 5475

Elected county officers, keeping offices at the county seat: SHB 1369

Elected county officers, location of offices provided by boards of county commissioners: ***SB 5233, CH 105 (2009)**

Electric vehicles, having public and private parking spaces ready for: SB 5418

Electric vehicles, local government role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**

Electricity generation facilities using biomass fuels, authority of county to construct or purchase: SB 5724

Employees, options for determining pay periods: ***EHB 1461, CH 239 (2009)**

Energy efficiency and renewable energy improvements for municipal property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Energy overlay zones, siting renewable resource projects: ***SB 5107, CH 419 (2009)**

Fees collected by county clerks: ***ESB 5013, CH 417 (2009)**

Flood control districts, provisions for creation of districts that contain three or more counties: SB 5704

Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: SB 5602

Fully contained communities, approval by county if land not designated agricultural, forest, or mineral resource lands: HB 1456

Fully contained communities, infrastructure impact requirements: SB 6030

Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687

Growth management appeals legal assistance account: SB 5162

Growth management hearings boards, fees for review requests: SB 5162

Growth management, specific facilities planning requirements: ***SHB 1825, CH 121 (2009)**

High capacity transportation corridor areas, establishment and funding: ***SB 5540, CH 280 (2009)**

Homeless services, document recording fee charged by auditor for: ***HB 2331, CH 462 (2009)**

Horticultural pest and disease boards, membership: ***HB 1682, CH 96 (2009)**, SB 5764

Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**, SB 5544

Interjurisdictional funding of projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Leasing of county property, authority to lease with an option to purchase: ***HB 1380, CH 153 (2009)**, SB 5447

Libraries, certain rural county library districts required to have seven trustees: HB 1468, SB 5696

Liens against rental premises for utility charges when tenant is delinquent: SB 5281

Liens against rental premises for utility charges when tenant vacates or is delinquent: SB 5667

Limousine carriers, regulation by counties, cities, and port districts: SB 5686

Local government crime-free rental housing programs: SB 5742

Local health jurisdictions, funding core public health functions while maintaining compliance with public health standards: 2SHB 1985

Local infrastructure financing tool, provisions: SB 5901

Local sales and use tax, certain revenues to be deposited in special purposes account after retirement of baseball stadium construction bonds: SB 6116

Local sales and use tax, certain revenues to be deposited in special purposes account after retirement of stadium and exhibition center development bonds: SB 6116

Local tourism promotion areas, restriction on forming in counties with population of one million or more removed: ***2SHB 1290, CH 442 (2009)**

Lodging businesses, exemption from imposed charge when within a tourism promotion area: SB 5265

Lodging tax, depositing in special purposes account of special lodging excise tax revenues in counties with a population of one million five hundred thousand or more: SB 6116

Low-income housing proposal funding, counties receiving funds to report to department on distribution: SB 5788

Manufactured and mobile homes, siting new parks and communities: SB 5837

Marine vessel contracts, changing requirements for security amounts: SB 5953

Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507

Moratoria and interim official controls, local government authority to adopt under shoreline management act: ***ESHB 1379, CH 444 (2009)**

Motor vehicle collection and restoration, zoning and other regulation to allow: SB 5246

Outdoor burning, limitations within urban growth areas: SB 5835

Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545

Process servers, qualifications: SB 5646

Projected population growth, allocation for planning purposes among cities in same county and with common borders: SB 6007

Projects of statewide significance, qualifications and procedures for designation: SB 5473

Prosecuting attorney, to be considered a nonpartisan office: SB 5065

Public facilities districts, formation and authority in certain cases: SB 5296

Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533 (2009)**

Public facilities in rural counties, time period during which sales and use tax may be collected for: ***SHB 1751, CH 511 (2009)**, SB 5605

Public funds, credit unions added to list of approved public depositaries: ESHB 1669, SB 5579

Public health districts, authority to levy property taxes: SB 6074

Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**

Public transportation benefit area authorities, annexation of territory by: SB 5353

Public transportation benefit area authorities, appointment of nonvoting labor members: SB 5757

Public transportation benefit area authorities, increasing membership: HB 1139

Public works, local assistance funds: ***HB 1569, CH 45 (2009)**, SB 5448

Qualification of counties as bona fide nonprofit organizations when conducting raffles: SB 5645

Raffles, county authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137 (2009)**

Rail freight service, funding through grants from essential rail assistance account: ***ESHB 1512, CH 160 (2009)**

Railroads, expending existing real estate excise taxes on municipally owned heavy rail short lines: ***SB 5587, CH 211 (2009)**

Real estate excise tax expenditures for parks and capital projects: SB 5630

Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79 (2009)**

Regional transfer of development rights program, inclusion of manufactured and mobile home parks in: SB 6124

Reimbursement of actual expenses incurred by a county establishing a county investment pool: SB 5539

Revaluation of property by counties for property tax purposes, annual: SB 5368

Road construction budget restrictions, recalculating day labor construction projects: SB 5228

Rural county library districts, initial levy rates: ***SB 5355, CH 306 (2009)**

Rural county tax credit, modification: SHB 1981, SB 5825

Server equipment to be installed in an eligible computer data center, sales and use tax exemptions: SB 5997

Sheriffs, five-member civil service commissions authorized: ***SB 5322, CH 112 (2009)**

Shoreline management act, local government authority to adopt moratoria and interim official controls: ***ESHB 1379, CH 444 (2009)**

Snohomish Polytechnical College, higher education investment district financing: SB 5106

Special county arts, regional center, low-income housing, and community development fund, tax revenues to fund: ESHB 2252

Special detention facilities, eligibility of potential inmates and sales and use tax exemption for facilities: SB 5244
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854
 Tax revenue use flexibility during economic downturns, options: SB 6164
 Taxes, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: ESHB 2252
 Transfer of development rights program, central Puget Sound region: ***2SHB 1172, CH 474 (2009)**, SB 5165
 Transportation facilities, prohibition of development under local comprehensive plans: SB 5872
 Urban growth areas, restrictions on expansion into one hundred year floodplain: ***EHB 1967, CH 342 (2009)**
 Urban passenger transportation systems, clarifying limits of special fuel tax exemption: ***SHB 1225, CH 352 (2009)**
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230 (2009)**
 Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910
 Web sites of public agencies, required posting of certain information: SB 6098

COURT OF APPEALS

Employees, PERS retirement benefits for: SB 5523
 Judges, increasing number in division two: ***SHB 1205, CH 77 (2009)**, SB 5205
 Judicial elections, provisions: SB 5488
 Nonpartisan court of appeals commissions for judicial nominees: SB 5093
 Nonpartisan judicial commission, creation of: SB 5082
 Surcharge for appellate review, county clerk to transmit to state treasurer for deposit in judicial stabilization trust account: ***SHB 2362, CH 572 (2009)**

COURTS (See also COURT OF APPEALS; DISTRICT COURT; JUDGES; JURIES; SUPERIOR COURT; SUPREME COURT)

Commissioners, appointment to assist with criminal cases: SB 5151
 Community custody, developing an evidence-based community custody system for adult felons: SB 5325
 Competency evaluation and restoration, procedural reform: ESB 5519
 Contempt of court sanctions, location of imprisonment: ***HB 1218, CH 37 (2009)**
 Deferred prosecution, treatment plan to be filed with court: ***HB 1257, CH 135 (2009)**
 Drug court program, funding to support administrative and overhead costs associated with operation of: ***SHB 1919, CH 445 (2009)**
 Electronic signatures for juror declarations: ***HB 1158, CH 330 (2009)**
 Electronic signatures for juror questionnaires: SB 5134
 Employees, PERS retirement benefits for: SB 5523
 Family court, technical nonsubstantive corrections to initial point of contact program: SB 5528
 Judicial election reform act fund: SB 5912
 Judicial elections, provisions: SB 5488
 Judicial stabilization trust account, establishment and deposit of moneys: ***SHB 2362, CH 572 (2009)**
 Jurors, electronic signatures for declarations: ***HB 1158, CH 330 (2009)**
 Jurors, electronic signatures for questionnaires: SB 5134
 Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440 (2009)**, SB 5133
 Juveniles, transfer to adult court: SB 5479
 Limited jurisdiction courts, filing treatment plans in deferred prosecution cases: SB 5985
 Limited jurisdiction courts, telephonic hearings in civil cases and traffic cases: SB 5970
 Limited jurisdiction courts, treatment plan to be filed with court in cases of deferred prosecution: ***HB 1257, CH 135 (2009)**
 Limited jurisdiction courts, using bail bond agencies to execute bench warrants: SB 5247
 Limited jurisdiction courts, using electronic recording equipment to record oral proceedings: SB 5386
 Public guardianship office, references to advisory committee: ***SB 5699, CH 117 (2009)**
 Rules of court, new rules creating or increasing certain programs and services to be unenforceable without specific appropriation: SB 5240
 Supreme court, transferring all mandatory, regulatory, licensing, and disciplinary functions of the state bar association to: SB 6025
 Water rights adjudication, procedures: ***ESHB 1571, CH 332 (2009)**, SB 5533

CREDIT AND DEBIT CARDS

Breaches of security involving unencrypted consumer personal information, consumer protections: SB 5564
 Credit cards, posting of payments at time and date when paying in person: SB 5861
 Interchange fees, definition and limitations: SB 5094
 Interchange fees, requesting Congress to hold hearings: SJM 8014
 Securing information, requirements for retailers: ***HB 1127, CH 382 (2009)**

CREDIT UNIONS (See also FINANCIAL INSTITUTIONS)

Credit cards, posting of payments at time and date when paying in person: SB 5861

CRIMES (See also SENTENCING; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Abandonment of a dependent person in the fourth degree, penalties: ESHB 1234, SB 5454
 Against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: SB 5639
 Aggravated first degree murder to include offenders fourteen years old and younger: SB 5820
 Alien firearm license, requirements and violations: ***2SHB 1052, CH 216 (2009)**
 Assault of a child in the first degree, offender sentencing review requirements and conditions of release: ***EHB 2279, CH 214 (2009)**
 Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**
 Body armor, sentencing enhancements for crimes committed while wearing: SB 5216
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**
 Correcting or restraining a child, actions presumed unreasonable for purposes of discipline: SB 5706
 Criminal libel, repealing statutes: ***SB 5147, CH 88 (2009)**
 Cruelty to animals, penalties: SB 5790
 Cruelty to animals, violations and penalties: SB 5402
 Drug offenses, provisions for alternative sentencing: ***SHB 1791, CH 389 (2009)**, SB 5702
 Drug offenses, sentencing grid revisions: SB 6011
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516
 Firearms possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**
 Gambling, changes to definition: SB 6103
 Gambling, clarifying definition for purpose of assisting in the regulation and control of gambling: SB 6152
 Gambling, underage: SB 5040
 Hunting, unlawful possession or use of lead shot: SB 5095
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: ***SB 5952, CH 180 (2009)**
 Marijuana possession, reclassifying from misdemeanor to civil infraction: SB 5615
 Motor carriers, violations and penalties: ***SHB 1843, CH 46 (2009)**
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**, SB 5703
 Persistent offenders, resentencing hearing required if offender classified as persistent based on conviction for robbery in the second degree: SB 5292
 Property, threshold values for crimes against: SB 5225, ***SB 6167, CH 431 (2009)**
 Prostitution-related offenses, impoundment of conveyances used in: SB 5934
 Prostitution-related offenses, impoundment of vehicles used in: ***ESHB 1362, CH 387 (2009)**
 Providing false information to voters about voting in an upcoming election: SB 5727
 Retail crime task force: SB 5225, ***SB 6167, CH 431 (2009)**
 Retail theft, aggravated: SB 5622
 School employees, crimes requiring dismissal or certificate revocation: ***ESHB 1741, CH 396 (2009)**, SB 5189
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: ***EHB 1385, CH 324 (2009)**
 Sexual misconduct with a student by a school employee: SB 5232
 Standard sentencing range under one year, delayed sentencing for offenders with: SB 6067
 Statute of limitations for criminal offenses, modification: SB 6187
 Statute of limitations, six years for certain crimes: SB 5380

Tobacco sales, selling certain products by mail order or internet to someone other than a wholesaler or retailer: SB 5340
 Traffic infractions causing death or significant bodily harm to be considered criminal offenses in certain cases: SB 5838
 Unlawful public transit conduct, violations and penalties: SB 5513
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: SB 5183
 Voter registration and voting violations and penalties: SB 5213

CRIMINAL JUSTICE TRAINING COMMISSION

Corrections personnel, commission to adopt standards and provide basic training only for corrections personnel not employed by the department of corrections: SB 5987
 Crisis services, commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131
 Hearings, certification actions of peace officers: ***SB 5156, CH 25 (2009)**
 Psychological examinations for peace officer certification: ***HB 1324, CH 139 (2009)**, SB 5157

CRIMINAL OFFENDERS (See also SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Assault of a child in the first degree, offender sentencing review requirements and conditions of release: ***EHB 2279, CH 214 (2009)**
 Categories of offenders supervised by department of corrections, reduction: SB 5288
 Certificate of discharge, issuance in relation to existing no-contact order: SB 5167
 Certificate of discharge, no-contact order: ***ESHB 1002, CH 288 (2009) PV**
 Community custody, developing an evidence-based community custody system for adult felons: SB 5325
 Community custody, provisions for alternative sentencing: ***SHB 1791, CH 389 (2009)**, SB 5702
 Community custody, technical corrections to RCW provisions: SB 5190
 Competency evaluation and restoration, procedural reform: ESB 5519
 Cost savings, correctional: SB 6175
 County supervised community options: ***HB 1361, CH 227 (2009)**
 Deferred prosecution cases, filing treatment plans in: SB 5985
 Delayed sentencing, offenders with a standard sentencing range under one year: SB 6067
 DNA identification system, broader collection of biological samples: SB 5026
 Domestic violence offenders, ensuring punishment: SB 5208
 Drug offenses, provisions for alternative sentencing: ***SHB 1791, CH 389 (2009)**, SB 5702
 Extraordinary medical placement, conditions: ***EHB 2194, CH 441 (2009)**
 Felons, encouraging rehabilitation through education and employment opportunities: SB 5142
 Illegal alien offenders, release to immigration and customs enforcement agency for early deportation: ESB 6183
 Judgments against offenders, accrual of interest: SB 5146
 Medication management in jails, jail medication management work group to develop a model policy: SB 5252
 Mentally ill defendants, found or pleading guilty and mentally ill: SB 5253
 Nonviolent criminals, alternatives to incarceration: SB 6175
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**, SB 5703
 Persistent offenders, resentencing hearing required if offender classified as persistent based on conviction for robbery in the second degree: SB 5292
 Prostitution-related offenses, impoundment of conveyances used in: SB 5934
 Prostitution-related offenses, impoundment of vehicles used in: ***ESHB 1362, CH 387 (2009)**
 Registered sex and kidnapping offenders, sex offender policy board to make recommendations concerning submission of information regarding offender e-mail addresses: ***ESHB 2035, CH 532 (2009)**
 Registration, juvenile sex or kidnapping offender relief of duty to register: SB 5326
 Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399 (2009)**
 Release dates for offenders, department to rely on jail certification to determine presentence earned release time: SB 5701
 Release from state institutions, earned release time and provision of rental vouchers for certain offenders: ***SB 5525, CH 455 (2009) PV**
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325 (2009)**, SB 5534
 Risk assessments, extending authority to supervise offenders based on: SB 5291
 Search and arrest of offenders, authority provisions: ***ESHB 1792, CH 390 (2009)**, SB 5700
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160

Work release, crime victims to submit input: ***HB 1076, CH 69 (2009)**, SB 5438

CRIMINAL PROCEDURE

Competency evaluation and restoration, procedural reform: ESB 5519

Cost savings, correctional: SB 6175

Death penalty, abolition: SB 5476

Deferred prosecution cases, filing treatment plans in: SB 5985

Deferred prosecution, treatment plan to be filed with court: ***HB 1257, CH 135 (2009)**

Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516

Executions, disclosure of information regarding persons involved in: SB 6174

Juveniles, transfer to adult court: SB 5479

Materially false statement, defined: SB 5227

Mentally ill defendants, found or pleading guilty and mentally ill: SB 5253

Nonviolent criminals, alternatives to incarceration: SB 6175

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160

Statute of limitations for criminal offenses, modification: SB 6187

Victims and witnesses, right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138 (2009)**, SB 5207

CULTURAL FACILITIES

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**

Cultural access authorities, creation, organization, and funding: SB 5786

DEAF

State school, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**, SB 5650

Washington state center for childhood deafness and hearing loss, direction of state school for the deaf by: ***E2SHB 1879, CH 381 (2009)**

DEATH PENALTY

Abolition: SB 5476

DEEDS

Deeds of trust, foreclosure: ***ESB 5810, CH 292 (2009)**

DENTISTS AND DENTISTRY

Dental and medical services grants to be funded through voter-approved sales and use tax on candy: SB 6189

Disciplinary proceedings, dental quality assurance commission to assess a partial recovery of state's hearing expenses in certain cases: SB 5752

Hygienists, licensing and duties: SB 5455

Hygienists, licensing and duties, including operations and services at senior centers: ***SHB 1309, CH 321 (2009)**

Licensing of dentists, dental quality assurance commission approval for issuance of limited license: ***SHB 1740, CH 327 (2009)**, SB 5751

DEVELOPMENTAL DISABILITIES, PERSONS WITH

Autism spectrum disorders, insurance coverage: SB 5203

Community residential programs, vendor rates for supported living providers: SB 5101

Developmental disabilities council, work group for developing screening tool and providing recommendations for accommodating offenders with developmental disabilities: ***E2SHB 2078, CH 447 (2009)**

Developmental screenings for children, public medical assistance to include: SB 5484

Employment programs, business and occupation tax credit for contributions to replace credit for contributions to motion picture competitiveness program: SB 6153

Identifying and accommodating persons with developmental disabilities serving time in correctional facilities and jails: ***E2SHB 2078, CH 447 (2009)**

Infant toddler early intervention program: SB 5373

Insurance, autism spectrum disorders: SB 5203

Intensive behavior support services: SB 5117

Intermediate care facilities, requirements for allowing residents to exercise control over life decisions: SB 5640
 Less restrictive treatment, renewal of orders for persons with developmental disabilities released from involuntary mental health treatment: ***ESHB 1349, CH 323 (2009)**
 Medical services, training projects for improvement of services for adults with developmental disabilities, grant program: SB 5376
 Residential habilitation centers, department of social and health services authority to provide services in certain cases of developmental disability: SB 6182
 Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: 2SHB 2113
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377 (2009)**
 Respite care for primary care providers, eligibility: 2SHB 1429, ***SB 5547, CH 312 (2009)**
 State advisory committee on developmental disabilities, all boards, committees, and councils related to developmental disabilities to be consolidated into: SB 5589
 Supported living providers, vendor rates: SB 5101
 Unsupervised access to persons with developmental disabilities, consumer credit reports on employees or volunteers who will or may have: SB 5936

DIKING AND DRAINAGE

Diking district annexation of contiguous territory outside of district, procedure and exceptions: ESHB 1887

DISABILITIES, PERSONS WITH (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH)

Autism spectrum disorders, insurance coverage: SB 5203
 Dog guides and service animals in training: SB 5103
 Dyslexia, educator training program to enhance skills of students with: SB 6016
 Governor's committee on disability issues and employment: SB 5902
 Infant toddler early intervention program: SB 5373
 Notification stickers, providing to drivers with certain disabilities or impairments: SHB 1152
 Property tax relief for persons retired due to physical disability, requirements for eligibility: SB 6028
 Property tax, valuation freeze for persons retired due to physical disability: SB 5109
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**
 Service animals and dog guides in training: SB 5103
 Service-connected disabled veterans, property tax exemptions for residences: SB 5663
 Special license plates, issued for up to two vehicles: SB 5081
 Vision impairments/orientation and mobility coordinator, position to be established at Washington State University-Vancouver: SB 5176
 Visual impairments, bi-state partnership for teachers of children with: SB 5176
 Wheelchair and stairway chair lifts, inspections: SB 5793

DISCRIMINATION

Law against discrimination, impermissible motive element of a claim under: SB 5982
 Lawful source of income, discrimination on basis of: SB 5672
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: ***SB 5952, CH 180 (2009)**
 Public community athletics programs, discrimination on the basis of sex prohibited: SB 5967
 Racial disproportionality advisory committee, recommendations concerning child welfare system: SB 5882
 Women, adoption of a treaty fighting discrimination against: ***SJM 8012 (2009)**

DISSOLUTION OF MARRIAGE

Parenting plans, modification due to parent's military service: ***SHB 1170, CH 502 (2009)**, SB 5212

DISTRICT COURT

Benton county, increase in number of judges: HB 1204, ***SB 5102, CH 86 (2009)**
 Employees, PERS retirement benefits for: SB 5523
 Fees collected by district court clerks, allowed as court costs: ***SB 5277, CH 372 (2009)**
 Hosting jurisdictions, services provided by: SB 5782

Judicial elections, provisions: SB 5488

King county, increase in number of judges: ***ESB 5135, CH 26 (2009)**

Small claims department, surcharges on various filing fees to be remitted by clerk for deposit in judicial stabilization trust account: ***SHB 2362, CH 572 (2009)**

Statutory costs, provisions: ***SHB 1022, CH 240 (2009)**, SB 5025

Surcharges on various filing and other fees, clerks to remit for deposit in judicial stabilization trust account: ***SHB 2362, CH 572 (2009)**

DNA (DEOXYRIBONUCLEIC ACID)

DNA identification system, broader collection of biological samples: SB 5026

DOGS

Bars and coffee shops, pilot project allowing dogs in outdoor areas of: SB 5336

Breeding, humanitarian requirements for certain practices: SB 5651

Companion animal spay/neuter assistance program: SB 5329

Dog guides and service animals in training: SB 5103

Dogs allowed in taverns and restaurants with liquor licenses: SB 5192

Requirement for owner or keeper of a dog found killing any domestic animal to kill the dog eliminated: SB 5870

Requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200

Wolf-hybrid classified as a potentially dangerous wild animal: SB 5383

DOMESTIC PARTNERS (See also DISCRIMINATION)

State insurance and pension benefits: ***EHB 1616, CH 523 (2009)**

State patrol retirement system benefits: ***ESHB 1445, CH 522 (2009)**, SB 5439

State registered domestic partners, rights and responsibilities: SB 5688

DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; FAMILY LIFE; MARRIAGE AND MARRIED PERSONS)

Acknowledgment of paternity, documentation necessary to challenge: SB 5623

Adoption, department of social and health services duties: SB 5803

Child support, calculation of: ***ESHB 1794, CH 84 (2009)**

Child support, review of support payments by secretary of department of social and health services: ***HB 2347, CH 527 (2009)**

Domestic partners, rights and responsibilities of state registered partners: SB 5688

Domestic partners, state insurance and pension benefits: ***EHB 1616, CH 523 (2009)**

Domestic partners, state patrol retirement system benefits: ***ESHB 1445, CH 522 (2009)**, SB 5439

Family counseling pilot program, merit checks for couples completing a family preparation course: SB 5829

Foster care placement, parental request for placement of child with a relative: SB 5811

Grandparent visitation rights, petitioning process: SB 5477, SB 5643, SB 6013

Initial point of contact program, technical nonsubstantive corrections: SB 5528

Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612

Parenting plans, permanent: SB 5824

Postadoption contact with siblings, children's interests in maintaining: ***2SHB 1938, CH 234 (2009)**

Relocation of a child, principal residence defined in context of legal separation: SB 5453

DOMESTIC VIOLENCE

Animal protection orders: ***HB 1148, CH 439 (2009)**

Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**, SB 5703

Offenders, ensuring punishment: SB 5208

DRIVER TRAINING AND DRIVER TRAINING SCHOOLS

Parent taught driver training education courses, department of licensing approval: SB 5371

Schools, clarification of permitting, training, and licensing process: ***SHB 2095, CH 101 (2009)**, SB 5938

DRIVERS' LICENSES

"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**

Agribusiness drivers, exemption from certain commercial driver's license requirements: ***SHB 2223, CH 339 (2009)**

Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**

Driving records, release of certified abstracts: EHB 1251, SB 5427

Driving records, release of certified abstracts to state-approved alcohol or drug assessment or treatment agencies: SB 5411

Intermediate licenses, limitations modified: SHB 1371, SB 5469

Law enforcement access to driver's license photographs for identity verification: SB 5262

Visual acuity, certification by an ophthalmologist or optometrist for licensing purposes: SB 6021

DRUGS

Drug court program, funding to support administrative and overhead costs associated with operation of: ***SHB 1919, CH 445 (2009)**

Marijuana possession, reclassifying from misdemeanor to civil infraction: SB 5615

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: SB 5798

Offenses, sentencing grid revisions: SB 6011

Overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160

Testing for peace officers, provisions: SB 5740

Unwanted, disposal by pharmaceutical product stewardship programs: SB 5279

Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: ***SHB 1271, CH 136 (2009)**

Violence reduction and drug enforcement account, elimination: SB 5408

EARLY LEARNING, DEPARTMENT

Basic education, redefinition, funding, and accountability: ***ESHB 2261, CH 548 (2009) PV**

Early learning advisory council, membership: ESB 5617

Kindergarten entry assessments to be recommended by department and superintendent of public instruction: SB 5619

Licensed child care in Washington state, comprehensive plan for improving: SB 5993

Professional development consortium to develop recommendations for statewide preparation and development for the early learning and school-age program workforce: ***SHB 1943, CH 406 (2009)**

Review panel for facility licensing compliance agreements, department authority to convene: SB 5905

Voluntary quality rating and improvement system for child care centers and homes and early education programs: SB 5620

EASTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: SHB 1841

Capital projects account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

ECOLOGY, DEPARTMENT (See also AIR POLLUTION; WATER POLLUTION)

Air operating permits, offset credits for sawmills using biomass fuel to generate electricity: SB 5182

Bisphenol A in products, prohibition: 2SHB 1180

Bisphenol A in products, prohibition and alternatives: SB 5282

Climate change impacts coordinating team: SB 5138

Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: SB 5735

Groundwater and surface water, department to prepare data gap analysis of available information on water levels and quality in each water resource inventory area: SB 6077

Lakes management advisory committee and comprehensive lakes management strategic plan: SB 5486

Lead wheel weight alternatives, achieving compliance: ***ESHB 1033, CH 243 (2009)**

Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181

Mercury-added general purpose lights, research and development for recycling program: SB 5813

Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: SB 5543

Oil spills, emergency response system for Strait of Juan de Fuca: ESHB 1409

Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**

Outdoor wood-fired boilers, emission performance standards: SB 5022

Pharmaceutical product stewardship programs: SB 5279

Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: SB 5503

Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Registered collectors, repair and reuse of electronic products: ***2SHB 1522, CH 285 (2009)**
 Saltwater algae control account and grant program: SB 5412
 Sawmills, offset credits in air operating permits when using biomass fuel to generate electricity: SB 5182
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405 (2009)**
 State agency climate leadership, reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 State environmental policy act review by the department: SB 5966
 Storm water technical resource center and advisory committee, department to create in partnership with a university or other entity: ***ESHB 2222, CH 449 (2009)**
 Strait of Juan de Fuca, emergency response system: ESHB 1409, SB 5344
 Waste tire piles, efforts to clean up and prevent the creation of in the future: ***SB 5976, CH 261 (2009)**
 Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583
 Water discharge fees, changes: ***SHB 1413, CH 249 (2009)**, SB 5430
 Water pollution control facilities, department may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940
 Water pollution control revolving fund, use of moneys in fund by department: ESHB 2116
 Water quality account, elimination: SB 5408
 Water quality standards, amendment by department to authorize compliance schedules for discharge permits in certain cases: SB 6036
 Water rights adjudication, procedures: ***ESHB 1571, CH 332 (2009)**, SB 5533
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

ECONOMIC DEVELOPMENT COMMISSION

Duties and membership: ESHB 1131
 Duties of commission, modification: SB 6087
 Entrepreneurial education and training, commission to foster in conjunction with workforce training and education coordination board: SB 5879
 Innovation partnership zone program: ***SHB 1128, CH 72 (2009)**
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SB 5317
 Workforce and economic development, coordination of: ***SHB 1323, CH 151 (2009)**, SB 5048
 Workforce and economic development, multi-agency report to legislature on progress: ***SHB 1323, CH 151 (2009)**

EDUCATION, STATE BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449
 Civics instruction added to requirements for receiving a high school diploma: ***HB 2132, CH 223 (2009)**
 Graduation requirements, using five-component multiple measures and set weighted graduation score to achieve: SB 5459
 High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: SB 5260
 School year, waivers from one hundred eighty-day requirement for school districts proposing a flexible calendar: ***SHB 1292, CH 543 (2009)**
 WASL legislative work group, implementation of recommendations: SB 5414

EDUCATIONAL SERVICE DISTRICTS

Common school provisions, various sections suspended or amended to provide flexibility in the educational system: SB 5880
 District treasurer, authority of district to designate: SB 5828
 Dropout reengagement system, interlocal agreements with school districts to oversee dropout reengagement programs: SHB 1418, SB 5618
 Health insurance, requirement for districts to purchase coverage through health care authority: SB 5491
 State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**, SB 5650

ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)

Absentee ballot envelopes, requirements: HB 1880
 Absentee ballots, counting: SB 5631

Accessible community advisory committees to assist election officials in ensuring accessible polling places: SB 5902
 Ballot titles to include tax consequences of ballot measures: SB 6099
 Ballots, envelopes to shield voter information on envelopes for return of: SB 5972
 Ballots, identifying marks on: SB 6100
 Ballots, inactive voters: ***SB 5017, CH 103 (2009)**
 Ballots, protecting voter's signature and telephone number on envelopes for the return of: SB 5951
 Ballots, titles to indicate property tax levy's financial impact: SB 5098
 Ballots, voter identification marks by election officials not allowed: ***SB 5359, CH 414 (2009)**
 Candidate filing, provisions modified: SB 5271
 Citizens public campaign act: SB 6177
 Constitutional amendments and state measures, notice method and contents: SB 6123
 Constitutional amendments, notice method and contents: SJR 8217
 Designated major party election observers, requirements: ESHB 1752
 Election provisions, technical corrections: SB 5327
 First-class school districts, board of director elections: SB 5168
 Identifying marks on ballots, provisions: SB 6100
 Internet voting for service voters and overseas voters: SB 5522
 Nonpartisan primaries, prosecuting attorney: SB 5065
 President of United States, interstate agreement for election by national popular vote: SB 5204, ***SB 5599, CH 264 (2009)**
 Presidential elections, repealing section 1A of article VI of state constitution: SJR 8208
 Primary elections, ranked choice voting: SB 5536
 Proof of citizenship, requirements: SB 5187
 Prosecuting attorney, to be considered a nonpartisan office: SB 5065
 Providing false information to voters about voting in an upcoming election: SB 5727
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325 (2009)**, SB 5534
 Secret ballots, constitutional amendment guaranteeing: SJR 8214
 Secretary of state, reducing costs of elections division of office of: SB 6122
 Special, changing noncharter code city's form of government: ***HB 1066, CH 7 (2009)**, SB 5054
 Special, dates they may be held modified: ***ESHB 1018, CH 413 (2009)**, SB 5016
 State measures and constitutional amendments, notice method and contents: SB 6123
 Tax consequences, ballot titles to include for ballot measures: SB 6099
 Top two primary election system, updating election laws: SB 5681
 Unexpired terms of office, elections to fill remainder of terms for certain statewide elected officials: SB 5728
 Voter registration, qualifications: SB 5213
 Voter registration, qualifications and procedures: SB 5270
 Voters' pamphlets, procedure for handling errors in local pamphlets: SB 5508
 Voting, adopting all mail voting: SHB 1572

ELECTRIC UTILITIES (See also ELECTRICITY)

Benefits to executive officer or any employee, limits on recoverability through rates or charges: SB 5072
 Biomass fuels for electricity generation, tax incentives for use: SB 5441
 Biomass fuels in renewable energy production, tax incentives for use: SB 6170
 Biomass fuels, electricity generation facilities using: SB 5724
 Coal-powered facilities, strategies to replace energy and jobs lost by closure of: SB 5766
 Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**
 Customer interest protections in proceedings before utilities and transportation commission: SB 5055
 Electric vehicles, utilities encouraged to use: SB 5418
 Electrolytic processing businesses, tax exemption for electricity use: ***SHB 1062, CH 434 (2009)**
 Eligible renewable resource, modifying requirements: SB 6089
 Energy efficiency programs, credits for utilities that donate funds to energy efficiency and low-income weatherization assistance accounts: SB 5649
 Energy independence act, renewable energy and conservation requirements: SB 5840
 Energy parks, unfinished nuclear power projects to be partially or wholly developed for electricity generation as: SB 5194
 Generation machinery and equipment, expiration dates for sales and use tax exemptions: E2SHB 1009

Greenhouse gas emission reduction, funding for programs from climate protection account: SB 5735
 Greenhouse gas emissions performance standard, compliance provisions: SB 6090
 Greenhouse gases emissions performance standard, electric utility compliance required before long-term financial commitment is allowed: ***HB 2129, CH 448 (2009) PV, *SB 5989, CH 147 (2009)**
 Hog fuel, tax exemptions when used for production of electricity: SB 5442, SB 6170
 Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198
 Rates, discounts for low-income and low-income senior customers of gas and electric companies: SB 5290
 Renewable energy and renewable energy credits: SB 5345
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: SB 5441, SB 6170
 Renewable energy targets, conservation achieved by electric utilities in excess of biennial conservation acquisition targets to be counted against: SB 5280
 Renewable or alternative energy resources, definition: SB 5505
 Renewable resources, alternative compliance payments and renewable energy credits: SB 5137
 Renewable resources, electricity generation facilities using biomass fuels: SB 5724
 Renewable resources, modifying requirements for an eligible renewable resource: SB 6089
 Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429
 Solar energy, community solar projects incentives: SB 5185, SB 6170
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198
 Thermal electric generating facilities, distributions of tax proceeds from: SB 5717
 Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955

ELECTRICITY (See also ELECTRIC UTILITIES)

Electric vehicles, infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418
 Electrical power production, state's geothermal resources: SB 5149
 Electrician licenses, certificates, or permits to be in possession while working: ***SHB 1055, CH 36 (2009)**
 Energy independence act, renewable energy and conservation requirements: SB 5840
 Energy parks, unfinished nuclear power projects to be partially or wholly developed for electricity generation as: SB 5194
 Generation machinery and equipment, expiration dates for sales and use tax exemptions: E2SHB 1009
 Geothermal resource assessment committee: SB 5149
 Geothermal resources, tax incentives for use: SB 5161
 Hog fuel, tax exemptions when used for production of electricity: SB 5442, SB 6170
 Interjurisdictional funding of electricity generation projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334
 Registered collectors, repair and reuse of electronic products: ***2SHB 1522, CH 285 (2009)**
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: SB 5441, SB 6170
 Renewable energy, sales and use tax exemptions: SB 6170
 Renewable resource project siting, county energy overlay zones: ***SB 5107, CH 419 (2009)**
 Renewable resources, electricity generation facilities using biomass fuels: SB 5724
 Renewable sources, standards for installations generating from: SB 5021
 Sawmills, offset credits in air operating permits when using biomass fuel to generate electricity: SB 5182
 Small wind energy systems, permit requirement standards: SHB 1008
 Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429
 Thermal electric generating facilities, distributions of tax proceeds from: SB 5717
 Tidal or wave energy, tax incentives for use: SB 5161

ELECTRONIC EQUIPMENT

Registered collectors, repair and reuse of electronic products: ***2SHB 1522, CH 285 (2009)**

ELEVATORS

Worker licenses, certificates, or permits to be in possession while working: ***SHB 1055, CH 36 (2009)**

EMERGENCY MEDICAL TECHNICIANS

Emergency medical service personnel, retired participant resumption of service: SB 5632
 Paramedics and nurses, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: ***SHB 1808, CH 168 (2009)**
 Violent injuries, reporting: SB 5056

EMERGENCY SERVICES

Animal emergency planning guidance for local jurisdictions, evacuation and sheltering services to be provided during disaster or emergency: SB 5337
 CBRNE response program, statewide: SB 5010
 Civil air patrol, authority to conduct homeland security, disaster relief, and search and rescue operations under governance of state patrol: SB 5636
 Emergency management, preparedness, and assistance account, military department to administer: SB 5393
 Flooding, insurer disclosure that policy does not cover flood damage: SHB 1564, SB 5417
 Medical care and services, property tax limit for levies to fund: SB 5143
 Radio communications systems, television reception improvement districts to provide: HB 1028
 Strait of Juan de Fuca, emergency response system: ESHB 1409, SB 5344

EMINENT DOMAIN

Restrictions on use of eminent domain: SB 5664

EMPLOYMENT (See also WAGES AND HOURS)

County employees, options for determining pay periods: ***EHB 1461, CH 239 (2009)**
 Driving record abstracts, release to current or prospective employer or volunteer organization for employment and risk management purposes: SB 5610
 Employer-assisted housing program, business and occupation tax credits for participating employers: SB 5585
 Family and medical leave act of 2007, repealed: SB 5558
 Family and medical leave, provisions of family security act: SB 5679
 Family leave insurance program, delaying implementation: ***ESB 6158, CH 544 (2009)**
 Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: SB 5850
 Governor's committee on disability issues and employment: SB 5902
 Language service providers, exemption from definitions of employment and worker for industrial insurance and unemployment compensation purposes: SB 5771
 Minimum hourly wage, establishing a set wage: SB 5362
 Minimum wage and overtime compensation complaints, good faith defense: SB 5463
 Minimum wage, defining "employ" for purposes of: SB 5466
 Qualifying for unemployment compensation benefits, defining good cause for leaving work voluntarily: SB 5242
 Voluntarily leaving part-time work, qualifying for unemployment benefits under certain circumstances: ***SB 5804, CH 247 (2009)**

EMPLOYMENT SECURITY DEPARTMENT

Benefits eligibility for certain workers participating in workforce training: SB 5809
 Evergreen jobs act, labor market research: ***E2SHB 2227, CH 536 (2009) PV**
 Unemployment compensation, improving economic security through: ***ESHB 1906, CH 3 (2009)**
 Washington state essential worker pilot program, established by department: SB 5831
 Workforce and economic development, multi-agency report to legislature on progress: ***SHB 1323, CH 151 (2009)**
 Workforce training funds to be disbursed by department: SB 5809

ENERGY (See also ELECTRIC UTILITIES; ELECTRICITY)

Biomass energy, department of natural resources to develop and implement forest biomass energy demonstration projects: ***HB 2165, CH 163 (2009)**, SB 5979
 Biomass fuel, offset credits in air operating permits for sawmills using biomass for electricity generation: SB 5182
 Biomass fuels for electricity generation, tax incentives for use: SB 5441
 Biomass fuels in renewable energy production, tax incentives for use: SB 6170
 Biomass fuels, electricity generation facilities using: SB 5724
 Clean energy collaborative established, Washington technology center to create by contract: SB 5921

Community-wide urban residential and commercial building efficiency upgrades, pilot grants: SB 5649

Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**

Efficiency code, products added and removed: ***ESHB 1004, CH 501 (2009)**

Electrical power production, state's geothermal resources: SB 5149

Eligible renewable resource, modifying requirements: SB 6089

Energy efficiency and renewable energy improvements for property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Energy efficiency assistance program, creation within energy program at Washington State University: SB 5649

Energy efficiency worker training program: SB 5051

Energy freedom program, expanding: ***ESHB 2289, CH 451 (2009)**

Energy independence act, renewable energy and conservation requirements: SB 5840

Energy parks, unfinished nuclear power projects to be partially or wholly developed for electricity generation as: SB 5194

Gas companies, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198

Geothermal resource assessment committee: SB 5149

Geothermal resources, tax incentives for use: SB 5161

Greenhouse gas emission reduction, funding for programs from climate protection account: SB 5735

Greenhouse gas emissions performance standard, compliance provisions: SB 6090

Hog fuel, tax exemptions when used for production of electricity, steam, heat, or biofuel: SB 5442, SB 6170

Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198

Ocean renewable energy resources, review of renewable energy potential of Washington's ocean waters: SB 5597

Renewable and nonrenewable energy resources, tax incentive modifications: SB 6029

Renewable energy and renewable energy credits, electric utilities: SB 5345

Renewable energy manufacturing facilities, tax incentives: 2SHB 2130, SB 6069

Renewable energy sources, standards for electrical installations generating electricity from: SB 5021

Renewable energy sources, tax incentives for use of biomass fuels in renewable energy production: SB 6170

Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: SB 5441

Renewable energy targets, conservation achieved by electric utilities in excess of biennial conservation acquisition targets to be counted against: SB 5280

Renewable energy, sales and use tax exemptions: SB 6170

Renewable or alternative resources, definition: SB 5505

Renewable resource, definition revised to include biomass energy based on certain solid waste: SB 5806

Renewable resources, electric utilities: SB 5137

Renewable resources, electricity generation facilities using biomass fuels: SB 5724

Renewable resources, modifying requirements for an eligible renewable resource: SB 6089

Renewable resources, tidal or wave and geothermal electricity generation tax incentives: SB 5161

Small wind energy systems, permit requirement standards: SHB 1008

Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429

Solar energy panels, regulating use by homeowners' association members: SB 5136

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: SB 5906, SB 6170

Solar energy, community solar projects incentives: SB 5185, SB 6170

Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185

Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198

Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854

Sustainable energy trust program, energy efficiency and renewable energy improvements for property owners: ***E2SHB 1007, CH 65 (2009)**

Tidal or wave energy, tax incentives for use: SB 5161

ENGINEERS AND ENGINEERING

College engineering programs, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, SB 5276

ENVIRONMENT

Bisphenol A in products, prohibition: 2SHB 1180
 Bisphenol A in products, prohibition and alternatives: SB 5282
 California condor and other vulnerable wildlife, protection from lead poisoning: SB 5095
 Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 Environmental impact statements, effect of teleworking option for transportation projects: SB 5090
 Green jobs, provisions of evergreen jobs act, including evergreen jobs initiative and training account: ***E2SHB 2227, CH 536 (2009) PV**
 Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: SB 5735
 Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401
 Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Interjurisdictional funding of environmental projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: SB 5543
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: SB 5748
 Office of regulatory assistance, program for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: SB 5503
 Projects of statewide significance, qualifications for designation to include environmental benefit: SB 5473
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Refrigerants in motor vehicle air conditioning equipment, use of safe alternative refrigerant authorized: ***SHB 1984, CH 256 (2009)**
 State environmental policy act review by the department of ecology: SB 5966
 Tax incentives, various environmental: SB 6170
 Water discharge fees, changes: ***SHB 1413, CH 249 (2009)**, SB 5430
 Yukon to Yellowstone Rocky mountain ecosystem management: SB 5064

ESTATES

Declaration of completion of probate, procedure for filing: SB 5297
 Estate distribution documents, certified public accountants exempted from restrictions on marketing for certain purposes: HB 1331, SB 5343
 Vulnerable adults, financial exploitation by an abuser: ***SHB 1103, CH 525 (2009)**

EVERGREEN STATE COLLEGE, THE

Board of trustees, adding a faculty member to board: SHB 1841
 Capital projects account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

EVIDENCE

Negligence, failure to safely perform body piercing and body art: SHB 1085, SB 5762

EXPLOSIVES

Licenses, expiration dates: ***SHB 1280, CH 39 (2009)**

FAIRS AND EXHIBITIONS

Agricultural fairs, annexation by cities or towns of territory used for: ***HB 1295, CH 402 (2009)**

FAMILY LIFE

Adoption, department of social and health services duties: SB 5803
 Child welfare services, performance-based contracts: SB 6031
 Civil marriage equality, including same-sex couples: SB 5674
 Correcting or restraining a child, actions presumed unreasonable for purposes of discipline: SB 5706

Council for children and families to absorb duties of family policy council: SB 5589
 Dependency proceedings, administrative office of the courts to develop standard court forms and format rules: SB 5577
 Dependency proceedings, department of social and health services notification of duties and responsibilities to a child subject to: SB 5758
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285
 Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**
 Dependency proceedings, housing services and assistance for the child: SB 5266
 Dependency proceedings, legal representation of children: SB 5609
 Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**
 Dependency proceedings, notifying parent or parents of filing of petition and concurrent permanency planning: SB 5510
 Dependency proceedings, parenting plans and residential schedules: ***SHB 1239, CH 526 (2009)**, SB 5231
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: SB 6014
 Dependency proceedings, visitation by caregiver: SB 5988
 Family and children's services, department of social and health services' powers, duties, and functions pertaining to children and family services transferred to department of: SB 6031
 Family and medical leave act of 2007, repealed: SB 5558
 Family and medical leave, provisions of family security act: SB 5679
 Family counseling pilot program, merit checks for couples completing a family preparation course: SB 5829
 Family leave insurance program, delaying implementation: ***ESB 6158, CH 544 (2009)**
 Family policy council, duties to be absorbed by council for children and families: SB 5589
 Family policy council, participation in building bridges advisory committee efforts to improve graduation and reengagement rates: SB 5449
 Foster care placement, parental request for placement of child with a relative: SB 5811
 Grandparent visitation rights, petitioning process: SB 5477, SB 5643, SB 6013
 Guardians ad litem, background information records and procedures for appointment: SB 5285
 Initial point of contact program, technical nonsubstantive corrections: SB 5528
 Juvenile offender programs, pilot program to increase family participation: SB 5141
 Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612
 Mental health records, access to a minor's treatment information by a parent, guardian, or custodian: SB 5546
 Parenting plans, designation of time with minority residential parent: SB 5342
 Parenting plans, permanent: SB 5824
 Postadoption contact with siblings, children's interests in maintaining: ***2SHB 1938, CH 234 (2009)**
 Relocation of a child, principal residence defined in context of legal separation: SB 5453
 Sexually aggressive youth, treatment eligibility and funding: ***SHB 1419, CH 250 (2009)**
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: SB 5286

FARMS (See also LIVESTOCK)

Animal identification, voluntary participation in a state or national animal identification system: SB 5956
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SB 5424
 Dairy nutrient management program, compliance with: SB 5677
 Energy assessments, energy efficiency assistance program to develop and offer new methods for: SB 5649
 Farm and agricultural land, commercial agricultural purposes defined for property taxation: SB 5817
 Farm vehicle trip permit, extending time period covered by: ***HB 2313, CH 452 (2009)**
 Genetically engineered plants, testing farms for breach of contract or patent infringement: SB 5006
 Livestock nutrient management equipment and facilities, sales and use tax exemption: ESHB 2278, SB 6170
 Milk products used for animal food consumption, standards and licensing: SB 5678
 Mobile custom farm slaughtering unit loan program: SB 5004
 Propane, sales and use tax exemption for nonhighway use by farmers: SHB 2275
 Property tax, specifications for farm and agricultural land classification: ***EHB 1815, CH 513 (2009)**, SB 5792
 Rural and resource lands study: 2SHB 1797
 Water rights, sufficient cause for nonuse: SB 5692
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: SB 5272

FERRIES

Anacortes to San Juan Islands ferry route, added to scenic and recreational highway system: ***SB 5289, CH 277 (2009)**
 Automated traffic safety cameras, use in ferry zones: SB 5685
 Comprehensive incident and accident investigation policy and procedures proposal to be provided to legislature by Washington state ferries: EHB 2044
 Construction of ferry vessels, repayment of general obligation bonds for construction through use of certain tourism industry tax revenues: SB 6005
 Elimination of requirement that certain ferries be constructed in Washington: SB 5971
 Ferry system, modernizing ferry fleet and organization: SB 6061
 Ferry vessels and terminals, cost limitations when using state forces for work performed on: HB 2271
 Lake Chelan, study of appropriateness of rate and service regulation of commercial ferries operating on: ***ESB 5894, CH 557 (2009)**
 Marine employees of the department of transportation, collective bargaining provisions: SB 6106
 Naming, tribal government involvement in process: SB 5440
 Rate and service regulation of certain commercial ferry services, utilities and transportation commission authority to forebear from: ***ESB 5894, CH 557 (2009)**
 Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277 (2009)**
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556

FINANCIAL INSTITUTIONS

Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384 (2009)**, SB 5884
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1621, CH 120 (2009)**, SB 5759
 Credit and debit cards, information security requirements for retailers: ***HB 1127, CH 382 (2009)**
 Credit cards, posting of payments at time and date when paying in person: SB 5861
 Financial exploitation of vulnerable adults, response by financial institution when suspected: SB 5639
 Interchange fees, definition and limitations: SB 5094
 Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositories: ***SHB 2061, CH 9 (2009)**, SB 5928
 Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149 (2009)**, SB 5400
 Small loan monitoring system, director to develop and implement: SB 5920
 Small loans underwriting, restricting certain financial institutions from through cap on borrower's aggregate balance: SB 5920

FINANCIAL INSTITUTIONS, DEPARTMENT

Financial services committees of legislature, department to report concerning small loan payment plans: ***ESHB 1709, CH 510 (2009)**
 Mortgage brokers, compliance with secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1749, CH 528 (2009)**, SB 5749
 Mortgage brokers, consideration of mitigating factors for enforcement actions against: SB 5659
 Prevent or reduce owner-occupied foreclosure program, housing finance commission to implement and administer with department: ***ESB 6033, CH 386 (2009) PV**
 Reverse mortgage loans, department authority to develop rules to interpret requirements and limitations: ***EHB 1311, CH 149 (2009)**, SB 5400
 Small business loan reserve program, department director to oversee program and delegate duties to executive director of program: SB 6085
 Small loan monitoring system, director to develop and implement: SB 5862

FINANCIAL MANAGEMENT, OFFICE

Climate leadership, office to establish policies for reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 Education data center, data governance group to be established within: SB 5941
 Fiscal notes, dynamic: SB 5741
 Health professional licensing information, office of financial management access to: ***SHB 2079, CH 343 (2009)**
 Initiative measures, role of office in agency review of: SB 6184

Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 (2009) PV**

Washington competition council, promoting privatization through competitive contracting: SB 5409

FIRE PROTECTION

Fire suppression ponds, exemption from water use permit requirements: SB 6017

Forest fire protection assessment refunds: SB 6082

Impact fees, facilities authorized to use: HB 1080

Novelty lighters, prohibition of sale and distribution: SB 5011

Railroads, fire suppression regulations: SB 5023

Retail products, testing for deca-bde: SB 5977

FIRE PROTECTION DISTRICTS

Annexation of a portion of a fire protection district by a city, procedures and employee notification requirements: SB 5808

Annexation, certain areas in cities and towns authorized to annex to a fire protection district: HB 1561, ***SB 5426, CH 115 (2009)**

Contracts for fire service protection, adequate compensation and expressed consent requirements: SB 5638

FIREARMS

Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193

Alien firearm license, requirements and violations: ***2SHB 1052, CH 216 (2009)**

Concealed pistol license application, submission by mail of application for renewal by members of armed forces: SB 5637

Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59 (2009)**

Correctional officers and sergeants who have completed training exempt from certain firearm restrictions: SB 5929

Possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**

Violence reduction and drug enforcement account, elimination: SB 5408

FIREFIGHTERS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS, STATE BOARD)

Survivors of certain firefighters, benefits: ***HB 1506, CH 156 (2009)**, SB 5311

Volunteer firefighters, retired participant resumption of service: SB 5632

FISH (See also SALMON; STEELHEAD)

Dungeness crab coastal fishery, coastal commercial Dungeness crab pot removal program and removal permit: ***ESHB 1516, CH 355 (2009)**

Geoduck diver licenses, limitations: SB 5926

Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**

Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401

Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**

Modernizing certain fish and wildlife provisions in title 77 RCW: ***SHB 1778, CH 333 (2009) PV**, SB 5404

Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: ***ESHB 1326, CH 331 (2009)**, SB 5269

Rainbow trout, raffle-only limited recreational fishery in Spirit Lake: SHB 1838

Riparian protection account and habitat conservation account provisions, references to mitigation banking projects removed: ***SB 5348, CH 16 (2009)**

Salmonid hatcheries closed or scheduled for closure, department of fish and wildlife to establish department-partner agreements for operation and management: ***2SHB 1951, CH 340 (2009)**

Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

FISH AND WILDLIFE COMMISSION

Dungeness crab coastal fishery, coastal commercial Dungeness crab pot removal program and removal permit: ***ESHB 1516, CH 355 (2009)**

Modernizing certain fish and wildlife provisions in title 77 RCW: ***SHB 1778, CH 333 (2009) PV**, SB 5404

Nontoxic shot, commission to establish rules requiring: SB 5095

Trapping, commission to convene trap type advisory panel: SB 5389

FISH AND WILDLIFE, DEPARTMENT

Access facilities improved by department, exemption from fish and wildlife lands vehicle use permit requirements: SB 6023

Agreements, recreational access and habitat enhancement: SB 5067

Chaplain, department authorized to use services of a volunteer chaplain: ***HB 1437, CH 204 (2009)**

Direct retail endorsement for commercial fishing, alternate operator eligibility: ***SB 5356, CH 195 (2009)**

Dungeness crab coastal fishery, coastal commercial Dungeness crab pot removal program and removal permit: ***ESHB 1516, CH 355 (2009)**

Fish and wildlife equipment revolving account: SB 5268

Geoduck diver licenses, limitations: SB 5926

Governance of department: SB 5127

Grazing on department lands, grazing privilege requirements: SB 5781

Hunting web site, department to establish for public use: SB 5559

Licensing fees, recreational hunting and fishing: SB 6084

Mice and rat traps, exemption from restrictions on traps: SB 5382

Modernizing certain fish and wildlife provisions in title 77 RCW: ***SHB 1778, CH 333 (2009) PV**, SB 5404

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**, SB 5748

Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: ***ESHB 1326, CH 331 (2009)**, SB 5269

Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: SB 5274

Recreational access and habitat enhancement agreements, department authority: SB 5067

Salmonid hatcheries closed or scheduled for closure, department-partner agreements for operation and management:

***2SHB 1951, CH 340 (2009)**

Spirit Lake, raffle-only limited recreational rainbow trout fishery in: SHB 1838

State wildlife account, funding from state lottery account: SB 6107

Trapping, licensing and regulations: SB 5389

Upper Columbia river recreational salmon and steelhead pilot stamp program: SB 5421

Upper Columbia river salmon and steelhead recreational anglers board to advise department for pilot stamp program: SB 5421

Watchable wildlife program and raffle pilot project: SB 5062

Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: SB 5272

Wildlife viewing opportunities, requirements for viewing on department land and department authority to provide web-based information regarding: SHB 1972

Yukon to Yellowstone Rocky mountain ecosystem management: SB 5064

FISHING, COMMERCIAL

Direct retail endorsement for commercial fishing, alternate operator eligibility: ***SB 5356, CH 195 (2009)**

Dungeness crab coastal fishery, coastal commercial Dungeness crab pot removal program and removal permit: ***ESHB 1516, CH 355 (2009)**

Geoduck diver licenses, limitations: SB 5926

Modernizing certain fish and wildlife provisions in title 77 RCW: SB 5404

Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: ***ESHB 1326, CH 331 (2009)**, SB 5269

FISHING, RECREATIONAL (See also SALMON; STEELHEAD)

Licensing fees: SB 6084

Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577 (2009)**

Spirit Lake, raffle-only limited recreational rainbow trout fishery in: SHB 1838

FLOOD CONTROL

Countywide flood control zone districts, liability protection for: SB 5590

Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***SB 6070, CH 426 (2009)**

Flood control districts, provisions: ESHB 1886

Flood control districts, provisions for creation of districts that contain three or more counties: SB 5704

Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***SB 6070, CH 426 (2009)**

FOOD AND FOOD PRODUCTS

Apples, disclosure of production and export information on patented or trademarked apples: SB 5818
 Candy, grants for increasing medical and dental services to be funded through voter-approved sales and use tax on: SB 6189
 Cloned animals, labeling required to identify food from: SB 5338
 Food service programs for children, school breakfast and lunch and summer programs: SB 5361
 Meat and poultry inspection program, establishment and requirements: SB 5517
 Milk pricing, task force to study milk pricing mechanisms: SB 6092
 Milk products used for animal food consumption, standards and licensing: SB 5678
 Poultry slaughter and sale, special permits: SB 5350
 Suspicious or contaminated food products, toll-free phone number for reporting: SB 6042
 Trans fat, food establishments prohibited from serving certain food containing: SB 5857

FORENSIC INVESTIGATIONS COUNCIL

Membership increase to strengthen oversight of state crime laboratory: SB 5039

FOREST LAND (See also FOREST PRACTICES AND PRODUCTS; TIMBER AND TIMBER INDUSTRIES)

Climate protection forestry account, financial incentives for active forest land management: SB 5747
 Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200 (2009)**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SB 5424
 Department of natural resources authority to manage forest lands: SB 5957
 Fire protection assessment refunds: SB 6082
 Fully contained communities, approval by county if land not designated forest land: HB 1456
 Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401
 Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Institute of forest resources to establish and maintain a forest land database: SB 5598
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**
 Property tax current use valuation programs, provisions: ***SHB 1733, CH 255 (2009)**
 Property tax exemptions as part of process for transfer or sale of conservation easement of private forest land containing habitat of threatened or endangered species: ***2SHB 1484, CH 354 (2009) PV**
 Property taxation, impact of removal of forest land designation in counties of a certain size: SB 5602
 Public lands, extension of normal timber harvest termination dates by department of natural resources: SB 6127
 Rural and resource lands study: 2SHB 1797
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: SB 5690
 State forest lands with harvest encumbrances, transfer: SHB 1595
 State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**
 Timber harvest termination dates for public lands, department of natural resources extension of: SB 6127
 Timber recovery fund board, creation: SB 5598

FOREST PRACTICES AND PRODUCTS (See also FOREST LAND; TIMBER AND TIMBER INDUSTRIES)

Christmas trees, harvesting: ***SHB 1038, CH 245 (2009)**, SB 5169
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**
 Climate protection forestry account, financial incentives for continuing production of forest products: SB 5747
 Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200 (2009)**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**
 Green source of wood fiber, designating a source for state-funded construction: SB 6010
 Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401

Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Huckleberries, regulations: ***SHB 1038, CH 245 (2009)**, SB 5169
 Institute of forest resources to establish and maintain a forest land database: SB 5598
 Institute of forest resources, coordination of University of Washington cooperatives and centers: SB 5097
 Log transportation businesses, public utility tax calculations: SB 5744
 Public lands, extension of normal timber harvest termination dates by department of natural resources: SB 6127
 Sawmills, offset credits in air operating permits when using biomass fuel to generate electricity: SB 5182
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: SB 5690
 Specialized forest products outreach and education account: ***SHB 1038, CH 245 (2009)**
 Specialized forest products, permitting process and theft protections: ***SHB 1038, CH 245 (2009)**, SB 5169
 State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**
 Timber harvest termination dates for public lands, department of natural resources extension of: SB 6127
 Timber recovery fund board, creation: SB 5598

FOSTER CARE

Autism, foster parent training program to include needs of children with: SB 6071
 Citizen review boards, elimination of: ***HB 1375, CH 152 (2009)**
 Federal fostering connections to success and increasing adoptions act of 2008, implementation: ***E2SHB 1961, CH 235 (2009)**
 Foster family homes, placement of child returning to out-of-home care: SB 5431
 Foster parent information, department of social and health services to maintain for public review: SB 5653
 Foster parent license, licensee to notify licensor before moving to new location: HB 1101, ***SB 5015, CH 206 (2009)**
 Foster parent training program, department of social and health services to include needs of children with autism: SB 6071
 Placement, parental request for placement of child with a relative: SB 5811

FUELS (See also OIL AND GAS)

Alcohol fuel, tax incentives for production, distribution, sale, and use: SB 5467
 Alternative fuel, definition of renewable diesel: ***SHB 1010, CH 132 (2009)**
 Biodiesel fuel and biodiesel feedstock, tax incentives for production, distribution, sale, and use: SB 5467
 Biofuel, definition: SB 5118
 Biofuels, tax exemptions for use of hog fuel to produce: SB 5442, SB 6170
 Bunker fuel, business and occupation taxation of manufacturing and selling for use outside United States waters by foreign commercial vessels: ***SB 6096, CH 494 (2009)**
 Motor vehicle fuel, handling loss tax deduction eliminated: SB 5027
 Propane, sales and use tax exemption for nonhighway use by farmers: SHB 2275
 Refunds for fuel taxes, time period extended: SB 5159
 Renewable diesel, definition: ***SHB 1010, CH 132 (2009)**
 Solid fuel burning devices, restrictions: SB 5565
 Wood biomass fuel, tax incentives for production, distribution, sale, and use: SB 5467

FUNERALS

Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: ***ESHB 2126, CH 102 (2009)**, SB 5868

GAMBLING (See also LOTTERY)

Amusement games, gambling commission authority to determine locations: ***HB 1217, CH 78 (2009)**, SB 5324
 Commission, consolidation into department of licensing as office of gambling regulation: SB 6146
 Definition of gambling, changes: SB 6103
 Definition of gambling, clarifying for purpose of assisting in the regulation and control of gambling: SB 6152
 Raffles conducted by cities, towns, and counties qualifying as bona fide nonprofit organizations: SB 5645
 Raffles, city or town authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137 (2009)**
 Raffles, increasing ticket prices: ***EHB 1053, CH 133 (2009)**, SB 5124
 Raffles, watchable wildlife raffle pilot project: SB 5062
 Tax on gambling, certain city and county revenues to be used primarily for public safety: SB 6164
 Underage gambling, penalties: SB 5040

GAMBLING COMMISSION

Amusement games, commission authority to determine locations: ***HB 1217, CH 78 (2009)**, SB 5324
 Consolidation of commission into department of licensing as office of gambling regulation: SB 6146
 Horse racing commission, duties to be absorbed by gambling commission: SB 5589

GAS COMPANIES

Benefits to executive officer or any employee, limits on recoverability through rates or charges: SB 5072
 Customer interest protections in proceedings before utilities and transportation commission: SB 5055
 Pipeline safety fees, date utilities and transportation commission sets fees changed: ***SHB 1388, CH 91 (2009)**, SB 5451
 Public utility tax credit for gas companies to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198
 Rates, discounts for low-income and low-income senior customers of gas and electric companies: SB 5290
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198
 Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955

GENERAL ADMINISTRATION, DEPARTMENT

Air travel by state employees, ergonomic seat requirements: SB 5139
 Capitol campus design advisory committee, membership: HB 1016
 Climate leadership, department to establish policies for reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 Design of public facilities, life-cycle cost analysis to include calculation of embodied energy in building materials: SB 5385
 Energy efficiency and greenhouse gases in built environment, creating state portfolio manager master account and standardized report as part of strategic plan: E2SHB 1747, SB 5854
 Ergonomic requirements, air travel by state employees: SB 5139
 High-performance public buildings, green building initiative's green globes rating system: SB 5384
 Paper, state agency paper conservation program to use one hundred percent recycled content paper: ***SHB 2287, CH 356 (2009)**
 Procurement contracts, veteran-owned businesses: SB 5041
 Resident curators of significant state-owned properties: SB 5019
 Small businesses, access to state personal service contracting opportunities: 2SHB 1095

GEOLOGY AND GEOLOGISTS

Soil and wetland science, advisory committee: SB 5698
 Soil and wetland scientists, certification: SB 5698

GOVERNOR

Adult family home providers, collective bargaining relationship with governor: SB 5787
 Boards and commissions, elimination: SB 5994
 Budget, capital 2009-2011: ***ESHB 1216, CH 497 (2009) PV**, SB 5222
 Budget, operating 2009-2011: SB 5600
 Budget, operating 2009-2011 biennium and 2007-2009 supplemental: ***ESHB 1244, CH 564 (2009) PV**
 Budget, operating supplemental 2009: SB 5407
 Budget, transportation 2009-2011: SB 5352
 Budget, transportation supplemental 2007-2009: SB 5351
 Child care center directors and workers, collective bargaining relationship with governor: SHB 1329, SB 5572
 Citizen advisory board, repeal of statutes: SB 5170
 Commission on minority affairs established in the office of the governor: SB 5589
 Committee on disability issues and employment: SB 5902
 Declaration of a state of emergency, insurance commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335 (2009)**, SB 5669
 Director of commercialization and innovation created within office of the governor: SB 6015
 Education ombudsman, abolished and superseded by office of the citizen advocate: SB 5456
 Family and children's ombudsman, abolished and superseded by office of the citizen advocate: SB 5456

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes:

***SHB 1730, CH 97 (2009)**, SB 5748

Reports to legislature and governor, mandatory electronic filing: HB 1753

GROWTH MANAGEMENT

Auctioneering, siting of a master planned location for major auctioneering activity: SB 6145

Counties, identifying specific facilities planning requirements: ***SHB 1825, CH 121 (2009)**

Fully contained communities, approval by county if land not designated agricultural, forest, or mineral resource lands: HB 1456

Fully contained communities, infrastructure impact requirements for counties: SB 6030

Greenhouse gas emissions reduction, land use and transportation requirements: SB 5687

Growth management appeals legal assistance account: SB 5162

Hearings boards, administration and operations: ESHB 2338

Hearings boards, consolidation: SB 6083

Hearings boards, fees for review requests: SB 5162

Hearings boards, member substitution in certain cases: SHB 1079, SB 5323

Office of growth management hearings boards, creation: ESHB 2338

Vesting laws, petitions for review by a growth management hearings board: SB 5148

GUARDIANSHIP

Public guardianship office, references to advisory committee: ***SB 5699, CH 117 (2009)**

Uniform adult guardianship and protective proceedings jurisdiction act: ***SHB 1261, CH 81 (2009)**

HAZARDOUS MATERIALS

Bisphenol A in products, prohibition: 2SHB 1180

Bisphenol A in products, prohibition and alternatives: SB 5282

Hazardous substances information to be provided by hazardous substance information and education office: SB 5756

Hazardous substances, disclosure requirements prior to placement upon, ingestion by, or injection into another person: SB 5756

Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181

HAZARDOUS WASTE

Cleanup for waste sites, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at Hanford site: SHB 1321, SB 6170

Cleanup for waste sites, reduced business and occupation tax rate for cleanup at Hanford and other nuclear sites: SB 5390

Hanford Reservation, full federal funding for cleanup: SJM 8008

Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181

Mercury and mercury-added general purpose lights, provisions for sales, recycling, and disposal: SB 5813

HEALTH CARE (See also HEALTH CARE PROFESSIONS)

Acupuncture profession, name of and titles within modified: SB 5320

Acupuncture quality assurance commission, creation: SB 5535

Advanced diagnostic imaging services, work group appointed by legislative leaders to identify best practice guidelines:

***ESHB 2105, CH 258 (2009)**, SB 5981

Advanced registered nurse practitioners, mental health care involving commitment: ***SHB 1071, CH 217 (2009)**

AIDS program grants, consolidation of administrative services in department of health: HB 2360

Alternative health care practitioners, practice requirements: SB 5755

Autism spectrum disorders, insurance coverage: SB 5203

Cancer treatments, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512

Charity care, requirements for hospitals: SB 5347

Children, affordable nonsubsidized state coverage for children: SB 5202

Community health care collaborative grant program, established: SB 5360

Cost information, all fees and charges for services and procedures to be disclosed by provider: ***SHB 1869, CH 529 (2009)**

Critical access hospitals not subject to certificate of need review under some circumstances: EHB 1460, ***ESB 5423, CH 54 (2009)**

Developmental screenings for children, public medical assistance to include: SB 5484
Direct patient-provider primary care practices, payment arrangements: SB 5436
Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516
Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: SB 5279
Durable medical equipment, tax exemptions when prescribed for home use: SB 5033
Emergency medical care and services, property tax limit for levies to fund: SB 5143
Employees, hours of labor: SB 5563
Facilities construction and development, certificate of need program: ***SB 5673, CH 315 (2009)**
Family and medical leave act of 2007, repealed: SB 5558
Family and medical leave, provisions of family security act: SB 5679
Federal financing of health care, department of social and health services to request further funding for certain programs: SB 5730
Financing, tax revenues and accounts to fund: SB 6093, SB 6094
Genetic counselors, licensing: SB 5608
Health care assistants, administration of medications and vaccines: ***SHB 1414, CH 43 (2009)**, SB 5852
Health information technology, uniform national standard of interoperability compliance date: ***SJM 8003 (2009)**
Health services account, elimination: SB 5408
Health technology assessment program, health care authority and health technology clinical committee roles in assessment process: SB 6150
Health technology clinical committee, review process for health technology: SB 6026
Hospice care agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: ***ESHB 1926, CH 89 (2009)**
Immunization of children, required documentation for exemption from: ESHB 1703, SB 5707
Immunizations, increasing annual immunization rates: SB 5848
Influenza vaccination pilot program, school-based: SB 5372
Information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398 (2009)**
Insurance, adult family home provider health benefits collective bargaining: SB 5787
Insurance, autism spectrum disorders: SB 5203
Insurance, basic health plan eligibility revisions: SB 6154
Insurance, basic health plan modified to include economic recovery enrollees: HB 2117, SB 6038
Insurance, basic health plan program changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**
Insurance, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304 (2009)**
Insurance, coverage deductions allowed for calculation of disposable income for senior property tax programs: SB 5662
Insurance, coverage for amino acid-based elemental formulas for infants and children: SB 5814
Insurance, coverage for surgical treatment of morbid obesity: SB 6052
Insurance, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512
Insurance, eligibility for Washington state health insurance pool: SB 5777
Insurance, enlisted Washington national guard members: SB 5275
Insurance, exemptions from filling out standard health questionnaire: ***ESHB 1401, CH 42 (2009)**, SB 5406
Insurance, health care discount plan organizations: SB 5480
Insurance, health care insurance partnership timeline revisions: ***SHB 2052, CH 257 (2009)**, SB 5841
Insurance, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161 (2009)**, SB 5670
Insurance, maximizing appropriate prescription drug use through state purchased health care plans: SB 5892
Insurance, options for young adults: SB 5052
Insurance, organ transplant coverage terms and conditions: SB 5725
Insurance, procedures and penalties for false claims against a governmental entity: SB 5144
Insurance, reducing organ transplant benefit waiting periods based on prior creditable coverage: ***SHB 1308, CH 82 (2009)**, SB 5236
Insurance, requirement for school districts and educational service districts to purchase coverage through health care authority: SB 5491
Insurance, small employer discount for employee wellness programs: SB 6019

Insurance, streamlined and uniform administrative procedures for payors and providers of health care services: SHB 1647, SB 5346

Insurance, Washington health care partnership plan to be established: SB 5945

Insurance, Washington state apple health insurance board and community care premium assistance program established: SB 5947

Insurance, wellness incentives paid by health carrier: *SHB 2160, CH 329 (2009), SB 5998

Language access services, persons with limited English proficiency: SB 5140

Long-term care facilities, requests for waiver of rights of residents prohibited: SB 5226

Medicaid, annual personal needs allowance adjustments for medicaid-eligible persons receiving care in institutions or community settings: SB 5196

Medical and dental services grants to be funded through voter-approved sales and use tax on candy: SB 6189

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: SB 5798

Medications, occupational therapists authorized to purchase, store, and administer: *SHB 1041, CH 68 (2009), SB 5100

Methicillin-resistant staphylococcus aureus: *ESHB 1123, CH 244 (2009)

Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500

Mobility enhancing equipment, tax exemptions when prescribed: SB 5033

Morbid obesity, insurance coverage for surgical treatment: SB 6052

Newborn children, appropriate locations for transfer: SB 5318

Nurses, hours of labor: SB 5563

Organ transplant benefit waiting periods, reducing based on prior creditable coverage: *SHB 1308, CH 82 (2009), SB 5236

Organ transplant insurance coverage, terms and conditions: SB 5725

Pharmaceutical product stewardship programs: SB 5279

Primary care medical home reimbursement pilot projects, evaluation of by health care authority and department of social and health services: 2SHB 2114, SB 5891

Professionals, health professional shortage plan to be developed by department of health and a medical school in central Washington: SB 5772

Professionals, reporting violent injuries: SB 5056

Provider billing statements, admissibility in certain proceedings: SB 5573

Public employees' benefits board, employee eligibility for benefits: *ESHB 2245, CH 537 (2009), SB 5869

Records, access to a minor's mental health treatment information by a parent, guardian, or custodian: SB 5546

Respite care for primary care providers of persons with developmental disabilities, eligibility: 2SHB 1429, *SB 5547, CH 312 (2009)

Scoliosis screening in schools, eliminating: *HB 1322, CH 41 (2009)

Scoliosis screening in schools, eliminating requirements for: SB 5074

Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: SB 5501

Sexually transmitted diseases, sexual health education funding for programs to help prevent: *SB 5629, CH 303 (2009)

Special education programs, billing for medical services through: *HB 1155, CH 73 (2009), SB 5201

Telemedicine, delivery of medical assistance program home health care services through: *SHB 1529, CH 326 (2009), SB 5497

Training projects for improvement of medical services for adults with developmental disabilities, grant program: SB 5376

Unintended pregnancy, sexual health education funding for programs to help prevent: *SB 5629, CH 303 (2009)

Vaccines containing mercury, requirements: SB 5457

Waiver of rights of residents of long-term care facilities, requests prohibited: SB 5226

Washington health care partnership plan, establishment: SB 5945

Washington health security trust, creation and replacement of health care authority by: SB 6093, SB 6094

Washington state apple health insurance board and community care premium assistance program established: SB 5947

Youth sports, adoption of policies for the management of concussions and head injuries: *EHB 1824, CH 475 (2009), SB 5763

HEALTH CARE AUTHORITY

Abolished, to be replaced by Washington health security trust: SB 6093, SB 6094

Adult family home providers, considered employees for collective bargaining purposes: SB 5787

Advanced diagnostic imaging services, authority to implement for all state purchased health care programs the best practice guidelines identified by the legislative work group: *ESHB 2105, CH 258 (2009), SB 5981

Appropriate prescription drug use, maximizing through state purchased health care plans: SB 5892
 Basic health plan eligibility revisions: SB 6154
 Basic health plan modified to include economic recovery enrollees: HB 2117, SB 6038
 Basic health plan program changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**
 Cancer treatments, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512
 Child care providers, various provisions: SB 5506
 Community health care collaborative grant program, established: SB 5360
 Domestic partners, state insurance benefits: ***EHB 1616, CH 523 (2009)**
 Electronic signatures as part of benefit application process: ***HB 1270, CH 201 (2009)**, SB 5197
 Eligibility for benefits, determination and periodic review of state employees concerning: ***ESHB 2245, CH 537 (2009)**, SB 5869
 Grants for increasing dental and medical services, referral of revenue receipts from voter-approved sales and use tax on candy to fund: SB 6189
 Health insurance exchange mechanism to facilitate access to coverage, authority to operate: SB 5730
 Health technology assessment program, administrator and health technology clinical committee roles in assessment process: SB 6150
 Health technology clinical committee, review process for health technology: SB 6026
 Interpretation services, persons with limited English proficiency: SB 5140
 Office of the health care authority ombudsman to be established in office of the insurance commissioner: SB 5830
 Primary care medical home reimbursement pilot projects, evaluation of by authority and department of social and health services: 2SHB 2114, SB 5891
 Public employees' health care, authority to establish tiered premium contributions based on salary: SB 5930
 School districts and educational service districts, requirement to purchase coverage through authority: SB 5491
 Secure exchange of health information, authority to designate lead organization(s) to coordinate development of system for: SB 5501
 Washington state quality authority, eliminated: ***SB 6002, CH 488 (2009)**

HEALTH CARE PROFESSIONS (See also COUNSELORS AND COUNSELING; HEALTH CARE)

Acupuncture profession, name of and titles within modified: SB 5320
 Acupuncture quality assurance commission, creation: SB 5535
 Advanced registered nurse practitioners, mental health care involving commitment: ***SHB 1071, CH 217 (2009)**
 Alternative health care practitioners, practice requirements: SB 5755
 Cost information, all fees and charges for services and procedures to be disclosed by provider: ***SHB 1869, CH 529 (2009)**
 Direct patient-provider primary care practices, payment arrangements: SB 5436
 Family medicine residency training grant program and account: SB 5502
 Genetic counselors, licensing: SB 5608
 Health care assistants, administration of medications and vaccines: ***SHB 1414, CH 43 (2009)**, SB 5852
 Health professional shortage plan to be developed by department of health and a medical school in central Washington: SB 5772
 Human trafficking course, all persons licensed to practice medicine required to take: SB 5850
 Immunization registry program for children through age eighteen, physicians and nurses required to record child immunization information: SB 6041
 Impaired physician program, requirements for licensing surcharge funding: ***SHB 1765, CH 98 (2009)**, SB 5851
 Licensing information, office of financial management access to: ***SHB 2079, CH 343 (2009)**
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: SB 5798
 Mental health service providers, disclosure of information concerning services received by persons who have been committed: ***SHB 1300, CH 320 (2009)**
 Nurses, hours of labor: SB 5563
 Occupational therapists, authorized to purchase, store, and administer medications: ***SHB 1041, CH 68 (2009)**, SB 5100
 Physical therapists, conditions when performing spinal manipulation: SB 5230
 Physician assistants, eligibility of foreign medical school graduates for licensing as: SB 5775
 Physicians, retired active license: ***2SHB 1899, CH 403 (2009)**
 Prescription pads, tamper-resistant: ***HB 2014, CH 328 (2009)**, SB 5826
 Primary care physician conditional tuition waiver program and account: SB 5502

Providers and payors of health care services, streamlined and uniform administrative procedures to be established: SHB 1647, SB 5346
 Registered nurses, delegation of authority for various tasks to nurse by optometrist: *SHB 1397, CH 203 (2009)
 Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: SB 5501
 Speech-language pathology assistants, licensing provisions: SB 5601
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: SB 5376
 University of Washington health sciences library, online access to by certain health care providers: SB 5913
 Violent injuries, health care professionals to report: SB 5056

HEALTH DEPARTMENTS, LOCAL

Body piercing and tattooing facilities, local jurisdictions to monitor: SB 5762
 Child mortality reviews to be conducted and collected by local health departments with assistance from department of health: *SHB 1303, CH 134 (2009)
 Immunizations, increasing annual immunization rates: SB 5848
 Local health boards, composition: SB 5812
 Trans fat, food establishments prohibited from serving certain food containing: SB 5857

HEALTH MAINTENANCE ORGANIZATIONS

Health care coverage, amino acid-based elemental formulas for infants and children to be covered: SB 5814
 Health care facilities construction and development, certificate of need program: *SB 5673, CH 315 (2009)

HEALTH, DEPARTMENT (See also HEALTH DEPARTMENTS, LOCAL)

Acupuncture profession, name of and titles within modified: SB 5320
 Acupuncture quality assurance commission, creation: SB 5535
 Advisory committee on genetic counseling, establishment: SB 5608
 AIDS program grants, consolidation of administrative services in department: HB 2360
 Birth certificates, disclosure of confidential information: *SHB 1510, CH 44 (2009)
 Birth certificates, limiting access to: SB 5845
 Body piercing and body art, sterilization requirements and standard universal precautions: SHB 1085, SB 5762
 Certificate of need review by department under certain circumstances: *2SHB 1021, CH 242 (2009)
 Child mortality reviews to be conducted and collected by local health departments with assistance from department of health: *SHB 1303, CH 134 (2009)
 Community health center funds to be transferred to reserve account and benefits account: SB 6093, SB 6094
 Counseling professions subject to authority of secretary of health under the uniform disciplinary act: ESHB 1514, SB 5369
 Dogs to be allowed in outdoor areas of bars and coffee shops, pilot project: SB 5336
 Family counseling pilot program, merit checks for couples completing a family preparation course: SB 5829
 Genetic counselors, licensing: SB 5608
 Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: SB 6171
 Health care assistants, administration of medications and vaccines: *SHB 1414, CH 43 (2009), SB 5852
 Health professional licensing information, office of financial management access to: *SHB 2079, CH 343 (2009)
 Health professional shortage plan, to be developed in concert with a medical school in central Washington: SB 5772
 Hospital charity care, department role: SB 5347
 Hospitals, conditions to be met before issuance of final report after unannounced inspection: *2SHB 1021, CH 242 (2009)
 Human remains, electronic approval of vital records by medical examiner, funeral director, and others: *HB 1515, CH 231 (2009), SB 5370
 Immunization registry program for children through age eighteen, department authority to create: SB 6041
 Immunizations, increasing annual immunization rates: SB 5848
 Impaired physician program, requirements for licensing surcharge funding: *SHB 1765, CH 98 (2009), SB 5851
 Mercury-containing vaccines, requirements: SB 5457
 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Pesticide incident reporting and tracking review panel, elimination of: SB 6171
 Physician assistants, eligibility of foreign medical school graduates for licensing as: SB 5775

Physician training, family medicine residency training grant program and account: SB 5502
 Physician training, primary care physician conditional tuition waiver program and account: SB 5502
 Programs under supervision of department, changes to provisions relating to certain programs: SB 6171
 Public water systems, operator certification and responsibilities: ***SHB 1283, CH 221 (2009)**, SB 5199
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577 (2009)**
 Social worker, definition and degree requirements: SHB 1357, SB 5220
 Speech-language pathology assistants, licensing provisions: SB 5601
 Suspicious or contaminated food products, department to provide toll-free phone number for reporting: SB 6042
 Tattooing, body art, body piercing, comprehensive regulations: SB 5391
 Vaccines containing mercury, requirements: SB 5457
 Veterinary board of governors, administration and disciplining authority: SB 5532
 Washington state quality authority, eliminated: ***SB 6002, CH 488 (2009)**

HEALTH, STATE BOARD

Group B public water systems, waiver of some requirements by board for systems with fewer than five connections: SB 6171
 Immunization of children, required documentation for exemption from: ESHB 1703, SB 5707
 School environmental health and safety rules, phasing-in period: SB 5779

HIGHER EDUCATION COORDINATING BOARD

Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**
 College information web-based access portal for students, work group: SB 5043
 Conditional scholarship programs to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
 Health sciences and services authorities, establishment by board: SB 5789
 Higher education employees, annuities and retirement accounts: SB 5308
 Higher education funding and access, surcharges and other economically responsible solutions for: SB 6156
 Higher education loan program, creation: ***E2SHB 2021, CH 215 (2009) PV**
 Higher education technology transformation task force to be convened by board: ***2SHB 1946, CH 407 (2009)**
 Historically Black college fund pilot project: SB 5077
 Opportunity passports, labeling all financial aid awarded to resident undergraduates as: SB 6044
 Opportunity pathway, labeling all nonfederal financial aid awarded to resident undergraduates as: ***E2SHB 2021, CH 215 (2009) PV**
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: SB 5376
 Tuition and financial aid policy, board to review options and make recommendations: ***ESHB 2344, CH 540 (2009)**
 Washington investment in student excellence scholarship program: SB 5606
 Washington promise scholarship program: SB 5175
 Washington scholars program, changes: SB 6044
 Work-study opportunity fund for high-demand occupations, creation: SB 6044
 Work-study opportunity grant for high-demand occupations, creation: ***E2SHB 2021, CH 215 (2009) PV**
 Work-study program, state: SB 5044

HISTORIC PRESERVATION (See also ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT)

Cemeteries and graves, certificates of authority for historic preservation: SB 5178
 Historic preservation grant program and advisory board: SB 5018
 Maritime historic vessel restoration and preservation program: SB 6185
 Resident curators of significant state-owned properties: SB 5019

HISTORICAL SOCIETIES

Cemeteries and graves, certificates of authority for historic preservation: SB 5178
 Nordic Heritage Museum, official state Nordic museum: SB 5079
 State historical society, grant program and proposal solicitation for maritime historic vessel restoration and preservation program to be established by: SB 6185

HOMELESS PERSONS

Church property, temporary encampments for homeless persons on: ESHB 1956
 Housing, task force for addressing housing for individuals at a high risk of being homeless: SB 5219

Services for the homeless, document recording fee charged by county auditor for: ***HB 2331, CH 462 (2009)**
 Temporary encampments for homeless persons on church property: ESHB 1956

HOMEOWNERS' ASSOCIATIONS

Office of the state homeowners' association ombudsman, creation in office of attorney general: SB 6055
 Policies and procedures: SB 6054
 Real estate disclosure requirements regarding homeowners' associations: SB 6000
 Solar energy panels, regulating use by association members: SB 5136

HORSES AND HORSE RACING

Horse racing commission, duties to be absorbed by gambling commission: SB 5589
 Washington bred owners' bonus fund and breeder awards account: ***SB 5125, CH 87 (2009)**

HOSPICE CARE

Agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: ***ESHB 1926, CH 89 (2009)**

HOSPITALS

Certificate of need review by department of health under certain circumstances: ***2SHB 1021, CH 242 (2009)**
 Charity care, requirements: SB 5347
 Cost information, all fees and charges for services and procedures to be disclosed by provider: ***SHB 1869, CH 529 (2009)**
 Critical access hospitals not subject to certificate of need review under some circumstances: EHB 1460, ***ESB 5423, CH 54 (2009)**
 Disproportionate share hospital adjustments by department of social and health services, appropriation of funds for: ***HB 2349, CH 538 (2009)**
 Health care employees, hours of labor: SB 5563
 Health care facilities construction and development, certificate of need program: ***SB 5673, CH 315 (2009)**
 Hospital benefit zones, funds and improvements: SB 5087
 Hospital labor management training partnerships to collaborate in development and implementation of health care career ladder: SB 6091
 Medical assistance payment rates, adjustment for noncritical access hospitals by department of social and health services: SB 6176
 Methicillin-resistant staphylococcus aureus: ***ESHB 1123, CH 244 (2009)**
 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Noncritical access hospitals, adjustment of medical assistance payment rates by department of social and health services: SB 6176
 Nurses, hours of labor: SB 5563
 Provider billing statements, admissibility in certain proceedings: SB 5573
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**
 Real or personal property leased to a public hospital, property tax exemption: SB 5570
 Unannounced inspections, conditions to be met before issuance of final report: ***2SHB 1021, CH 242 (2009)**

HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RENT)

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Affordable housing entities, joint self-insurance programs covering property or liability risks: SB 5665
 Affordable housing programs, funding through interest accrued on residential landlord/tenant security deposit accounts: SB 5923
 Church property, temporary encampments for homeless persons on: ESHB 1956
 Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**
 Dependency proceedings, housing services and assistance for the child: SB 5266
 Employer-assisted housing program, business and occupation tax credits for participating employers: SB 5585
 Energy efficiency and renewable energy improvements for residential property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**
 Home inspectors, responsibilities and instructional courses: SB 5644

Homeless persons, temporary encampments on church property for: ESHB 1956
 Homelessness, task force for addressing housing for individuals at a high risk of being homeless: SB 5219
 Homeowners' associations, policies and procedures: SB 6054
 Homeowners' associations, real estate disclosure requirements regarding: SB 6000
 Housing everyone financing tool program, creation: SB 5856
 Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**
 Local government crime-free rental housing programs: SB 5742
 Low-income households, sustainable residential weatherization: SHB 1060
 Low-income housing development, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**, SB 5544
 Low-income senior citizen housing, exemptions: ***SB 5470, CH 483 (2009)**
 Low-income, funding from housing trust fund to require a life-cycle cost analysis as part of evaluation of proposals: SB 5788
 Low-income, funding from special county arts, regional center, low-income housing, and community development fund: ESHB 2252
 Low-income, funding from special purposes account: SB 6116
 Nonprofit housing organizations, exemption from consumer loan act: SB 5468
 Office of consumer education for home construction, created in office of attorney general: SB 5895
 Office of the state homeowners' association ombudsman, creation in office of attorney general: SB 6055
 Prevent or reduce owner-occupied foreclosure program: ***ESB 6033, CH 386 (2009) PV**
 Publicly funded housing, energy audits and retrofits: SB 5649
 Rental, limitations on inspections: SB 5495
 Residential housing, improving home construction through consumer education, warranties, and contractor registration: E2SHB 1393
 Residential infrastructure program, loans and grants for public infrastructure to support dense, affordable residential development in transit-proximate areas: SB 5377
 Residential real property construction, improving through multiple strategies: SB 5895
 Revaluations of real property, requirement that county assessors conduct revaluations after a certain percentage reduction in county median home prices: SB 6075
 Seller's disclosure statement, questions about wood burning appliances added: SB 5375
 Special needs housing, financing loans or grant projects through the housing trust fund: SHB 1250, SB 5300
 Sustainable residential weatherization, low-income households: SHB 1060
 Task force for addressing housing for individuals at a high risk of being homeless: SB 5219
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: SB 5753
 Water conservation appliances, requirements for high efficiency toilets and urinals: SB 5948
 Weatherization, expansion of low-income programs: SB 5649
 Wood framing used in residential construction, testing for moisture content before enclosing: SB 6043

HOUSING FINANCE COMMISSION

Debt limit of commission, increase: ***SB 5452, CH 291 (2009)**
 Employer-assisted housing program, business and occupation tax credits for participating employers: SB 5585
 Energy efficiency and renewable energy improvements for property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**
 Prevent or reduce owner-occupied foreclosure program, commission to implement and administer with department of financial institutions: ***ESB 6033, CH 386 (2009) PV**

HUMAN REMAINS

Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: ***ESHB 2126, CH 102 (2009)**, SB 5868
 Discovery, adoption by director of department of archaeology and historic preservation of rules to implement chapter 275, laws of 2008: 2SHB 1090
 Electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231 (2009)**, SB 5370

HUMAN RIGHTS COMMISSION

Lawful source of income, discrimination on basis of: SB 5672

HUNTING

Access, expansion through fee-funded recreational access and habitat enhancement agreements: SB 5067
 Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Licenses, requirements for members of military: ***SB 5008, CH 269 (2009)**
 Licensing fees, recreational: SB 6084
 Mice and rat traps, exemption from restrictions on traps: SB 5382
 Trapping, licensing and regulations: SB 5389
 Youth hunters, regulations modified to increase hunting safety: SB 5559
 Youth hunting, requirements for hunters under age of fourteen: ESHB 1114

IDENTIFICATION

Animals, voluntary participation in a state or national animal identification system: SB 5956
 Elections, proof of citizenship: SB 5187
 Identification devices, limits on scanning: ***SHB 1011, CH 66 (2009) PV**
 Identity verification, law enforcement access to driver's license photographs: SB 5262

IMPACT FEES

Fire protection facilities authorized to use fees: HB 1080
 School facilities, extension of time limit for fee use: ***SB 5580, CH 263 (2009)**

INDETERMINATE SENTENCE REVIEW BOARD

Hearings, right of victims or their survivors and witnesses to present a statement before parole or community custody release: ***HB 1281, CH 138 (2009)**, SB 5207
 Persistent offenders, resentencing hearing required if offender classified as persistent based on conviction for robbery in the second degree: SB 5292
 Risk assessments, extending authority to supervise offenders based on: SB 5291

INDIANS

Airports owned or controlled by municipalities or Indian tribes, maximum amount for loan or grant by department of transportation: SB 6012
 American Indian endowed scholarship program, matching fund requirement eliminated: SB 5001
 Child welfare services, remediating racial disproportionality in: HB 2164
 Child welfare system, reducing racial disproportionality in system and racial disparities in outcomes: ***2SHB 2106, CH 520 (2009) PV**
 Component cities and towns within Indian reservations, supplemental income exemption: SHB 1864
 Diking district annexation of contiguous territory outside of district, authorization provisions with exception in case of tribal lands: ESHB 1887
 Ferries, tribal government involvement in naming process: SB 5440
 Human remains, adoption by director of department of archaeology and historic preservation of rules to implement chapter 275, laws of 2008: 2SHB 1090
 Public facilities, definition modified in the case of federally recognized tribes: 2SHB 1450, SB 5239
 Racial disproportionality advisory committee, recommendations concerning child welfare system: SB 5882
 Sales tax, tribal member documentation of eligibility for exemption: SB 5108
 State highways within reservation boundaries, tribal authority for setting maximum speed limits: ***HB 1448, CH 383 (2009)**, SB 5331
 Tax exemptions for administration and programs of any landless Washington state federally recognized Indian tribe: SB 5937
 Tribal property, conditions for exemption from property tax: SB 5641
 Tribal schools, allocation of education moneys: SB 5801
 Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583

INFORMATION SERVICES, DEPARTMENT

Broadband technologies, continuing the work of the high-speed internet strategy work group concerning broadband deployment and adoption: E2SHB 1698
 Department role, repealing provisions: SB 5256
 High-speed internet work group renamed advisory council on digital inclusion and reconvened by department: SB 5916
 High-speed internet work group to be reconvened by department: SB 5917

High-speed internet work group to be renamed the advisory council on digital inclusion: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department authority for overseeing broadband adoption and deployment efforts in the state: SB 5916
 High-speed internet, department authority for overseeing broadband adoption and deployment efforts on behalf of the state: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department to assess and map broadband and related services in state: SB 5917
 High-speed internet, department to conduct survey and create information system map of infrastructure owned or leased by state agencies: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department to procure information system map of high-speed internet infrastructure and service availability and adoption: ***E2SHB 1701, CH 509 (2009)**
 Interoperability executive committee, changing membership and travel expense reimbursement provisions: ESHB 1496

INITIATIVE AND REFERENDUM

Absentee ballot envelopes, requirements: HB 1880
 Absentee ballots, counting: SB 5631
 Ballot titles to include tax consequences of ballot measures: SB 6099
 Ballots, identifying marks on: SB 6100
 Ballots, titles to indicate property tax levy's financial impact: SB 5098
 Candy sales and use tax, submission to voters for approval: SB 6189
 Constitutional provisions regarding: SJR 8202
 Identifying marks on ballots, provisions: SB 6100
 Initiative measures, process for agency review of: SB 6184
 Special elections, dates they may be held modified: ***ESHB 1018, CH 413 (2009)**, SB 5016
 Tax consequences, ballot titles to include for ballot measures: SB 6099
 Voting, adopting all mail voting: SHB 1572

INSURANCE

Adjusters, revised regulations: ***EHB 1568, CH 162 (2009)**, SB 5415
 Affordable housing entities, joint self-insurance programs covering property or liability risks: SB 5665
 Annuities, sales by insurers subject to suitability provisions: SB 5671
 Autism spectrum disorders: SB 5203
 Automobile, mileage-based motor vehicle liability policies: SB 5708
 Business continuity plans, domestic insurers required to create plans for local, state, or national emergencies: ***SHB 1565, CH 150 (2009)**, SB 5416
 Companies, actions against violators to recover damages: SB 5893
 Declaration of a state of emergency by governor, insurance commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335 (2009)**, SB 5669
 Disability, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512
 Disclosure of information concerning mental health services received by persons who have been committed: ***SHB 1300, CH 320 (2009)**
 Domestic partners, state insurance benefits: ***EHB 1616, CH 523 (2009)**
 Family leave insurance program, delaying implementation: ***ESB 6158, CH 544 (2009)**
 Flooding, insurer disclosure that policy does not cover flood damage: SHB 1564, SB 5417
 Guaranteed asset protection waiver account, created: ***EHB 1530, CH 334 (2009)**, SB 5530
 Guaranteed asset protection waivers, provisions: ***EHB 1530, CH 334 (2009)**, SB 5530
 Health care discount plan organizations: SB 5480
 Health care insurance partnership timeline revisions: ***SHB 2052, CH 257 (2009)**, SB 5841
 Health care, adult family home provider health benefits collective bargaining: SB 5787
 Health care, autism spectrum disorders: SB 5203
 Health care, basic health plan eligibility revisions: SB 6154
 Health care, basic health plan modified to include economic recovery enrollees: HB 2117, SB 6038
 Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**
 Health care, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304 (2009)**
 Health care, commissioner to study language issues affecting purchasers of health insurance: SB 5140
 Health care, community health care collaborative grant program established: SB 5360

Health care, coverage deductions allowed for calculation of disposable income for senior property tax programs: SB 5662
 Health care, coverage for amino acid-based elemental formulas for infants and children: SB 5814
 Health care, coverage for surgical treatment of morbid obesity: SB 6052
 Health care, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512
 Health care, enlisted Washington national guard members: SB 5275
 Health care, exemptions from filling out standard health questionnaire: ***ESHB 1401, CH 42 (2009)**, SB 5406
 Health care, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161 (2009)**, SB 5670
 Health care, LEOFF plan 2 member access to catastrophic disability medical insurance: EHB 1679, SB 5541
 Health care, maximizing appropriate prescription drug use through state purchased health care plans: SB 5892
 Health care, options for young adults: SB 5052
 Health care, organ transplant coverage terms and conditions: SB 5725
 Health care, procedures and penalties for false claims against a governmental entity: SB 5144
 Health care, reducing organ transplant benefit waiting periods based on prior creditable coverage: ***SHB 1308, CH 82 (2009)**, SB 5236
 Health care, requirement for school districts and educational service districts to purchase coverage through health care authority: SB 5491
 Health care, small employer discount for employee wellness programs: SB 6019
 Health care, streamlined and uniform administrative procedures for payors and providers of health care services: SHB 1647, SB 5346
 Health care, Washington health care partnership plan to be established: SB 5945
 Health care, Washington state apple health insurance board and community care premium assistance program established: SB 5947
 Health care, wellness incentives paid by health carrier: ***SHB 2160, CH 329 (2009)**, SB 5998
 Higher education students, insurance requirements when studying or researching abroad: ***ESB 5925, CH 297 (2009)**
 Language access services, persons with limited English proficiency: SB 5140
 Life insurance, including noninsurance benefits as part of policies: SB 5191
 Life insurance, noninsurance benefits included in policies: ***SHB 1202, CH 76 (2009)**
 Life settlement contracts, life settlements model act: SB 5195
 Morbid obesity, health care coverage for surgical treatment: SB 6052
 Nonprofit entities, joint self-insurance programs covering property or liability risks: SB 5665
 OASI revolving fund, expenditures from fund for costs of program administration authorized: ***HB 2206, CH 171 (2009)**, SB 6006
 Organ transplant benefit waiting periods, reducing based on prior creditable coverage: ***SHB 1308, CH 82 (2009)**, SB 5236
 Organ transplant insurance coverage, terms and conditions: SB 5725
 Producers, revised regulations: ***EHB 1568, CH 162 (2009)**, SB 5415
 Public employees' benefits board, employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869
 Rental car companies, rental agreements and vehicle license cost recovery fees: SB 5509
 Self-service storage specialty producers, issuance of insurance to occupants by licensed producers: ***SHB 2013, CH 119 (2009)**, SB 5933
 State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: SB 5489
 Surplus line brokers, revised regulations: ***EHB 1568, CH 162 (2009)**, SB 5415
 Title insurance agents, revised regulations: ***EHB 1568, CH 162 (2009)**, SB 5415
 Various provisions: ***HB 1567, CH 161 (2009)**, SB 5670
 Viatical settlements, life settlements model act: SB 5195
 Washington health care partnership plan, establishment: SB 5945
 Washington state apple health insurance board and community care premium assistance program established: SB 5947
 Washington state health insurance pool, eligibility for: SB 5777

INSURANCE COMMISSIONER

Apple health high-risk transfer pool task force, commissioner to convene: SB 5947
 Declaration of a state of emergency by governor, commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335 (2009)**, SB 5669
 Insurance company actions against violators to recover damages: SB 5893

Office of the health care authority ombudsman to be established in commissioner's office: SB 5830

Self-service storage specialty producers, licensing requirements for producers who wish to sell insurance to occupants:

***SHB 2013, CH 119 (2009)**, SB 5933

INTERNET

Broadband technologies, continuing the work of the high-speed internet strategy work group concerning broadband deployment and adoption: E2SHB 1698

Digital forensic crime lab, work group to evaluate need: ***SB 5184, CH 27 (2009)**

Digital learning commons, policies and procedures: SB 5410

High-speed internet work group to be renamed the advisory council on digital inclusion: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: SB 5916

High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts on behalf of the state: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services to assess and map broadband and related services in state: SB 5917

High-speed internet, department of information services to conduct survey and create information system map of infrastructure owned or leased by state agencies: ***E2SHB 1701, CH 509 (2009)**

High-speed internet, department of information services to procure information system map of high-speed internet infrastructure and service availability and adoption: ***E2SHB 1701, CH 509 (2009)**

Higher education technology transformation task force to be convened by higher education coordinating board: ***2SHB 1946, CH 407 (2009)**

Student college information web-based access portal, work group: SB 5043

Tobacco products, sale by mail order or internet: SB 5340

University of Washington health sciences library, online access to by certain health care providers: SB 5913

Viewing minors engaged in sexually explicit conduct on the internet, penalties: SB 5183

Voice over protocol and protocol-enabled services, limits on governmental regulation: SB 5628

Voting over the internet for service voters and overseas voters: SB 5522

IRRIGATION

Districts, administration: SB 5839

IRRIGATION DISTRICTS

Administration: SB 5839

Water rights for districts providing municipal water service, conditions for retaining: SB 6076

JAILS

Corrections officers and sergeants, mandatory overtime limits for corrections officers and sergeants employed by city or county jail: SB 5907

Developmental disabilities, identifying and accommodating offenders with: ***E2SHB 2078, CH 447 (2009)**

Imprisonment for contempt of court, not limited to county jail: SB 5984

Medication management in jails, conditions for the provision of: SB 5252

Medication management in jails, jail medication management work group to develop a model policy: SB 5252

Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399 (2009)**

Release dates for offenders, department to rely on jail certification to determine presentence earned release time: SB 5701

JOINT MEMORIALS

County health care costs, federal act to restore payment of: ***HJM 4000 (2009)**

Discrimination against women, adoption of an anti-discrimination treaty: ***SJM 8012 (2009)**

Domestic workforce, requiring a fee for each foreign worker hired through H-1B visa program to train domestic workers: SJM 8004

Education system, United States: SJM 8015

Endangered species act, federal and state cooperation: ***SJM 8001 (2009)**

Federal reserve system, congressional audit: SJM 8002

Federal T visa program, requesting that department of homeland security and congress examine: SJM 8009

Federal-state international trade policy commission, requesting that United States trade representative create: SJM 8011

Government spending policies: SJM 8016
 Hanford Reservation, full federal funding for cleanup: SJM 8008
 Health information technology, uniform national standard of interoperability compliance date: ***SJM 8003 (2009)**
 Interchange fees, requesting Congress to hold hearings: SJM 8014
 Kollin Nielson memorial bridge: SJM 8007
 Legacy preferences in admissions, elimination of federal financial benefits for colleges and universities using: SJM 8010
 Medicare 24-month waiting period, elimination for participants in social security disability insurance: ***SJM 8013 (2009)**
 Nisei veterans, postage stamp: ***HJM 4005 (2009)**, SJM 8000
 Pledge of Allegiance: SJM 8005
 State route 110, renaming a portion as the "Operations Desert Shield and Desert Storm Memorial Highway": SHJM 4004
 State route 502, naming a portion as the "Lewisville Highway": ***SJM 8006 (2009)**
 State route 503, to be named "Battle Ground Highway": ***SJM 8006 (2009)**
 Trucking industry, requesting the passage of legislation to stabilize: ***HJM 4014 (2009)**

JOINT OPERATING AGENCIES

Checks, policies and procedures for issuance as payment of claims or other obligations: EHB 1728, SB 5267

JOINT RESOLUTIONS

Budget stabilization account, transfer of extraordinary revenue growth to: SJR 8209
 Budgets that result in projected deficits, adoption prohibited: SJR 8210
 Constitutional amendments, notice method and contents: SJR 8217
 Income tax, state: SJR 8205
 Initiatives and referendums, constitutional provisions regarding: SJR 8202
 Judicial conduct commission, members and procedures for investigating complaints: SJR 8212
 Levies for schools, changing timing provisions through a proposed constitutional amendment: SJR 8213
 Presidential elections, repealing section 1A of article VI of state constitution: SJR 8208
 Property tax, constitutional amendment limiting growth of assessed valuation of real property: SJR 8211
 Property tax, constitutional amendment limiting property valuation increases: SJR 8201
 Property tax, constitutional amendment to set base years for valuation: SJR 8200
 Secret ballots, constitutional amendment guaranteeing: SJR 8214
 State parks, property tax levy for: SJR 8216
 Supreme court vacancies filled according to statute: SJR 8203, SJR 8204
 Tax increases, restrictions: SJR 8206
 Toll revenue, constitutional amendment requiring use exclusively for highway purposes: SJR 8207, SJR 8215

JUDGES (See also JUDICIAL CONDUCT COMMISSION)

District court, increase in number of judges for Benton county: HB 1204, ***SB 5102, CH 86 (2009)**
 Elections, provisions: SB 5488
 Nonpartisan commissions for judicial nominees: SB 5093
 Nonpartisan judicial commission, creation of: SB 5082

JUDGMENTS

Offenders, accrual of interest on judgments against: SB 5146
 Uniform foreign-country money judgments recognition act: ***SB 5153, CH 363 (2009)**

JUDICIAL CONDUCT COMMISSION

Members and procedures for investigation complaints: SJR 8212
 Membership, numbers and terms: SB 5115

JURIES

Declarations, electronic juror signatures: ***HB 1158, CH 330 (2009)**
 Jurors, electronic signatures for declarations: ***HB 1158, CH 330 (2009)**
 Jurors, electronic signatures for questionnaires: SB 5134
 Questionnaires, electronic juror signatures: SB 5134

JUVENILE COURT AND JUVENILE OFFENDERS

Aggravated first degree murder to include offenders fourteen years old and younger: SB 5820
 Case records, center for court research and office of public defense access: ***HB 1238, CH 440 (2009)**, SB 5133

Dependency proceedings, administrative office of the courts to develop standard court forms and format rules: SB 5577

Dependency proceedings, department of social and health services notification of duties and responsibilities to a child subject to: SB 5758

Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285

Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**

Dependency proceedings, housing services and assistance for the child: SB 5266

Dependency proceedings, legal representation of children: SB 5609

Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**

Dependency proceedings, notifying parent or parents of filing of petition and concurrent permanency planning: SB 5510

Dependency proceedings, parenting plans and residential schedules: ***SHB 1239, CH 526 (2009)**, SB 5231

Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: SB 6014

Dependency proceedings, visitation by caregiver: SB 5988

Family participation in juvenile offender programs, pilot program to increase: SB 5141

Foster care citizen review boards, elimination of: ***HB 1375, CH 152 (2009)**

Foster care placement, parental request for placement of child with a relative: SB 5811

Guardians ad litem, background information records and procedures for appointment: SB 5285

Juvenile detention employees to be considered uniformed personnel for interest arbitration: SB 5908

Juvenile, definition: SB 5478

Juveniles, transfer to adult court: SB 5479

Newborn children, appropriate locations for transfer: SB 5318

Records of vacated deferred dispositions to be sealed no later than thirty days after juvenile's eighteenth birthday if no charges are pending: ***ESHB 1954, CH 236 (2009)**

Records, access to a minor's mental health treatment information by a parent, guardian, or custodian: SB 5546

Registration, juvenile sex or kidnapping offender relief of duty to register: SB 5326

Sentence for treatment program, department of social and health services to maintain a medium security youth camp for: SB 6039

Sentencing provisions, standard ranges including community supervision and commitment to the juvenile rehabilitation administration: SB 5746

Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: ***SHB 1505, CH 252 (2009)**

LABOR

Adult family home providers, considered employees for collective bargaining purposes: SB 5787

Apprentices, labor hour requirements for public works projects by four-year higher education institutions: SB 5873

Child care center directors and workers, collective bargaining over state support for centers: SHB 1329, SB 5572

Community agricultural worker safety program: SB 5992

Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: SB 5259

Corrections officers and sergeants, mandatory overtime limits when employed by city or county jail: SB 5907

Discrimination law, impermissible motive element of a claim under: SB 5982

Domestic workforce, requiring a fee for each foreign worker hired through H-1B visa program to train domestic workers: SJM 8004

Employer communications about political or religious matters, prohibitions, violations, and penalties: SB 5446

Exempt state employees, protecting collective bargaining rights in certain cases: ESHB 2267

Family and medical leave act of 2007, repealed: SB 5558

Family and medical leave, provisions of family security act: SB 5679

Family leave insurance program, delaying implementation: ***ESB 6158, CH 544 (2009)**

For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: SB 5850

Health care employees, hours of labor: SB 5563

Lawful source of income, discrimination on basis of: SB 5672

Marine employees of the department of transportation, collective bargaining provisions: SB 6106

Minimum hourly wage, establishing a set wage: SB 5362

Minimum wage and overtime compensation complaints, good faith defense: SB 5463
 Minimum wage, defining "employ" for purposes of: SB 5466
 Nurses, hours of labor: SB 5563
 Prevailing wage, definition of independent contractor: SB 5904
 Public transportation governing boards, appointment of nonvoting labor members: SB 5757
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**
 Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: SB 5046
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 University of Washington, extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986
 Workers' compensation violations, department of labor and industries authority to issue stop work orders: SHB 1554, SB 5613

LABOR AND INDUSTRIES, DEPARTMENT

Apprentice training agents, department to revoke agent's status if found to have more than one violation: SB 5873
 Boiler and unfired pressure vessel statutes, technical changes: ***HB 1366, CH 90 (2009)**, SB 5278
 Construction trade worker licenses, certificates, and permits: ***SHB 1055, CH 36 (2009)**
 Construction trades, department regulation: SB 5091
 Contractors in the construction industry, identification and records requirements: ***SHB 1555, CH 432 (2009)**, SB 5614
 Death benefit for public employees, duty-related: EHB 1547, SB 5312
 Explosives licenses, expiration dates: ***SHB 1280, CH 39 (2009)**
 Family and medical leave act of 2007, repealed: SB 5558
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 Health care employees, hours of labor: SB 5563
 Home construction improvement, warranty protections and contractor registration: E2SHB 1393
 Industrial insurance appeals, restrictions on contact with medical providers after filing: ***SHB 1402, CH 391 (2009)**, SB 5627
 Industrial insurance final settlement agreements, requirements: SB 5465
 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: SB 5464
 Interagency advisory committee on the underground economy, created: SB 5614
 Joint legislative task force on the underground economy in the construction industry, recommendations: SB 5614
 Joint legislative task force on the underground economy, establishment and duties: ***SHB 1555, CH 432 (2009)**
 Manlifts, provisions for privately operated: SB 5793
 Minimum hourly wage, establishing a set wage: SB 5362
 Nurses, hours of labor: SB 5563
 Ombudsman for workers of industrial insurance self-insured employers, abolished and superseded by office of the citizen advocate: SB 5456
 Prevailing wage, definition of independent contractor: SB 5904
 Rule making by labor and industries, moratorium and mandatory review of current rules: SB 5243
 Statewide centers of occupational health and education program, department to create: SB 5949
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 Violations of certain workers' compensation provisions, department authority to issue stop work orders: SHB 1554, SB 5613
 Wheelchair and stairway chair lifts, inspections: SB 5793
 Workers' compensation, benefit award order process and appeals: SB 6008

LAKES AND RESERVOIRS

Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48 (2009)**
 Lakes management advisory committee and comprehensive lakes management strategic plan: SB 5486
 Olympia isthmus, designation as a shoreline of statewide significance under the shoreline management act: SB 5800
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: SB 5503
 Spirit Lake, raffle-only limited recreational rainbow trout fishery in: SHB 1838

LAND USE PLANNING AND DEVELOPMENT

Marine container ports, land use and transportation planning for: ***ESHB 1959, CH 514 (2009)**, SB 5853
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes:
***SHB 1730, CH 97 (2009)**, SB 5748
 Transportation facilities, prohibition of development under local comprehensive plans: SB 5872
 Vesting laws, applications for new land use projects: SB 5148

LANDLORD AND TENANT (See also RENT)

Carbon monoxide alarms, mandatory installation in all dwelling units: SB 5561
 Inspections of rental housing, limitations: SB 5495
 Liens against premises for utility charges when tenant is delinquent: SB 5281
 Liens against premises for utility charges when tenant vacates or is delinquent: SB 5667
 Local government crime-free rental housing programs: SB 5742
 Manufactured home communities, compliance with notification requirements when community offered for sale: SB 5823
 Manufactured home communities, minimum terms for closure or conversion notices: SB 5550
 Manufactured housing and mobile home communities, dispute resolution program: SHB 1140
 Manufactured/mobile home landlord tenant act, clarifications: SB 5822
 Mobile home and manufactured housing communities, dispute resolution program: SHB 1140
 Mobile home parks, compliance with notification requirements when park offered for sale: SB 5823
 Mobile home parks, minimum terms for closure or conversion notices: SB 5550
 Month to month and other periodic tenancies, termination of: SB 5549
 Nontransient tenants of places of transient lodging, relocation assistance rights when lodging shut down by government action: ***SHB 1663, CH 165 (2009)**
 Security deposit accounts, funding affordable housing programs through interest accrued on residential landlord/tenant accounts: SB 5923
 Tenant screening reports, establishing criteria for dissemination of credit and court record information contained in: SB 5922
 Tenants who are victims of sexual assault, sexual harassment, or stalking by a landlord, legal protections: SB 5833
 Tenants who are victims of sexual assault, unlawful harassment, or stalking by a landlord, legal protections: ***SHB 1856, CH 395 (2009)**

LANDSCAPING

Landscape architects, licensing: SB 5273
 Licensure board for landscape architects: SB 5273

LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS (See also POLICE; SHERIFFS; STATE PATROL)

Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**
 Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: SB 5691
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131
 Driver's license photographs, law enforcement access for identity verification: SB 5262
 Drug testing for peace officers, provisions: SB 5740
 Firearms, correctional officers and sergeants who have completed training exempt from certain restrictions: SB 5929
 General authority peace officers employed by port districts and airports to be considered uniformed personnel for interest arbitration: HB 1822
 Hearings, certification actions of peace officers: ***SB 5156, CH 25 (2009)**
 Medication management in jails, jail medication management work group to develop a model policy: SB 5252
 Motor vehicle impoundment, civil cause of action for damages abolished: SB 5780
 Psychological examinations for peace officer certification: ***HB 1324, CH 139 (2009)**, SB 5157
 Reserve officers, retired participant resumption of service: SB 5632
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160
 Sex offenders, electronic statewide unified sex offender registry program: SB 5261
 Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186
 Unlawful public transit conduct, law enforcement authority: SB 5513

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

Death benefit for public employees, duty-related: EHB 1547, SB 5312

Domestic partners, pension benefits: *EHB 1616, CH 523 (2009)

Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: *SHB 1953, CH 157 (2009), SB 5309

Interruptive military service credit: *HB 1548, CH 205 (2009), SB 5313

Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: SHB 2196

Plan 1, lowering general salary increase assumption for actuarial funding of system: SB 5304

Plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046

Plan 1, survivor's death benefits: SB 6078

Plan 2, access to catastrophic disability medical insurance: EHB 1679, SB 5541

Plan 2, minimum retirement allowance to members disabled in line of duty before January 1, 2001: *HB 1678, CH 95 (2009), *SB 5542 (2009) V

Surviving spouses of members, industrial insurance death benefits: HB 1212

Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: *HB 1551, CH 226 (2009), SB 5314

Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: *SHB 1953, CH 157 (2009), SB 5309

LEAD

Shot, protecting California condor and other vulnerable wildlife from poisoning: SB 5095

Wheel weights, environmentally preferred alternatives: *ESHB 1033, CH 243 (2009)

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT

City-county assistance account, recommendations for handling distribution of moneys: *SB 5511, CH 127 (2009)

Community and technical colleges, ethical audit of personnel management systems: SB 5089

Contracting out the state's retail sale of liquor, committee to study impact: SB 5729

State early childhood education and assistance and federal head start programs, committee to review and compare: SB 5865

LEGISLATURE

2009 legislative session, limiting business to budget work and natural emergencies: SCR 8402

Adjourning SINE DIE: *SCR 8408 (2009)

Advanced diagnostic imaging services, work group appointed by legislative leaders to identify best practice guidelines: *ESHB 2105, CH 258 (2009), SB 5981

Bills, cutoff dates: *HCR 4402 (2009)

Bills, returning to house of origin: *SCR 8407 (2009)

Campaign contributions prior to legislative sessions, restrictions removed: SB 5990

Commission to evaluate legislature: SCR 8405

Deceased former members, joint session to honor: *SCR 8401 (2009)

Fiscal notes, dynamic: SB 5741

Joint rules: *SCR 8400 (2009)

Joint sessions, four: *HCR 4401 (2009)

Legislative gift center, sales of wine and beer: SB 5158

Legislative investigation and oversight, state agency employees required to provide truthful information to legislature: SB 5520

Legislative web sites, ethical use: SHB 1761

Legislative youth advisory council, solicitation of grants and donations: SB 5229

Office holders during campaigns, permissible use of public resources: SB 5991

Office of the citizen advocate created within the legislative branch: SB 5456

Omnibus appropriations bills, public and legislative review period: SB 5186

Organized, notification of governor: *HCR 4400 (2009)

Public records, updating management and retention provisions: SB 6101

Reports to legislature and governor, mandatory electronic filing: HB 1753

State expenditure information web site, legislative evaluation and accountability program committee to establish: SB 6105

Statutory construction, legislative task force: SB 5152

WASL legislative work group, recommendations: SB 5414

LIBRARIES AND LIBRARY DISTRICTS

Annexation of a city or town by a library district, requirements: ***SHB 1291, CH 40 (2009)**
 Intercounty rural library districts, withdrawal and governance provisions: SB 5999
 Rural county library districts, certain districts required to have seven trustees: HB 1468, SB 5696
 Rural county library districts, initial levy rates: ***SB 5355, CH 306 (2009)**

LICENSE PLATES

Replacement fees, funding state route 2 highway projects: SB 5037
 Special license plates, horseless carriage plates for trailers: SB 5020, SB 5697
 Special license plates, issuance for persons with disabilities: SB 5081

LICENSING, DEPARTMENT (See also LICENSE PLATES)

"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
 Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Architects, registration provisions: SB 5529
 Boxing, martial arts, and wrestling events, payment by department of certain event and license fees into business and professions account: ***SB 6126, CH 429 (2009)**
 Businesses and professions, removing department oversight from certain: SB 6037
 Child support license suspension program: SB 5166
 Collector vehicles, licensing and special license plates: SHB 1802
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
 Corporate surety bail bonds, minimum premium fees and penalties imposed by director for violations: SB 6188
 Criminal history record checks of employees issuing enhanced drivers' licenses and identicards: ***HB 1844, CH 169 (2009)**, SB 5878
 Documents of title, uniform commercial code article 7: SB 5154
 Drivers, relicensing diversion program: SB 5732
 Drivers, traffic infractions when licenses or privileges are suspended or revoked: SB 5732
 Driving records, release of certified abstracts: EHB 1251, SB 5427
 Driving records, release of certified abstracts to state-approved alcohol or drug assessment or treatment agencies: SB 5411
 Employment opportunities for persons with criminal convictions, encouraging businesses through licensing process: SB 5142
 Farm vehicle trip permit, extending time period covered by: ***HB 2313, CH 452 (2009)**
 Financial responsibility requirements for drivers, random compliance sampling program and proof that driver meets requirements: SB 5392
 Gambling commission, consolidation into department as office of gambling regulation: SB 6146
 Home inspectors, responsibilities and instructional courses: SB 5644
 Hulk hauling and scrap processing by unlicensed persons, department issuance of cease and desist orders and civil penalties: SB 5381
 Human remains, electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231 (2009)**, SB 5370
 Interior design, registration provisions and creation of state board for registered interior designers: SB 5514
 Kit vehicles, title and registration requirements: SB 5719
 Landscape architects, licensing: SB 5273
 Licensure board for landscape architects: SB 5273
 Motor vehicle impoundment and towing, notice requirements: SB 5524
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator: SHB 1900
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: SB 5215
 Motor vehicle registration for United States armed forces members, determining registration year for deployed military personnel: ***HB 1478, CH 159 (2009)**
 Motor vehicle registration, state parks system donation to be collected by department as part of: ***SHB 2339, CH 512 (2009)**

Off-road vehicles, department to adopt standards for and implement a comprehensive safety education and training program: SB 5586
 Parent taught driver training education courses, department approval: SB 5371
 Replacement fees for vehicle license plates, funding state route 2 highway projects: SB 5037
 Soil and wetland scientists, certification: SB 5698
 State parks system donation, collection by department as part of vehicle registration: ***SHB 2339, CH 512 (2009)**
 Studded tires, permit required for use: SB 5859
 Tattooing, body art, body piercing, comprehensive regulations: SB 5391
 Uniform commercial code, documents of title: SB 5154
 Uniform commercial code, revisions: SB 5155
 Vessel registration, fee collected with application to fund saltwater algae control account: SB 5412
 Vessel registration, fees and surcharges: SB 6049

LIGHTING

Mercury-added general purpose lights, provisions for sales, recycling, and disposal: SB 5813
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: SB 5543

LIQUOR CONTROL BOARD

Alcoholic beverage regulation, licensing and licensee provisions: SB 5834
 Cigarettes and tobacco products, liquor control board licensing administration authority: ***SHB 1435, CH 154 (2009)**, SB 5366
 Contracting out of liquor sales to contract liquor stores, process and store regulations: SB 5729
 Director of board, position established: SB 6065
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507 (2009)**
 Liquor-related products, sale in state liquor stores: SB 5877
 Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462
 Spirits, beer, and wine nightclub license created: SB 5367
 Spirits, limitation on purchase discounts for certain board-licensed establishments: SB 6119
 Structure and authority of board, provisions: SB 6065

LIVESTOCK

Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: SHB 1135, SB 5797
 Beef cattle, certification and marketing as naturally raised: SB 5005
 Cloned animals, labeling required to identify food from: SB 5338
 Cruelty to animals, penalties: SB 5790
 Cruelty to animals, violations and penalties: SB 5402
 Grazing on public land, grazing privilege requirements on fish and wildlife department lands: SB 5781
 Identification, voluntary participation in a state or national animal identification system: SB 5956
 Live nonambulatory livestock, violations and penalties for knowingly transporting or accepting delivery of in certain situations: ***SB 5974, CH 347 (2009)**
 Manure, requirements for anaerobic digesters for processing: SHB 1135, SB 5797
 Meat and poultry inspection program, establishment and requirements: SB 5517
 Milk products used for animal food consumption, standards and licensing: SB 5678
 Mobile custom farm slaughtering unit loan program: SB 5004
 Nutrient management equipment and facilities, sales and use tax exemption: ESHB 2278, SB 6170
 Owners, rights when residing in unincorporated areas subject to annexation by a city or town: SHB 1831
 Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: SB 5274
 Stock watering, exemption from public groundwaters withdrawal permit requirement: SB 5578
 Washington heritage livestock and poultry breed recognition program: SB 5002
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: SB 5272

LOANS

Check cashers and sellers, fee and installment plan assistance for borrowers at risk of default on small loans: ***ESHB 1709, CH 510 (2009)**
 Check cashers and sellers, providing flexibility in the repayment of small loans: SB 5750

Check cashers and sellers, restricting certain financial institutions from underwriting small loans through cap on borrower's aggregate balance: SB 5920

Check cashers and sellers, restrictions on communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**

Check cashers and sellers, small loan interest or fees maximum rate: SB 5150

Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1621, CH 120 (2009)**, SB 5759

Nonprofit housing organizations, exemption from consumer loan act: SB 5468

Repayment period, expanded for conservation project loans from municipal utilities and public utility districts: ***HB 1184, CH 416 (2009)**

Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149 (2009)**, SB 5400

Small loan monitoring system, director of financial institutions to develop and implement: SB 5862, SB 5920

Small loans, fee and installment plan assistance for borrowers at risk of default: ***ESHB 1709, CH 510 (2009)**

Small loans, interest or fees maximum rate: SB 5150

Small loans, providing flexible repayment: SB 5750

Small loans, restricting certain financial institutions from underwriting through cap on borrower's aggregate balance: SB 5920

Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**

LOCAL GOVERNMENT

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138

Boundary review boards, authority to expand annexation limited: SHB 1457, SB 5420

Claims for damages against local governmental entities, procedures and claim forms: ***ESHB 1553, CH 433 (2009)**

Community revitalization financing, use of general obligation bonds for public improvements: SB 5045

Community revitalization financing, use of tax allocation revenues for public improvements: SB 5045

Community trail advisory authority, establishment and grant program: SB 5545

Dogs to be allowed in outdoor areas of bars and coffee shops, pilot project: SB 5336

Electric vehicles, local government role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418

Facilities, levy limitations and leasing of city land for construction: SB 5445

False claims against a governmental entity, procedures and penalties: SB 5144, SB 5224

Interjurisdictional funding of projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Land surveying, definition and public agency requirements for professional land surveying: SB 5584

Local government archives account: SB 6101

Local government archives account, use of excess fund balance: HB 1374

Local government crime-free rental housing programs: SB 5742

Local improvement districts, railroad crossing protection device financing: ***2SHB 1081, CH 435 (2009)**

Local infrastructure financing tool, provisions: SB 5901

Local infrastructure financing tool, use for downtown development and redevelopment: SB 6056

Local records committee created: SB 6101

Local sales and use tax, crediting against state sales and use tax extended: SB 5321

Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181

Moratoria and interim official controls, local government authority to adopt under shoreline management act: ***ESHB 1379, CH 444 (2009)**

Nonprofit corporations, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545

Partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Projects of statewide significance, qualifications and procedures for designation: SB 5473

Property tax levies, adjustment of lid limits for certain local services: SB 5432

Public facilities districts, formation and authority in certain cases: SB 5296

Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533 (2009)**

Public facilities, definition modified in the case of local governments: 2SHB 1450, SB 5239

Public records requests, definition of per page cost: SB 5251

Public records requests, maximum per page copying charge: SB 5250
 Public records, updating management and retention provisions: SB 6101
 Public works projects, loans to local governments: SB 5132
 Public works projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**, SB 5399
 Public works, local assistance funds: ***HB 1569, CH 45 (2009)**, SB 5448
 Rail freight service, funding through grants from essential rail assistance account: ***ESHB 1512, CH 160 (2009)**
 Railroad crossing protection devices, local improvement district financing: ***2SHB 1081, CH 435 (2009)**
 Residential infrastructure program, loans to eligible jurisdictions for transit-proximate areas: SB 5377
 Rules of court, new rules creating or increasing certain programs and services to be unenforceable without specific appropriation: SB 5240
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405 (2009)**
 Shoreline management act, local government authority to adopt moratoria and interim official controls: ***ESHB 1379, CH 444 (2009)**
 Solar energy, community solar projects incentives: SB 5185, SB 6170
 State funding for local projects, greenhouse gas emissions criteria: SHB 2010
 Tax revenue use flexibility during economic downturns. options: SB 6164
 Taxes and tax rates, department of revenue to make publicly available through an online searchable database: SB 6105
 Transportation facilities, prohibition of development under local comprehensive plans: SB 5872
 Utility facilities, notice of necessary relocation from public agency: EHB 1499
 Vesting laws, applications for building permits: SB 5148
 Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583
 Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910
 Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**
 Web sites of public agencies, required posting of certain information: SB 6098

LONG-TERM CARE

Home care, modifying state payments to agencies by prohibiting payment for in-home care in certain cases: ***SHB 2361, CH 571 (2009)**
 Medicaid acceptance policy, facility disclosure to residents: SB 6009
 Workers, peer mentoring implementation date delay: ***HB 2359, CH 478 (2009)**

LOTTERY (See also GAMBLING)

Lottery proceeds to be used for higher education financial aid: SB 6086
 Multistate shared games account: SB 6108
 Multistate shared games, state lottery authority to enter into contracts to conduct: SB 6108
 State wildlife account, funding from state lottery account: SB 6107
 Washington investment in student excellence scholarship program, funding from state lottery account: SB 5606

LOW-INCOME PERSONS

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Building communities fund program, competitive application process: SHB 1952
 Children in public schools, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: SB 5361
 Electric and gas utility rates, discounts for low-income and low-income senior customers: SB 5290
 General assistance, modification of eligibility and other provisions: SB 6155
 Health care, basic health plan eligibility revisions: SB 6154
 Health care, basic health plan modified to include economic recovery enrollees: HB 2117, SB 6038
 Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**
 Health care, community health care collaborative grant program established: SB 5360
 Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**, SB 5544
 Housing everyone financing tool program, creation: SB 5856
 Housing, funding from housing trust fund to require a life-cycle cost analysis as part of evaluation of proposals: SB 5788

Housing, funding from special county arts, regional center, low-income housing, and community development fund: ESHB 2252

Housing, funding from special purposes account: SB 6116

Legal services provided by nonprofit organizations, business and occupation tax exemption: ***HB 1579, CH 508 (2009)**

Personal hygiene and cleaning product program for low-income persons, department of community, trade, and economic development to conduct a pilot project to evaluate: SB 6053

Senior citizen housing, exemptions: ***SB 5470, CH 483 (2009)**

Sustainable residential weatherization: SHB 1060

Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: SB 5753

Weatherization programs for low-income persons, expansion: SB 5649

WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: ***SHB 2071, CH 85 (2009) PV**

MANUFACTURED HOUSING (See also MOBILE HOMES)

Communities, compliance with notification requirements when community offered for sale: SB 5823

Communities, dispute resolution program: SHB 1140

Communities, minimum terms for closure or conversion notices: SB 5550

Communities, property tax exemption: SB 5821

Communities, siting new: SB 5837

Consignment contracts, restriction in favor of listing contracts: SB 5668

Manufactured/mobile home landlord tenant act, clarifications: SB 5822

Property tax, administration and tax payment verification: ***E2SHB 1208, CH 350 (2009)**

Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79 (2009)**

Regional transfer of development rights program, inclusion of manufactured home parks in: SB 6124

MANUFACTURING

Aerospace technology and advanced manufacturing, membership and duties of Washington institute of: E2SHB 2318

Asbestos in products, manufacturer duty to warn user of risks: SB 5964

Bisphenol A in products, prohibition: 2SHB 1180

Bisphenol A in products, prohibition and alternatives: SB 5282

Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: SB 5543

Primary plastics or primary plastic container manufacturing, plastics tax to be instituted: SB 5747

Renewable energy manufacturing facilities, tax incentives: 2SHB 2130, SB 6069

Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: SB 5906, SB 6170

Washington manufacturing innovation and modernization extension service program, business and occupation tax credit for participants: SB 5713

MARIJUANA

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: SB 5798

Possession, reclassifying from misdemeanor to civil infraction: SB 5615

MARRIAGE AND MARRIED PERSONS

Civil marriage equality, including same-sex couples: SB 5674

MEDICINE AND MEDICAL DEVICES

Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: SB 5279

Durable medical equipment, tax exemptions when prescribed for home use: SB 5033

Mobility enhancing equipment, tax exemptions when prescribed: SB 5033

Power wheelchairs, sales and use tax exemptions when prescribed: SB 5871

Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: ***SHB 1271, CH 136 (2009)**

MENTAL HEALTH (See also COUNSELORS AND COUNSELING; SEX OFFENSES AND OFFENDERS)

Advanced registered nurse practitioners, mental health care involving commitment: ***SHB 1071, CH 217 (2009)**

Children's services, access to care standards: ***2SHB 1373, CH 388 (2009)**
 Commitment proceedings, allocation of court-related costs in certain cases: SB 6022
 Commitment proceedings, sexually violent predators: SB 5718
 Community integration assistance program: ***SHB 1201, CH 319 (2009)**
 Competency evaluation and restoration, procedural reform: ESB 5519
 Conditional release from commitment to outpatient treatment, venue for hearing to modify or revoke order for: ***HB 1589, CH 322 (2009)**
 Counseling for sex offense victim who testifies in civil commitment proceedings: SB 5209
 Counseling for sex offense victim whose crime occurred in another state and who testifies in civil commitment proceedings: ***SHB 1221, CH 38 (2009)**
 Counseling professions subject to authority of secretary of health under the uniform disciplinary act: ESHB 1514
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131
 Disclosure of information concerning mental health services received by persons who have been committed: ***SHB 1300, CH 320 (2009)**
 Firearms possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**
 Health care information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398 (2009)**
 Less restrictive treatment, renewal of orders for persons released from involuntary mental health treatment: ***ESHB 1349, CH 323 (2009)**
 Mental health treatment, chemical dependency services, and therapeutic courts, permissible uses of local sales and use tax for: SB 5301
 Mentally ill defendants, found or pleading guilty and mentally ill: SB 5253
 Privilege, provisions for mental health counselors: SB 5931
 Records, access to a minor's mental health treatment information by a parent, guardian, or custodian: SB 5546
 Secure residential facilities for sexually violent predators, limiting siting to properties zoned for industrial use: SB 6125
 Sexually violent predators, commitment proceedings: SB 5718
 Sexually violent predators, computer access to be controlled for residents of special commitment center and less restrictive alternatives: SB 5218
 Sexually violent predators, limiting siting of secure residential facilities to properties zoned for industrial use: SB 6125
 Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912, SB 5611
 Special commitment center and private detention facilities, security information disclosure exemption: ESB 5014
 Special commitment center, resident access to computers to be controlled: SB 5218
 Special commitment center, security information disclosure exemption: ***HB 1030, CH 67 (2009)**

MERCURY

Lights containing mercury, establishment of product stewardship recycling programs with producer participation: SB 5543
 Reduction, provisions for sales, recycling, and disposal: SB 5813
 Vaccines containing mercury, requirements: SB 5457

METROPOLITAN PARK DISTRICTS

Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545
 Regulatory restrictions: ESHB 1883

MILITARY (See also NATIONAL GUARD; VETERANS)

Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**
 Animal emergency planning guidance for local jurisdictions, evacuation and sheltering services to be provided during disaster or emergency: SB 5337
 Armories, rental or lease: ***HB 1034, CH 34 (2009)**, SB 5031
 Children of military families, interstate compact on educational opportunity: HB 1075, SB 5248
 Civil air patrol, authority to conduct homeland security, disaster relief, and search and rescue operations under governance of state patrol: SB 5636
 Code of military justice, provisions: ***SHB 1036, CH 378 (2009)**, SB 5032
 Concealed pistol license application, submission by mail of application for renewal by members of armed forces: SB 5637

Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59 (2009)**
 Emergency management, developing guidelines for responding to needs of persons with disabilities in disasters: SB 5902
 Emergency management, preparedness, and assistance account, military department to administer: SB 5393
 Health insurance, enlisted Washington national guard members: SB 5275
 Hunting license requirements, members of military: ***SB 5008, CH 269 (2009)**
 Internet voting for service voters and overseas voters: SB 5522
 Interstate commission on educational opportunity for military children: HB 1075, SB 5248
 Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: SHB 2196
 Militia, adjutant general's duties: SB 5030
 Monuments for military bases, alerting persons to base's presence and location: SB 5214
 Motor vehicle registration for United States armed forces members, determining registration year for deployed military personnel: ***HB 1478, CH 159 (2009)**
 Nisei veterans, postage stamp: ***HJM 4005 (2009)**, SJM 8000
 Parenting plans, modification due to parent's military service: ***SHB 1170, CH 502 (2009)**, SB 5212
 Retirement systems, interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313
 Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226 (2009)**, SB 5314

MINES AND MINING

Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: SB 5395
 Failing to properly cover vehicular loads of dirt, sand, and gravel, requirements, violations, and penalties: SB 5846
 Fully contained communities, approval by county if land not designated mineral resource land: HB 1456
 Sand and gravel, permit requirements for marine transportation facilities for: SB 5836

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Linked deposit program for minority and women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**
 Office of minority and women's business enterprises, report on barriers to participation in linked deposit program: SB 5883
 Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 (2009) PV**

MOBILE HOMES (See also MANUFACTURED HOUSING)

Communities, dispute resolution program: SHB 1140
 Consignment contracts, restriction in favor of listing contracts: SB 5668
 Manufactured/mobile home landlord tenant act, clarifications: SB 5822
 Parks, compliance with notification requirements when community offered for sale: SB 5823
 Parks, minimum terms for closure or conversion notices: SB 5550
 Parks, property tax exemption: SB 5821
 Parks, protecting sole source aquifers by providing sewer utility service: SB 5507
 Parks, siting new: SB 5837
 Property tax, administration and tax payment verification: ***E2SHB 1208, CH 350 (2009)**
 Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79 (2009)**
 Regional transfer of development rights program, inclusion of mobile home parks in: SB 6124
 Titling functions transferred to department of community, trade, and economic development, section repealed: ***HB 1888, CH 233 (2009)**

MONUMENTS

Military bases, monuments to alert person's to base's presence and location: SB 5214

MOORAGE FACILITIES

Marinas, aquatic lands lease rates: SB 5255

MORTGAGES AND MORTGAGE BROKERS

Brokers, compliance with secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1749, CH 528 (2009)**, SB 5749

Brokers, consideration of mitigating factors for enforcement actions against: SB 5659
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1621, CH 120 (2009)**, SB 5759
 Foreclosure sales, applying surplus proceeds to all interests or liens: ***HB 1826, CH 122 (2009)**
 Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149 (2009)**, SB 5400
 Yield spread premiums, payment to mortgage broker prohibited: SB 5858

MOTION PICTURES

Business and occupation tax credit for motion picture competitiveness program contributions, replacement with credit for contributions to employment programs for persons with developmental disabilities: SB 6153
 Motion picture competitiveness programs, maximum funding assistance increase: ***SHB 2042, CH 100 (2009)**, SB 5876

MOTOR VEHICLES (See also LICENSE PLATES)

Agribusiness drivers, exemption from certain commercial driver's license requirements: ***SHB 2223, CH 339 (2009)**
 Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: ***SHB 2214, CH 124 (2009)**
 Bicyclists, legal requirements for overtaking and passing when driving: HB 1491, SB 5335
 Car rentals, county authority to impose local sales and use tax on retail rentals for special funding: ESHB 2252
 Children unattended in motor vehicles, penalties: SB 5126
 Collection and restoration of vehicles, zoning and other regulations to allow: SB 5246
 Collector vehicles, licensing and special license plates: SHB 1802
 Dealer documentary service fees, disclosure that fee is negotiable required: ***ESHB 1939, CH 123 (2009)**, SB 5816
 Dealer failure to disclose known defects, consumer protections in cases of: SB 5675
 Dealers and manufacturers, termination, cancellation, or nonrenewal of franchises between: SB 5595
 Disabled veterans assistance account, voluntary donations at time of vehicle registration to fund: EHB 1876
 Driving record abstracts, release to current or prospective employer or volunteer organization for employment and risk management purposes: SB 5610
 Driving records, release of certified abstracts: EHB 1251, SB 5427
 Driving records, release of certified abstracts to state-approved alcohol or drug assessment or treatment agencies: SB 5411
 Electric vehicles, infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418
 Electric vehicles, sales and use tax preferences for electric vehicles and electric vehicle infrastructure: SB 5736
 Failing to properly cover vehicular loads of dirt, sand, and gravel, requirements, violations, and penalties: SB 5846
 Farm vehicle trip permit, extending time period covered by: ***HB 2313, CH 452 (2009)**
 Financial responsibility requirements for drivers, random compliance sampling program and proof that driver meets requirements: SB 5392
 Hulk hauling and scrap processing by unlicensed persons, department of licensing issuance of cease and desist orders and civil penalties: SB 5381
 Hybrid technology vehicles, sales tax exemption: SB 6170
 Impoundment and towing, notice requirements: SB 5524
 Impoundment, civil cause of action for damages abolished: SB 5780
 Insurance, mileage-based motor vehicle liability policies: SB 5708
 Junk vehicle, vehicles demolished by a licensed scrap processor excluded from definition of: SB 6059
 Kit vehicles, title and registration requirements: SB 5719
 Lead wheel weights, environmentally preferred alternatives: ***ESHB 1033, CH 243 (2009)**
 Liability for damage to state property of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**, SB 5365
 Limousine carriers, regulation by counties, cities, and port districts: SB 5686
 Local motor vehicle excise tax, regional transportation accountability board authority to impose through special taxing district: SB 6064
 Local option vehicle license fee, regional transportation accountability board authority to impose through special taxing district: SB 6064
 Motor carriers, compliance reviews and violations and penalties: SB 5815
 Motor carriers, safety requirements and compliance reviews: ***SHB 1843, CH 46 (2009)**
 Motorcycles, modifying restrictions on children riding: SB 5552
 Motorcycles, reliable detection of motorcycles by vehicle-activated traffic control signals required: SB 5387
 Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**

Motorsports, termination or cancellation of manufacturer and dealer franchise agreements: ***ESHB 1664, CH 232 (2009)**
 Notification stickers, providing to drivers with certain disabilities or impairments: SHB 1152
 Off-road vehicles, licensing and use permit decals: SB 5129
 Off-road vehicles, protection of public lands through safety education and training program: SB 5586
 Off-road vehicles, requirements addressing natural resource impacts: SB 5128
 Owner information, requirement for notice of disclosure to an attorney or private investigator: SHB 1900
 Owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: SB 5215
 Parent taught driver training education courses, department of licensing approval: SB 5371
 Pedestrians, legal requirements for overtaking and passing when driving: HB 1491, SB 5335
 Public transit vehicles, stops at unmarked stop zones allowed in certain circumstances: ***SB 5180, CH 274 (2009)**
 Rate and service regulation of certain passenger carrying services, utilities and transportation commission authority to
 forebear from: ***ESB 5894, CH 557 (2009)**
 Recording devices in vehicles, vehicle systems data privacy and disclosure provisions: SB 5574
 Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79
 (2009)**
 Refrigerants in air conditioning equipment, use of safe alternative refrigerant authorized: ***SHB 1984, CH 256 (2009)**
 Registration for United States armed forces members, determining registration year for deployed military personnel: ***HB
 1478, CH 159 (2009)**
 Registration, state parks system donation to be collected by department of licensing as part of: ***SHB 2339, CH 512
 (2009)**
 Registration, voluntary donations by vehicle owners at time of: SB 5419
 Rental car businesses, child restraint systems availability requirements: SHB 2198
 Rental car companies, clarifying charges and fees in rental car agreements: SB 5509
 Safety belt assemblies and child restraint systems, admissibility in a civil action of failure to use: SB 5349
 Sales, dealer disclosure of damage to new or previously unregistered vehicle: SB 5388
 Scrap vehicles demolished by a licensed scrap processor excluded from definition of junk vehicle: SB 6059
 State parks system donation, collection by department of licensing as part of vehicle registration: ***SHB 2339, CH 512
 (2009)**
 Studded tires, permit required for use: SB 5859
 Studded tires, use and sale prohibitions: SB 6066
 Tire replacement fees, extending: ***SB 5976, CH 261 (2009)**
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556
 Trailers more than forty years old, issuance of horseless carriage license plates for: SB 5697
 Two-wheeled and three-wheeled vehicles, definitions and requirements: ***SB 5482, CH 275 (2009)**
 Vehicles sold to or used by qualifying disabled veterans or surviving spouses, sales and use tax exemptions: SB 6050
 Warranties, provisions: ***SHB 1215, CH 351 (2009)**, SB 5235
 Waste tire piles, efforts to clean up and prevent the creation of in the future: ***SB 5976, CH 261 (2009)**
 Wholesalers, retailers, and associated service providers, business and occupation tax rate reduction: SB 5996
 Windows, provisions for safety glazing, sunscreening devices, and items placed on windows: ***ESB 5581, CH 142 (2009)**

MOTORCYCLES

Children riding motorcycles, modifying restrictions: SB 5552
 Toll rates, including motorcycles with trailers in tow: SB 5652
 Two-wheeled and three-wheeled vehicles, definitions and requirements: ***SB 5482, CH 275 (2009)**

MUNICIPAL COURT

Employees, PERS retirement benefits for: SB 5523
 Hosting jurisdictions, services provided by: SB 5782

MUSIC

Advertising, truth in music advertising act: ***SB 5284, CH 109 (2009)**
 Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB
 1304, ***SB 5680, CH 58 (2009)**
 Symphony orchestras, operas, and performing arts theaters, under public employment relations commission jurisdiction
 for collective bargaining: SB 5046

NATIONAL GUARD

Adjutant general of militia, duties: SB 5030

Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**

Concealed pistol license application, submission by mail of application for renewal by members of armed forces: SB 5637

Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59 (2009)**

Health insurance, enlisted Washington national guard members: SB 5275

Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226 (2009)**, SB 5314

Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**

NATURAL RESOURCES, DEPARTMENT

Biomass energy, department to develop and implement forest biomass energy demonstration projects: ***HB 2165, CH 163 (2009)**, SB 5979

Commercial, natural resource, and forest lands, department authority to manage: SB 5957

Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**

Geothermal resource assessment committee: SB 5149

Institute of forest resources to establish and maintain a forest land database: SB 5598

Natural heritage program to host conference on arboretums and botanic gardens in state: SB 5061, SB 5092

Pilot vessel amnesty disposal program: SB 5058

Recreation passes for department of natural resources lands, creation: SB 5761

Sand and gravel, permit requirements for marine transportation facilities for: SB 5836

State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**

Timber harvest termination dates for public lands, department extension of: SB 6127

Timber recovery fund board and account, creation: SB 5598

NATUROPATHY

Alternative health care practitioners, practice requirements: SB 5755

NEWS MEDIA

Newspaper industry, decreasing business and occupation tax burden for: ***EHB 2122, CH 461 (2009)**, SB 5961

Newspaper, magazine, and periodical publishing, business and occupation tax reductions for: SB 5962

Newspapers, taxation of publishing: SB 5942

Students, freedom of speech and press: SB 5946

NONPROFIT CORPORATIONS

Creation and registration, governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Cultural access authorities, creation, organization, and funding: SB 5786

Nonprofit entities, joint self-insurance programs covering property or liability risks: SB 5665

Public assembly halls owned by nonprofit corporations, property tax exemptions: SB 5634

Qualified nonprofit applicants and procedures for funding from accounts associated with wildlife and recreation program: ***SHB 1957, CH 341 (2009)**, SB 5843

Raffles, city or town authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137 (2009)**

Uniform prudent management of institutional funds act: ***SHB 1119, CH 436 (2009)**

NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)

Cities, towns, and counties, qualification as bona fide nonprofit organizations when conducting raffles: SB 5645

Legal services for low-income individuals, business and occupation tax exemption: ***HB 1579, CH 508 (2009)**

Nonprofit housing organizations, exemption from consumer loan act: SB 5468

Property tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5557

Public assembly halls owned by nonprofit organizations, property tax exemptions: SB 5634

Raffles, increasing ticket prices: ***EHB 1053, CH 133 (2009)**, SB 5124

Residential infrastructure program, grants to nonprofit organizations for transit-proximate areas: SB 5377

NOXIOUS WEED CONTROL BOARD

Invasive plant species, board to amend definitions to address weeds spreading by seed and other reproductive propagules: SB 5745

NUCLEAR POWER AND NUCLEAR SITES

Hanford nuclear site, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at: SHB 1321, SB 6170

Hanford nuclear site, reduced business and occupation tax rate for cleanup at Hanford and other sites: SB 5390

Hanford Reservation, full federal funding for cleanup: SJM 8008

Radioactive waste, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at Hanford site: SHB 1321, SB 6170

Radioactive waste, reduced business and occupation tax rate for cleanup at Hanford and other nuclear sites: SB 5390

Unfinished nuclear power projects, exemption when projects to be partially or wholly developed as energy parks for electricity generation: SB 5194

Uniformed personnel, alternative arbitration process for joint operating agency employees at a commercial nuclear power plant: HB 1389, ***SB 5492, CH 126 (2009)**

NURSES

Advanced registered nurse practitioners, mental health care involving commitment: ***SHB 1071, CH 217 (2009)**

Hours of labor: SB 5563

Nurses and paramedics, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: ***SHB 1808, CH 168 (2009)**

Registered nurses, delegation of authority for various tasks to nurse by optometrist: ***SHB 1397, CH 203 (2009)**

NURSING HOMES

Nursing facility medicaid payment system, clarifying legislative intent regarding statewide weighted average and other factors: ***EHB 2357, CH 570 (2009)**

Nursing facility medicaid payment system, simplifying: SB 6163

OCEAN RESOURCES

Ocean renewable energy resources, review of renewable energy potential of Washington's ocean waters: SB 5597

OFFICIAL STATE DESIGNATION

"The Evergreen State," official state nickname: SB 5116

Garry oak, official state oak tree: SB 5105

Nordic Heritage Museum, official state Nordic museum: SB 5079

Olympic marmot, official state endemic mammal: ***SB 5071, CH 464 (2009)**

Ornithologist, state: SB 5066

OIL AND GAS (See also FUELS; GAS COMPANIES)

Oil spill advisory council, elimination of: SB 6172

Petroleum products in storm water, mitigation and prevention projects: ESHB 1614, SB 5518

Propane, sales and use tax exemption for nonhighway use by farmers: SHB 2275

Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: ESHB 1614, SB 5518

OPEN PUBLIC MEETINGS

Board for public records and open public meetings, committee to study feasibility of creating: SB 5339

Public access, opportunity for all interested rule-making hearing attendees to comment individually and orally: ***SHB 1552, CH 336 (2009)**

Rule-making hearings public access, opportunity for all interested attendees to comment individually and orally: ***SHB 1552, CH 336 (2009)**

Special meetings, notification requirements for agency governing bodies: SB 5927

Web sites of public agencies, required posting of certain information: SB 6098

OUTDOOR RECREATION

Access to private and public lands, landowner liability provisions: SB 5069

Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: SB 5691
 Community trail advisory authority, establishment and grant program: SB 5545
 Department of natural resources lands, creation of recreation passes for: SB 5761
 Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: ***SB 5348, CH 16 (2009)**
 Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**
 Northwest weather and avalanche center, funding through newly created account: SB 5596
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545
 Recreational access to public or private lands, hydroelectric project owners not liable for unintentional injuries to users: SB 5422
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: ***SHB 1957, CH 341 (2009)**, SB 5843
 Wildlife viewing opportunities, requirements for viewing on department of fish and wildlife land and department authority to provide web-based information regarding: SHB 1972

PARENTS AND PARENTING

Acknowledgment of paternity, documentation necessary to challenge: SB 5623
 Correcting or restraining a child, actions presumed unreasonable for purposes of discipline: SB 5706
 Dependency proceedings, administrative office of the courts to develop standard court forms and format rules: SB 5577
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: SB 5285
 Dependency proceedings, housing assistance for the child: ***SHB 1769, CH 397 (2009)**
 Dependency proceedings, housing services and assistance for the child: SB 5266
 Dependency proceedings, legal representation of children: SB 5609
 Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**
 Dependency proceedings, notifying parent or parents of filing of petition and concurrent permanency planning: SB 5510
 Dependency proceedings, parenting plans and residential schedules: ***SHB 1239, CH 526 (2009)**, SB 5231
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: SB 6014
 Dependency proceedings, visitation by caregiver: SB 5988
 Family counseling pilot program, merit checks for couples completing a family preparation course: SB 5829
 Foster care placement, parental request for placement of child with a relative: SB 5811
 Grandparent visitation rights, petitioning process: SB 5477, SB 5643, SB 6013
 Guardians ad litem, background information records and procedures for appointment: SB 5285
 Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612
 Mental health records, access to a minor's treatment information by a parent, guardian, or custodian: SB 5546
 Newborn children, appropriate locations for transfer: SB 5318
 Parent taught driver training education courses, department of licensing approval: SB 5371
 Parenting plans, designation of time with minority residential parent: SB 5342
 Parenting plans, modification due to parent's military service: ***SHB 1170, CH 502 (2009)**, SB 5212
 Parenting plans, permanent: SB 5824
 Relocation of a child, principal residence defined in context of legal separation: SB 5453
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: SB 5286
 WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: ***SHB 2071, CH 85 (2009) PV**

PARKING

Public parking facilities, sale, lease, or conveyance of municipal property in commercial areas: ***HB 1048, CH 265 (2009)**, SB 5047

PARKS

Amusement parks, inspection of amusement rides and issuance of amusement apparatus operating decal: SB 5633
 Historical parks and historic reserves, tax incentive program: SB 5083
 Local sales and use tax to provide funding for parks, recreation, trails, and open space allocation: SB 5545

Maintenance and operations, certain city and county tax revenues to be available for: SB 6164

Real estate excise tax expenditures for parks and capital projects: SB 5630

State parks system donation, collection by department of licensing as part of vehicle registration: ***SHB 2339, CH 512 (2009)**

State parks, yearly property tax levy by state for support of: SB 6120, SJR 8216

Washington park arboretum, natural resource collections: SB 5061, SB 5092

PARKS AND RECREATION COMMISSION

Boating safety and marine law enforcement, commission to develop plan to implement recommendations for: SB 5691

Northwest weather and avalanche center, funding through newly created account: SB 5596

PARTNERSHIPS

Foreign limited liability partnerships, designated office or agent requirements: ***SHB 1592, CH 437 (2009)**

Foreign limited liability partnerships, registered office or agent requirements: SB 5849

Lake Tapps water supply, exercise of eminent domain authority by watershed management partnership: ***SHB 1332, CH 504 (2009)**

Limited liability companies, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Limited liability companies, dissolution and reinstatement deadlines extended: ***SHB 1592, CH 437 (2009)**, SB 5849

Limited liability partnerships, application for partnership and requirements for designated office or agent: ***SHB 1592, CH 437 (2009)**

Limited liability partnerships, application for partnership and requirements for registered office or agent: SB 5849

Limited liability partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Limited partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Uniform limited partnership act, creation of: ***SHB 1067, CH 188 (2009)**

Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910

Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**

PERSONAL PROPERTY

Conveyances used in cases of prostitution-related offenses, impoundment: SB 5934

Crimes against property, threshold values: SB 5225, ***SB 6167, CH 431 (2009)**

Leased to a public hospital, property tax exemption: SB 5570

Retail crime task force: SB 5225, ***SB 6167, CH 431 (2009)**

Vehicles used in cases of prostitution-related offenses, impoundment: ***ESHB 1362, CH 387 (2009)**

PERSONNEL, DEPARTMENT

Exempt employment, practices regarding: ***ESHB 2049, CH 534 (2009)**, SB 5939

Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**

PESTICIDES

Pesticide incident reporting and tracking review panel, elimination of: SB 6171

PHARMACIES AND PHARMACISTS

Appropriate prescription drug use, maximizing through state purchased health care plans: SB 5892

Audits of pharmacy payments for recipients of public assistance and medically indigent persons: SB 5794

Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: SB 5279

Pharmaceutical product stewardship programs: SB 5279

Prescription pads, tamper-resistant: ***HB 2014, CH 328 (2009)**, SB 5826

PHYSICAL THERAPISTS

Spinal manipulation when performed by physical therapists, conditions: SB 5230

PILOTAGE COMMISSIONERS, BOARD

Puget Sound pilotage district tariff to include a charge to reimburse for pilot retirement plans: SB 6095

PLUMBERS

Licenses, certificates, or permits to be in possession while working: ***SHB 1055, CH 36 (2009)**

POLICE

Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131

Drug testing for peace officers, provisions: SB 5740

Medication management in jails, jail medication management work group to develop a model policy: SB 5252

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160

Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186

POLITICAL PARTIES

Advertising, archiving of political mailings: SB 5096

PORT DISTRICTS

Clean technology development within port district properties, sales tax exemption: SB 5847

General authority peace officers employed by port districts to be considered uniformed personnel for interest arbitration: HB 1822

Industrial development levies, hearing and notification requirements: SB 5770

Limousine carriers, regulation by counties, cities, and port districts: SB 5686

Rail freight service, funding through grants from essential rail assistance account: ***ESHB 1512, CH 160 (2009)**

PREGNANCY

Unintended, sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

PRISONS AND PRISONERS

Cost savings, correctional: SB 6175

Developmental disabilities, identifying and accommodating offenders with: ***E2SHB 2078, CH 447 (2009)**

Nonviolent criminals, alternatives to incarceration: SB 6175

Public records, inmate access: SB 5130

PRIVACY

Birth certificates, disclosure of confidential information: ***SHB 1510, CH 44 (2009)**

Birth certificates, limiting access to: SB 5845

Identification devices, limits on scanning: ***SHB 1011, CH 66 (2009) PV**

PROBATE

Declaration of completion of probate, procedure for filing: SB 5297

PROFESSIONAL EDUCATOR STANDARDS BOARD

Common school provisions, various sections suspended or amended to provide flexibility in the educational system: SB 5880

Duties and membership, provisions: ***SHB 2003, CH 531 (2009)**, SB 5802

National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714

Teachers, alternative pathways to endorsement to teach career and technical education at middle schools: SB 5676

PSYCHOLOGISTS

Human trafficking course, all licensed psychologists required to take: SB 5850

PUBLIC ASSISTANCE

Adoption, department of social and health services duties: SB 5803

Apple health for kids program, department of social and health services to manage in cooperation with state and local agencies: ***ESHB 2128, CH 463 (2009) PV**

Applications for assistance from persons currently ineligible to receive assistance: SB 6024

Boarding homes, notice to providers and hearing required before medicaid daily payment rate adjustments: ***HB 1527 (2009) V**

Child support license suspension program: SB 5166

- Child support, review of support payments by secretary of department of social and health services: ***HB 2347, CH 527 (2009)**
- Child welfare services, crisis residential center provisions and appropriations: ***SHB 2346, CH 569 (2009)**
- Child welfare services, performance-based contracts: SB 6031
- Child welfare services, performance-based contracts for the provision of: SB 5943
- Child welfare services, remediating racial disproportionality in: HB 2164
- Child welfare system, enhancing safety and well-being of children through performance-based contracts with supervising agencies: ***2SHB 2106, CH 520 (2009) PV**
- Child welfare system, reducing racial disproportionality in system and racial disparities in outcomes: ***2SHB 2106, CH 520 (2009) PV**
- Child welfare transformation design committee, establishment: ***2SHB 2106, CH 520 (2009) PV**, SB 5943
- Children's mental health services, access to care standards: ***2SHB 1373, CH 388 (2009)**
- Children, affordable nonsubsidized state coverage for children: SB 5202
- Correctional facilities and jails, providing assistance for persons with developmental disabilities after their release: ***E2SHB 2078, CH 447 (2009)**
- Crimes against vulnerable adults, reporting and investigations: SB 5639
- Criminal background checks for employees and providers, provisions: SB 5950
- Criminal background checks for long-term care workers and providers, provisions: SHB 2068
- Crisis residential centers for children, provisions and appropriations: ***SHB 2346, CH 569 (2009)**
- Dependency proceedings, department notification of duties and responsibilities to a child subject to: SB 5758
- Developmental screenings for children: SB 5484
- Disproportionate share hospital adjustments, appropriations of funds for: ***HB 2349, CH 538 (2009)**
- Electronic applications and signatures as part of benefit application process: ***HB 1270, CH 201 (2009)**, SB 5197
- Family and children's services, department of social and health services' powers, duties, and functions pertaining to children and family services transferred to department of: SB 6031
- Federal financing of health care, department of social and health services to request further funding for certain programs: SB 5730
- Federal fostering connections to success and increasing adoptions act of 2008, implementation: ***E2SHB 1961, CH 235 (2009)**
- Foster family homes, placement of child returning to out-of-home care: SB 5431
- General assistance, modification of eligibility and other provisions: SB 6155
- Health services account, elimination: SB 5408
- Home care, intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 (2009) V**
- Home care, modifying state payments to agencies by prohibiting payment for in-home care in certain cases: ***SHB 2361, CH 571 (2009)**
- Intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 (2009) V**
- Medicaid acceptance policy, long-term care facility disclosure to residents: SB 6009
- Medicaid, notice to boarding home providers and hearing required before adjustments to daily payment rate: ***HB 1527 (2009) V**
- Medicaid, nursing facility payment system clarifications: ***EHB 2357, CH 570 (2009)**
- Medicaid, simplifying nursing facility payment system: SB 6163
- Medical assistance, adjustment of payment rates for noncritical access hospitals by department of social and health services: SB 6176
- Medical care, Washington health care partnership plan to be established: SB 5945
- Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612
- Mental health services for children, access to care standards: ***2SHB 1373, CH 388 (2009)**
- Noncritical access hospitals, adjustment of medical assistance payment rates by department of social and health services: SB 6176
- Nursing facility medicaid payment system, clarifying legislative intent regarding statewide weighted average and other factors: ***EHB 2357, CH 570 (2009)**
- Nursing facility medicaid payment system, simplifying: SB 6163
- Personal needs allowance, annual adjustments for medicaid-eligible persons receiving care in institutions or community settings: SB 5196
- Persons with developmental disabilities serving time in correctional facilities and jails, providing assistance after their release: ***E2SHB 2078, CH 447 (2009)**

Pharmacy payments, department of social and health services audit program: SB 5794
 Sexually aggressive youth, treatment eligibility and funding: ***SHB 1419, CH 250 (2009)**
 Telemedicine, delivery of medical assistance program home health care services through: ***SHB 1529, CH 326 (2009)**, SB 5497
 Washington health care partnership plan, establishment: SB 5945
 Washington state apple health community care council, duties: SB 5898
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: SB 5286
 WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: ***SHB 2071, CH 85 (2009) PV**

PUBLIC DEFENSE, OFFICE

Funds appropriated for office, city moneys increased and county moneys decreased: SB 5819
 Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440 (2009)**, SB 5133

PUBLIC DISCLOSURE (See also CAMPAIGNS)

Campaign funding and disclosure laws, reorganization and technical clarification: SB 5029
 Citizens public campaign act: SB 6177
 Denials of public records requests, right to request an in camera review of any records withheld by public agency: SB 5293
 Executions, disclosure of information regarding persons involved in: SB 6174
 Home schooling, annual parental declaration of intent to be exempt from public disclosure: ***HB 1288, CH 191 (2009)**, SB 5661
 Innovation discovery fund authority, disclosure exemption for various information and data submitted to: SB 5919
 Political advertising, archiving of mailings: SB 5096
 Records, definition of per page cost: SB 5251
 Records, denial of request if requestor has outstanding balance with agency: SB 5249
 Records, maximum per page copying charge: SB 5250
 Tax exemption information, public disclosure exemption removed: SB 5885
 Technology discovery fund authority, disclosure exemption for various information and data submitted to: SB 5897
 Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186
 University of Washington consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394 (2009)**, SB 5526

PUBLIC EMPLOYEES' BENEFITS BOARD

Employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869
 Health savings account option for state employees to be implemented by board: SB 5898

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Default provisions for plan membership: HB 1722, SB 5307
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: SB 5306
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302
 Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: ***SHB 1953, CH 157 (2009)**, SB 5309
 Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313
 Lowering general salary increase assumption for actuarial funding of system: SB 5304
 Plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046
 Postretirement employment provisions: SB 5490
 Survivor annuity option for preretirement death, extending to PERS members who die after leaving active service: ***SB 5315, CH 111 (2009)**
 Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: ***SB 5303, CH 209 (2009)**
 Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: ***SHB 1953, CH 157 (2009)**, SB 5309

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Symphony orchestras, operas, and performing arts theaters, under commission jurisdiction for collective bargaining: SB 5046

PUBLIC FACILITIES DISTRICTS

Board of directors, authority for promotional activities: ***SHB 1692, CH 167 (2009)**, SB 5874

Competitive solicitation requirements: SB 5666

Formation and authority in certain cases: SB 5296

Formation, operation, and nonstate funding: ***EHB 2299, CH 533 (2009)**

PUBLIC FUNDS AND ACCOUNTS

4-H account, voluntary vehicle owner donations to be used for life skills education for young people: SB 5419

Accessible communities account: SB 5902

American Indian endowed scholarship program, matching fund requirement eliminated: SB 5001

Annual property revaluation grant account: SB 5099, SB 5368

Apple health community care account: SB 5947

Archives and records management account: SB 6101

Benefits account, expenditures to be used for health care services and maintenance of the account: SB 6093, SB 6094

Biotoxin account: ***SB 6121, CH 577 (2009)**

Broadband development and deployment account: SB 5917

Broadband mapping account: ***E2SHB 1701, CH 509 (2009)**

Business and professions account, payment of certain boxing, martial arts, and wrestling event and license fees into: ***SB 6126, CH 429 (2009)**

Business assistance account: SB 5723

CBRNE response account, statewide: SB 5010

Citizen advocate administrative account: SB 5456

Citizens public campaign fund: SB 6177

City-county assistance account, changes in distribution of moneys: ***SB 5511, CH 127 (2009)**

City-county assistance account, modifying distributions from: SB 5592

Climate protection account: SB 5735

Climate protection forestry account: SB 5747

Colleges and universities, use of funds from building or capital projects accounts for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

Companion animal spay/neuter assistance account: SB 5329

Consumer education for home construction account: E2SHB 1393

Convention and trade center account, lodging taxes for and certain transfers from: SB 6118

Department of natural resources recreation pass account: SB 5761

Deposit of public funds, credit unions added to list of approved public depositories: ESHB 1669, SB 5579

Disabled veterans assistance account: EHB 1876

Displaced worker training account: SB 6093, SB 6094

Economic stimulus transportation funding and appropriations, various accounts: SB 5458

Education enrichment account: SB 6147

Education legacy trust account, funds transferred into state general fund: SB 5073

Emergency management, preparedness, and assistance account: SB 5393

Employment and training trust fund: SB 5809

Energy efficiency assistance account: SB 5649

Energy recovery act account: ***ESHB 2289, CH 451 (2009)**

Equal justice subaccount, funds transferred into state general fund: SB 5073

Essential rail assistance account, funding rail freight service through grants: ***ESHB 1512, CH 160 (2009)**

Evergreen jobs training account: ***E2SHB 2227, CH 536 (2009) PV**

Family medicine residency training account: SB 5502

Financial education public-private partnership account: ***SHB 1347, CH 443 (2009)**

Fish and wildlife equipment revolving account: SB 5268

Fruit and vegetable district fund, district two manager authorized to transfer funds to plant pest account: SB 5765

Full funding of basic education account: SB 5607

Funeral and cemetery account: ***ESHB 2126, CH 102 (2009)**, SB 5868

General fund, improving budget transparency by consolidating various accounts into: SB 5073
 Growth management appeals legal assistance account: SB 5162
 Guaranteed asset protection waiver account: ***EHB 1530, CH 334 (2009)**, SB 5530
 Health services account, funds transferred into state general fund: SB 5073
 Health services account, violence reduction and drug enforcement account, and water quality account, elimination: SB 5408
 Historic preservation grant account: SB 5018
 Historically Black college fund pilot project: SB 5077
 Imaging account: SB 6101
 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: SB 5464
 Innovation discovery fund: SB 5919
 Investing in innovation account: SB 5553
 Judicial election reform act fund: SB 5912
 Judicial stabilization trust account: ***SHB 2362, CH 572 (2009)**
 Landscape architects' license account: SB 5273
 Local government archives account: SB 6101
 Local government archives account, use of excess fund balance: HB 1374
 Local public works assistance funds: SB 5448
 Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181
 Maritime historic restoration and preservation account, availability of appropriated moneys for maritime historic vessel restoration and preservation program: SB 6185
 Mobile custom farm slaughtering unit loan account: SB 5004
 Multistate shared games account: SB 6108
 Northwest weather and avalanche center account: SB 5596
 Novelty lighter fire safety account: SB 5011
 OASI revolving fund, expenditures from fund for costs of program administration authorized: ***HB 2206, CH 171 (2009)**, SB 6006
 Off-road vehicle safety training and education account: SB 5586
 Park land trust revolving fund, use of real property proceeds for purchase of replacement forest land: ***2SHB 1484, CH 354 (2009) PV**
 Pavement account: SB 6066
 Pension funding stabilization account, funds transferred into state general fund: SB 5073
 Pharmaceutical product stewardship program account: SB 5279
 Prevent or reduce owner-occupied foreclosure program account: ***ESB 6033, CH 386 (2009) PV**
 Primary care physician conditional tuition waiver account: SB 5502
 Product stewardship programs account: SB 5543
 Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositaries: ***SHB 2061, CH 9 (2009)**, SB 5928
 Public safety and education account, funds transferred to state general fund: SB 5073
 Reserve account, expenditures to be used for health care services and maintenance of the account: SB 6093, SB 6094
 Residential infrastructure account: SB 5377
 Rural and resource lands study account: 2SHB 1797
 Saltwater algae control account, department of ecology: SB 5412
 Small business loan reserve fund: SB 6085
 Small school district contingency fund account: HB 1757
 Special county arts, regional center, low-income housing, and community development fund: ESHB 2252
 Special purposes account, certain lodging and local sales and use tax revenues for various purposes to be deposited in: SB 6116
 Specialized forest products outreach and education account: ***SHB 1038, CH 245 (2009)**
 State portfolio manager master account: E2SHB 1747, SB 5854
 State route 520 corridor account, general obligation bond proceeds to be deposited in: ***ESHB 1272, CH 498 (2009)**
 State route number 2 safety corridor account: SB 5037
 State route number 520 corridor account: ***ESHB 2211, CH 472 (2009)**
 State wildlife account, funding from state lottery account: SB 6107

Student achievement fund appropriations, transfer by superintendent of public instruction: ***ESB 6137, CH 547 (2009)**
 Student achievement fund, funds transferred into state general fund: SB 5073
 Student achievement fund, omnibus operating appropriations act to specify allocation rates for: ***SHB 2356, CH 541 (2009)**
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: SB 5795
 Technology discovery fund: SB 5897
 Timber recovery fund board account: SB 5598
 Tobacco settlement account, transfer of moneys to reserve account and benefits account: SB 6093, SB 6094
 Toll facility bond retirement account: ***ESHB 1272, CH 498 (2009)**
 University of Washington bond retirement fund: ***ESHB 2254, CH 499 (2009)**
 University of Washington botanic gardens endowed curatorship account: SB 5061, SB 5092
 Upper Columbia river recreational salmon and steelhead pilot stamp program account: SB 5421
 Violence reduction and drug enforcement account, funds transferred into state general fund: SB 5073
 Washington bred owners' bonus fund and breeder awards account: ***SB 5125, CH 87 (2009)**
 Washington innovation grant authority account: SB 5896
 Washington investment in student excellence scholarship account: SB 5606
 Washington state economic development commission fund: ESHB 1131
 Washington state flag account: ***HB 1121, CH 71 (2009)**, SB 5053
 Washington state patrol retirement system expense account: SB 5332
 Washington State University bond retirement fund: ***ESHB 2254, CH 499 (2009)**
 Washington voluntary retirement accounts partnership program account: SB 5791
 Water pollution account: ESHB 1614, SB 5518
 Water pollution control revolving fund, use of moneys in fund by department of ecology: ESHB 2116
 Water quality account, funds transferred into state general fund: SB 5073
 Youth innovation education account: SB 5900

PUBLIC HEALTH AND SAFETY

AIDS program grants, consolidation of administrative services in department of health: HB 2360
 Air travel by state employees, ergonomic seat requirements: SB 5139
 Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: SHB 1135, SB 5797
 Asbestos-related liabilities of corporations, limitations: SB 5964
 Basic health plan eligibility revisions: SB 6154
 Basic health plan modified to include economic recovery enrollees: HB 2117, SB 6038
 Basic health plan program changes necessary to implement 2009-2011 operating budget: ***SHB 2341, CH 568 (2009)**
 Bisphenol A in products, prohibition: 2SHB 1180
 Bisphenol A in products, prohibition and alternatives: SB 5282
 Body piercing and body art, sterilization requirements and standard universal precautions: SHB 1085, SB 5762
 Cancer treatments, coverage to provide financial parity for cancer chemotherapy and oral anticancer medication costs: SB 5512
 Carbon monoxide alarms, mandatory installation in all dwelling units: SB 5561
 CBRNE response program, statewide: SB 5010
 Community agricultural worker safety program: SB 5992
 Dental and medical services grants to be funded through voter-approved sales and use tax on candy: SB 6189
 Digital advertising signs on highways, prohibiting display: SB 6102
 Dogs allowed in taverns and restaurants with liquor licenses: SB 5192
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: SB 5516
 Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: SB 5279
 Ergonomic requirements, air travel by state employees: SB 5139
 Health technology assessment program, health care authority and health technology clinical committee roles in assessment process: SB 6150
 Immunization of children, required documentation for exemption from: ESHB 1703, SB 5707
 Immunization registry program for children through age eighteen, department of health authority to create: SB 6041
 Immunizations, increasing annual immunization rates: SB 5848
 Influenza vaccination pilot program, school-based: SB 5372

Lead wheel weights, environmentally preferred alternatives: ***ESHB 1033, CH 243 (2009)**

Local health jurisdictions, funding core public health functions while maintaining compliance with public health standards: SHB 1985

Local toxics control account, priority consideration for loans and grants to be given to local governments: SB 5181

Long-term care facilities, requests for waiver of rights of residents prohibited: SB 5226

Low-income households, sustainable residential weatherization: SHB 1060

Manlifts, provisions for privately operated: SB 5793

Medical and dental services grants to be funded through voter-approved sales and use tax on candy: SB 6189

Mercury reduction, provisions for sales, recycling, and disposal: SB 5813

Mercury-containing vaccines, requirements: SB 5457

Methicillin-resistant staphylococcus aureus: ***ESHB 1123, CH 244 (2009)**

Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500

Novelty lighters, prohibition of sale and distribution: SB 5011

Pesticide incident reporting and tracking review panel, elimination of: SB 6171

Pharmaceutical product stewardship programs: SB 5279

Product recall or safety warning, retailer to provide notice to customers: SB 5866

Public health districts, authority to levy property taxes: SB 6074

Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**

Public water systems, operator certification and responsibilities: ***SHB 1283, CH 221 (2009)**, SB 5199

Railroad crossing protection devices, local improvement district financing: ***2SHB 1081, CH 435 (2009)**

Reclaimed water use, permitting requirements and violations and penalties: SB 5504

Rental car businesses, child restraint systems availability requirements: SHB 2198

Restroom access in retail stores for persons with certain medical conditions: ***ESHB 1138, CH 438 (2009)**

Retail products, testing for deca-bde: SB 5977

Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: SB 5501

Sexually transmitted diseases, sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577 (2009)**

Solid fuel burning devices, restrictions: SB 5565

Solid waste handling, requirements for anaerobic digesters for processing livestock manure: SB 5797

Solid waste handling, requirements for anaerobic digesters for processing livestock manure and organic waste-derived material: SHB 1135

Special detention facilities, eligibility of potential inmates and sales and use tax exemption for facilities: SB 5244

Suspicious or contaminated food products, toll-free phone number for reporting: SB 6042

Tattooing, body art, body piercing, comprehensive regulations: SB 5391

Taverns and restaurants with liquor licenses, dogs allowed in: SB 5192

Unintended pregnancy, sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

Vaccines containing mercury, requirements: SB 5457

Vision screening for public school students: SB 5958

Waiver of rights of residents of long-term care facilities, requests prohibited: SB 5226

Washington state apple health insurance board and community care premium assistance program established: SB 5947

Wheelchair and stairway chair lifts, inspections: SB 5793

PUBLIC INSTRUCTION, SUPERINTENDENT

Achievement gap advisory committee, establishment within office of the superintendent: SB 5973

Achievement gap oversight and accountability committee, establishment within office of the superintendent: SHB 2147

Annual school district compliance reports, superintendent to review: SB 5738

Basic education, redefinition, funding, and accountability: ***ESHB 2261, CH 548 (2009) PV**

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449

Capital projects funds, accounting guidelines for use by school districts to be developed by superintendent: ***ESHB 1619, CH 460 (2009)**, SB 5807

Child abuse, superintendent to establish standards for education programs for prevention: SB 5935

Classified staff training, development and offering to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

Commission for quality education in Washington to include superintendent as permanent member: SB 5607

- Common school provisions, various sections suspended or amended to provide flexibility in the educational system: 2SHB 2167, SB 5880, SB 5889, SB 5890
- Community schools program, superintendent's role in: E2SHB 1618
- Construction, school construction assistance appropriations: ***HB 1113, CH 6 (2009)**
- Diagnostic assessments, school district access to assessments to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
- Digital learning programs, rules concerning: SB 5378
- Dropout reengagement system, superintendent to develop contracts and agreements and allocate funding: SHB 1418, SB 5618
- Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: ***2SHB 2119, CH 450 (2009)**
- Dyslexia, educator training program to enhance skills of students with: SB 6016
- Elementary and secondary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**
- Elementary school recess periods, survey of Washington elementary schools: SB 5551
- Financial education public-private partnership: ***SHB 1347, CH 443 (2009)**
- Financial education, standards and requirements: ***SHB 1347, CH 443 (2009)**
- Food service programs, funding summer programs with state support and grants: SB 5361
- Graduation requirements, using five-component multiple measures and set weighted graduation score to achieve: SB 5459
- High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: SB 5260
- High-performance public buildings, green building initiative's green globes rating system: SB 5384
- Homeless students, superintendent to establish process to track expenditures for transporting: ***ESHB 2072, CH 515 (2009) PV**
- Impact fees for school facilities, superintendent to develop criteria for extension of time limit for use: ***SB 5580, CH 263 (2009)**
- Influenza vaccination pilot program, school-based: SB 5372
- Innovation academies, office of the superintendent to design and implement plan for: SHB 2147
- K-12 basic education, plan for full funding: SB 5607
- Kindergarten entry assessments to be recommended by superintendent and department of early learning: SB 5619
- Paraeducator tutor certification requirements: ESHB 1889, SB 5918
- Postsecondary credits earned by high school students, incentives for districts in the form of additional allocations for each student: SB 5805
- Profoundly divergent children, providing special needs educational programs for: SB 6073
- Remedial and precollege classes, school district responsibility: SB 5188
- Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: 2SHB 2113
- Running start program, provisions: ***2SHB 2119, CH 450 (2009)**
- Savings in education programs, revision of various provisions in order to achieve: ***SHB 2343, CH 539 (2009)**
- School district employees, superintendent to adopt disciplinary guidelines for the use of public resources for personal benefit: ***SHB 1319, CH 224 (2009)**
- School district funding, basic education allocation from superintendent to exclude certain state forest land revenues: SHB 1774, SB 5722
- School plant funding, renaming components of appropriations allotment formula: HB 2142, ***SB 5980, CH 129 (2009)**
- School year, one hundred eighty-day requirement: SB 5112
- Secondary and elementary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**
- Special education ombudsman program, abolished and superseded by office of the citizen advocate: SB 5456
- Student achievement fund appropriations, transfer by superintendent: ***ESB 6137, CH 547 (2009)**
- Student transportation financing, updating funding formula: SB 5914
- Teachers pursuing national board for professional teaching standards certification, superintendent to adopt repayment rules for conditional funding: ESB 5714
- Teachers, professional development programs and national board certification bonuses to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
- Teachers, teacher assistance program to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

Tribal schools, allocation of education moneys: SB 5801
 WASL legislative work group, implementation of recommendations: SB 5414
 Youth innovation education programs, superintendent to distribute grant moneys to: SB 5900

PUBLIC LANDS

Aquatic lands, pilot vessel amnesty disposal program: SB 5058
 Christmas trees, harvesting: ***SHB 1038, CH 245 (2009)**, SB 5169
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**
 Commercial, natural resource, and forest lands, department authority to manage: SB 5957
 Community trail advisory authority, establishment and grant program: SB 5545
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**
 Department of natural resources lands, creation of recreation passes for: SB 5761
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***SB 6070, CH 426 (2009)**
 Electrical power production, state's geothermal resources: SB 5149
 Fish and wildlife department lands, grazing privilege requirements: SB 5781
 Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Highway construction review and site selection process, prioritizing use of public land: SB 5684
 Huckleberries, regulations: ***SHB 1038, CH 245 (2009)**, SB 5169
 Invasive species council, assessment and control of invasive species in state: SB 5070
 Land preservation, recreation and conservation office to evaluate and report on mechanisms for: ***SHB 1957, CH 341 (2009)**
 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***SB 6070, CH 426 (2009)**
 Off-road vehicles, protection of public lands through safety education and training program: SB 5586
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: SB 5545
 Resident curators of significant state-owned properties: SB 5019
 Specialized forest products, permitting process and theft protections: ***SHB 1038, CH 245 (2009)**, SB 5169
 State forest land revenues to be excluded in part from basic education allocation from superintendent of public instruction to school districts: SHB 1774, SB 5722
 State forest lands with harvest encumbrances, transfer: SHB 1595
 State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**
 Timber harvest termination dates, department of natural resources extension of: SB 6127
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: ***SHB 1957, CH 341 (2009)**, SB 5843

PUBLIC OFFICERS AND EMPLOYEES

Air travel by state employees, ergonomic seat requirements: SB 5139
 Campaign contributions prior to legislative sessions, restrictions removed: SB 5990
 Candidates for public office, false statements about constituting libel or defamation: ***SHB 1286, CH 222 (2009)**, SB 5211
 Citizens public campaign act: SB 6177
 Defined contribution retirement system for new public employees, teachers, and school employees, development: SB 6045
 Ergonomic requirements, air travel by state employees: SB 5139
 Exempt employees, protecting collective bargaining rights in certain cases: ESHB 2267
 Legislative investigation and oversight, agency employees required to provide truthful information to legislature: SB 5520
 Legislative web sites, ethical use: SHB 1761
 Office holders during campaigns, permissible use of public resources: SB 5991
 Prosecuting attorney, to be considered a nonpartisan office: SB 5065
 Public employees' benefits board, employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869
 Public employees' health care, health care authority to establish tiered premium contributions based on salary: SB 5930
 Public records exemptions accountability committee, eliminating: SB 5119
 Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: SB 5460
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**
 State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**, SB 5650

Unexpired terms of office, elections to fill remainder of terms for certain statewide elected officials: SB 5728
Whistleblower program for state employees, clarifying provisions: SB 5591

PUBLIC POLICY, INSTITUTE

Committee on Washington's finances, institute to staff and facilitate: SB 5049
Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by institute with assistance of state actuary: SB 5306

PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313
Lowering general salary increase assumption for actuarial funding of system: SB 5304

PUBLIC TRANSIT

Governing boards, appointment of nonvoting labor members: SB 5757
High capacity transportation corridor areas, establishment and funding: ***SB 5540, CH 280 (2009)**
Public transportation benefit area authorities, annexation of territory by: SB 5353
Rail fixed guideway system, adding personal rapid transit and magnetic levitation transit systems to definition of: SB 6079
Stops at unmarked stop zones, allowed in certain circumstances: ***SB 5180, CH 274 (2009)**
Unlawful transit conduct, violations and penalties: SB 5513

PUBLIC UTILITY DISTRICTS

Checks, policies and procedures for issuance as payment of claims or other obligations: EHB 1728, SB 5267
Conservation project loans from public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**
County authority to levy and collect tax from a public utility district: SB 5960
Electric vehicles, utility districts encouraged to use: SB 5418
Energy efficiency and conservation assistance, availability from districts: SB 5649
Taxes and gross revenue, prospective clarification: HB 1088, SB 5567
Thermal electric generating facilities, distributions of tax proceeds from: SB 5717

PUBLIC WATER SUPPLY SYSTEMS

Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: SB 6171
Irrigation districts providing municipal water service, conditions for retaining water rights: SB 6076
New subdivisions, verifying water supply: SB 5867
Operators, certification and responsibilities: ***SHB 1283, CH 221 (2009)**, SB 5199
Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955
Water facility construction, contract requirements: ***HB 2146, CH 344 (2009)**

PUBLIC WORKS

Alternative contracting procedures: ***HB 1197, CH 75 (2009)**, SB 5397
Alternative public works contracting procedures, authorization and restrictions: HB 1690
Assistance funds, local: ***HB 1569, CH 45 (2009)**, SB 5448
Bid limits: ***ESHB 1847, CH 229 (2009)**
Bid limits, contracts: SB 5844
Bid price, adjustment negotiation expanded to municipalities: SB 5398
Capital facilities, certain city and county tax revenues to be available for maintenance of: SB 6164
Capital projects advisory review board, alternative public works contracting procedures approval: HB 1690
Colleges and universities, use of funds from building or capital projects accounts for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842
Community economic revitalization board, wage criteria for projects: 2SHB 1252, SB 5075
Contracting procedures, University of Washington and Washington State University: SB 5760
Contracting, defining microbusiness, minibusiness, and small business for purposes of: HB 1830
Contractors to list all subcontractors for public works projects: SB 5969
Contracts, bid limits: ***ESHB 1847, CH 229 (2009)**
Contracts, veteran-owned businesses: SB 5041
Higher education capital projects, setting priorities for: SHB 1898

Off-site prefabrication, requirement that contractors and subcontractors report certain nonstandard, project-specific items: EHB 1836
 Prevailing wage, definition of independent contractor: SB 5904
 Project bids, requirement that bidder is not out of compliance with apprenticeship rules: SB 5873
 Projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: SB 5873
 Projects, bid limits: SB 5844
 Projects, bid price adjustment negotiation expanded to municipalities: SB 5398
 Projects, loans to local governments: SB 5132
 Projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**, SB 5399
 Projects, retainage of funds: ***HB 1199, CH 219 (2009)**, SB 5396
 Public facilities in rural counties, time period during which sales and use tax may be collected for: ***SHB 1751, CH 511 (2009)**, SB 5605
 Residential construction, public works meeting definition of: ***SB 5903, CH 62 (2009)**
 Small works roster projects, dollar limit: ***HB 1196, CH 74 (2009)**
 State funding for local projects, greenhouse gas emissions criteria: SHB 2010
 Transportation facilities, prohibition of development under local comprehensive plans: SB 5872
 University of Washington, contracting procedures: SB 5527, SB 5760
 Veteran-owned businesses, state contracts: SB 5041
 Wage criteria for community economic revitalization board projects: 2SHB 1252, SB 5075
 Washington State University, contracting procedures: SB 5760

PUBLIC WORKS BOARD

Projects, loans to local governments: SB 5132
 State funding for local projects, greenhouse gas emissions criteria: SHB 2010

PUGET SOUND

Scientific research, Puget Sound science panel and scientific research account provisions: ***HB 1997, CH 99 (2009)**

RADIO

Amateur radio antennas, height restrictions: SB 5655
 Emergency communications systems, television reception improvement districts to provide: HB 1028
 Tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5557

RAILROADS

Crossing protection devices, local improvement district financing: ***2SHB 1081, CH 435 (2009)**
 Fire suppression regulations, risk of fire from operations or maintenance: SB 5023
 Heavy rail short lines, expending existing city and county real estate excise taxes on municipally owned rail lines: ***SB 5587, CH 211 (2009)**
 Milwaukee Road corridor, extending the time period for the department of transportation to enter into a franchise agreement for a rail line: ***HB 1717, CH 338 (2009)**, SB 5496
 Rail fixed guideway system, adding personal rapid transit and magnetic levitation transit systems to definition of: SB 6079
 Rail freight service, funding through grants from essential rail assistance account: ***ESHB 1512, CH 160 (2009)**

REAL ESTATE AND REAL PROPERTY

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**
 Carbon monoxide alarms, mandatory installation in all dwelling units: SB 5561
 Condominium associations, exemption from reserve account and study requirements for smaller associations: SB 5461
 Construction trade worker licenses, certificates, or permits to be in possession while working: ***SHB 1055, CH 36 (2009)**
 Construction trades, department of labor and industries regulation: SB 5091
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: ***SHB 1621, CH 120 (2009)**, SB 5759
 Crimes against property, threshold values: SB 5225, ***SB 6167, CH 431 (2009)**
 Current property valuation system, department of revenue to study level of uniformity and recommend improvements: SB 6080

Deeds of trust, foreclosure: ***ESB 5810, CH 292 (2009)**

Distressed property conveyances, equity skimming: HB 1132, ***SB 5221, CH 15 (2009)**

Energy efficiency and renewable energy improvements for property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Flooding, insurer disclosure that policy does not cover flood damage: SHB 1564, SB 5417

Foreclosure sales, applying surplus proceeds to all interests or liens: ***HB 1826, CH 122 (2009)**

Foreclosure sales, real estate excise tax exemption for certain sales: SB 6062

Forested land, act of owning defined as forest practice: HB 1483, ***SB 5562, CH 200 (2009)**

Fully contained communities, infrastructure impact requirements for counties: SB 6030

Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**

Hearing examiner fees, plat approval: SB 5059, SB 5621

High technology sales and use tax deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

Home inspectors, responsibilities and instructional courses: SB 5644

Homeowners' associations, policies and procedures: SB 6054

Homeowners' associations, real estate disclosure requirements regarding: SB 6000

Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**, SB 5544

Inspections of rental housing, limitations: SB 5495

Leased to a public hospital, property tax exemption: SB 5570

Liens against rental premises for utility charges when tenant is delinquent: SB 5281

Liens against rental premises for utility charges when tenant vacates or is delinquent: SB 5667

Manufactured home communities, compliance with notification requirements when community offered for sale: SB 5823

Manufactured home communities, minimum terms for closure or conversion notices: SB 5550

Manufactured home communities, property tax exemption: SB 5821

Mobile home parks, compliance with notification requirements when park offered for sale: SB 5823

Mobile home parks, minimum terms for closure or conversion notices: SB 5550

Mobile home parks, property tax exemption: SB 5821

New subdivisions, verifying water supply: SB 5867

Off-road vehicles on public or private lands, property owner liability: SB 5128

Office of consumer education for home construction, created in office of attorney general: SB 5895

Office of the state homeowners' association ombudsman, creation in office of attorney general: SB 6055

Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**

Plat approval, hearing examiner fees: SB 5059, SB 5621

Prevent or reduce owner-occupied foreclosure program: ***ESB 6033, CH 386 (2009) PV**

Property tax, administration of: ***E2SHB 1208, CH 350 (2009)**

Property tax, constitutional amendment limiting growth of assessed valuation of real property: SJR 8211

Public assembly halls owned by nonprofit corporations or nonprofit organizations, property tax exemptions: SB 5634

Public parking facilities, sale, lease, or conveyance of municipal property in commercial areas: ***HB 1048, CH 265 (2009)**, SB 5047

Real estate excise tax expenditures for parks and capital projects: SB 5630

Real property sales, certain city and county tax revenues to be available for maintenance of capital facilities: SB 6164

Real property, true and fair value determination for property tax purposes: SB 5472

Rental housing, limitations on inspections: SB 5495

Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**

Residential housing, improving home construction through consumer education, warranties, and contractor registration: E2SHB 1393

Residential real property construction, improving through multiple strategies: SB 5895

Residential real property transfers, wood burning appliance questions added to seller's disclosure statement: SB 5375

Retail crime task force: SB 5225, ***SB 6167, CH 431 (2009)**

Revaluation of property by counties for property tax purposes, annual: SB 5368

Revaluation of property impacted by government restrictions, procedures: SB 5179

Revaluation of property when values have declined: SB 5425

Revaluations of real property, requirement that county assessors conduct revaluations after a certain percentage reduction in county median home prices: SB 6075
 Revaluations of taxable property, annual: SB 5099
 Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**
 Seller's disclosure, various requirements: ***SHB 1420, CH 505 (2009)**
 Senior citizens, property tax exemptions for residences: SB 5663
 Service-connected disabled veterans, property tax exemptions for residences: SB 5663
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405 (2009)**
 Solar energy panels, regulating use by homeowners' association members: SB 5136
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: E2SHB 1747, SB 5854
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: SB 5753
 Valuation, constitutional amendment limiting increases: SJR 8201
 Valuation, constitutional amendment to set base years: SJR 8200
 Valuation, rate increase limits: SB 5057
 Valuation, setting base years: SB 5000
 Water conservation appliances, requirements for high efficiency toilets and urinals: SB 5948
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230 (2009)**
 Weatherization programs for low-income persons, expansion: SB 5649
 Wood framing used in residential construction, testing for moisture content before enclosing: SB 6043
 Yield spread premiums, payment to mortgage broker prohibited: SB 5858

RECORDS

Archives and records management services, exemption from payment for services for higher education institutions not using them: SB 6034
 Birth certificates, disclosure of confidential information: ***SHB 1510, CH 44 (2009)**
 Birth certificates, limiting access to: SB 5845
 Board for public records and open public meetings, committee to study feasibility of creating: SB 5339
 Denials of public records requests, right to request an in camera review of any records withheld by public agency: SB 5293
 Executions, records of persons involved in: SB 6174
 Foster parent information, department of social and health services to maintain for public review: SB 5653
 Health professional licensing information, office of financial management access to: ***SHB 2079, CH 343 (2009)**
 Hours of availability of state agency records for inspection and copying, mandatory minimum: ***SB 6104, CH 428 (2009)**
 Innovation discovery fund authority, disclosure exemption for various information and data submitted to: SB 5919
 Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440 (2009)**, SB 5133
 Local government archives account, use of excess fund balance: HB 1374
 Local records committee created: SB 6101
 Public records and open public meetings board, committee to study feasibility of creating: SB 5339
 Public records exemptions accountability committee, eliminating: SB 5119
 Public records exemptions accountability committee, nonunanimous recommendations: SB 5294
 Public records exemptions accountability committee, unanimous recommendations: SB 5295
 Public records, access to by correctional facility inmates: SB 5130
 Public records, definition of per page cost: SB 5251
 Public records, denial of request if requestor has outstanding balance with agency: SB 5249
 Public records, division of archives and records management established: SB 6101
 Public records, maximum per page copying charge: SB 5250
 Public records, special commitment center and private detention facility security information disclosure exemption: ESB 5014
 Public records, special commitment center security information disclosure exemption: ***HB 1030, CH 67 (2009)**
 Public records, updating management and retention provisions: SB 6101
 Records officer, each agency to designate to supervise its records management and retention program: SB 6101
 State records committee created: SB 6101
 Tax exemption information, public disclosure exemption removed: SB 5885

Technology discovery fund authority, disclosure exemption for various information and data submitted to: SB 5897
 Tenant screening reports, establishing criteria for dissemination of credit and court record information contained in: SB 5922
 Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186
 University of Washington consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394 (2009)**, SB 5526

RECREATION AND CONSERVATION OFFICE

Invasive species council, assessment and control of invasive species in state: SB 5070
 Land preservation, office to evaluate and report on mechanisms for: ***SHB 1957, CH 341 (2009)**
 Recreation and conservation funding board, overseeing funding from accounts associated with wildlife and recreation program: ***SHB 1957, CH 341 (2009)**, SB 5843
 Salmon recovery, consolidation of certain activities and programs within the office: ***SHB 2157, CH 345 (2009)**, SB 6004

RECREATIONAL VEHICLES

Manufactured and mobile home communities, recreational vehicles serving as primary residences: ***EHB 1227, CH 79 (2009)**
 Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**

RECYCLING

Mercury-added general purpose lights, provisions for sales, recycling, and disposal: SB 5813
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: SB 5543
 Paper, state agency paper conservation program to use one hundred percent recycled content paper: ***SHB 2287, CH 356 (2009)**

RESTAURANTS

Liquor license fees, increases: ***EHB 2358, CH 507 (2009)**
 Local sales and use tax, county authority to impose upon the retail sale or use of certain food and beverages for special funding: ESHB 2252
 Spirits, limitation on purchase discounts for certain liquor control board-licensed establishments: SB 6119
 Trans fat, food establishments prohibited from serving certain food containing: SB 5857

RETIREMENT AND PENSIONS

Closed plans within state retirement systems, preserving fully funded status of certain plans: SB 6046
 Court employees, PERS retirement benefits for: SB 5523
 Death benefit for public employees, duty-related: EHB 1547, SB 5312
 Defined contribution retirement system for new public employees, teachers, and school employees, development: SB 6045
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: SB 5306
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302
 Firefighters, survivor benefits: ***HB 1506, CH 156 (2009)**, SB 5311
 Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: ***SHB 1953, CH 157 (2009)**, SB 5309
 Higher education employees, annuities and retirement accounts: SB 5308
 LEOFF plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046
 LEOFF plan 1, survivor's death benefits: SB 6078
 LEOFF plan 2, access to catastrophic disability medical insurance: EHB 1679, SB 5541
 LEOFF plan 2, minimum retirement allowance to members disabled in line of duty before January 1, 2001: ***HB 1678, CH 95 (2009)**, ***SB 5542 (2009) V**
 Mailings to certain state retirement systems' members, department of retirement systems to provide assistance: SB 5238
 Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: SHB 2196
 PERS plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046
 PERS retirement benefits for court employees: SB 5523
 PERS, calculation of average final compensation for plan 1, 2, and 3 members during 2009-2011 fiscal biennium: ***SB 6157, CH 430 (2009)**
 PERS, plan membership default provisions: HB 1722, SB 5307
 PERS, postretirement employment provisions: SB 5490

Retired participant resumption of service, including volunteer firefighters, emergency workers, and reserve officers: SB 5632

Retirement system, obsolete statutes repealed: ***SB 5305, CH 110 (2009)**

Retirement systems, interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313

SERS, postretirement employment provisions: SB 5490

State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: SB 5489

State retirement systems, lowering general salary increase assumption for actuarial funding of system: SB 5304

State retirement systems, postretirement employment provisions for PERS, SERS, and TRS: SB 5490

State retirement systems, state actuary to consider long-term demographic assumptions when making recommendations to pension funding council: HB 1544, SB 5310

Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226 (2009)**, SB 5314

Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: ***SB 5303, CH 209 (2009)**

Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: ***SHB 1953, CH 157 (2009)**, SB 5309

TRS plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046

TRS, postretirement employment provisions: SB 5490

Washington voluntary retirement accounts program: SB 5791

WSPRS administration, state patrol retirement board and retirement system expense account created: SB 5332

WSPRS, benefits for domestic partners: ***ESHB 1445, CH 522 (2009)**, SB 5439

WSPRS, deferred option plan eligibility and policies: SB 5333

RETIREMENT SYSTEMS, DEPARTMENT (See also RETIREMENT AND PENSIONS)

Defined contribution retirement system for new public employees, teachers, and school employees, development by department and state actuary: SB 6045

Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313

Mailings to certain state retirement systems' members, department to provide assistance: SB 5238

Obsolete statutes repealed: ***SB 5305, CH 110 (2009)**

PERS, calculation by department of average final compensation for plan 1, 2, and 3 members during 2009-2011 fiscal biennium: ***SB 6157, CH 430 (2009)**

Postretirement employment provisions for PERS, SERS, and TRS: SB 5490

Separated plan 2 members, participation in insurance plans and contracts by members of certain plan 2 retirement systems: SB 5489

REVENUE, DEPARTMENT

Annual property revaluation grant program: SB 5099

Annual property revaluation grant program for counties: SB 5368

Business and occupation tax, department to study a subtraction method business value added tax as an alternative to: SB 6081

City-county assistance account, department to certify amounts to be distributed: ***SB 5511, CH 127 (2009)**

Current property valuation system, department to study level of uniformity and recommend improvements: SB 6080

Electronic methods for filing, payment, and assessment of taxes administered by department: SB 5571

Resale certificates, improper use of and replacement with seller's permits issued by department: ***SB 6173, CH 563 (2009)**

Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**

Tax collection, enhancing department's tools for collection in order to promote fairness and efficiency: ***SB 5568, CH 309 (2009)**, SB 6169

Tax exemption information, public disclosure exemption removed: SB 5885

Taxes and tax rates, department to make publicly available through an online searchable database: SB 6105

REVISED CODE OF WASHINGTON

Campaign funding and disclosure laws, recodification: SB 5029

Certified mail with a return receipt requested, use of term in RCW: ***HB 1426, CH 251 (2009)**

Editorial standards for publication, revision: ***HB 1058, CH 186 (2009)**, SB 5121

Gender-based terms, technical corrections: ***SB 5038, CH 549 (2009) PV**
 Initial point of contact program, technical nonsubstantive corrections: SB 5528
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377 (2009)**
 Statutory construction, legislative task force: SB 5152
 Technical corrections, various statutes: ***EHB 1059, CH 187 (2009)**, SB 5122

RIVERS

Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: SB 5299
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***SB 6070, CH 426 (2009)**
 Instream flows, setting: SB 5754
 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***SB 6070, CH 426 (2009)**

ROADS AND HIGHWAYS

Alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange, authorization: ***2SHB 1481, CH 459 (2009)**
 Anacortes to San Juan Islands ferry route, added to scenic and recreational highway system: ***SB 5289, CH 277 (2009)**
 Automated traffic safety cameras, use in ferry zones: SB 5685
 County road construction budget restrictions, recalculating day labor construction projects: SB 5228
 Department of transportation highway contracts, bond amounts: SB 5499
 Digital advertising signs on highways, prohibiting display: SB 6102
 Failing to properly cover vehicular loads of dirt, sand, and gravel, requirements, violations, and penalties: SB 5846
 Ferry system, all state ferry routes added to scenic and recreational highway system: ***SB 5289, CH 277 (2009)**
 General obligation bonds, issuance to fund transportation projects: ***ESHB 1272, CH 498 (2009)**
 High capacity transportation corridor areas, establishment and funding: ***SB 5540, CH 280 (2009)**
 High occupancy toll lanes, toll penalties for violations of restrictions: SB 5683
 Highway construction review and site selection process, prioritizing use of public land: SB 5684
 Highways of statewide significance, certain state routes designated as: HB 1431, SB 5363
 Interstate 5/Columbia River/Vancouver project, funding restrictions: SB 6040
 Jurisdictional route transfers, transferring responsibility for: ***SB 5028, CH 260 (2009)**
 Marine container ports, land use and transportation planning for: ***ESHB 1959, CH 514 (2009)**, SB 5853
 Motorcycle toll rates, including motorcycles with trailers in tow: SB 5652
 Regional transportation corridor authority, establishment: SB 5493
 Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277 (2009)**
 Scenic and recreational highway system, Anacortes to San Juan Islands ferry route added: ***SB 5289, CH 277 (2009)**
 Scenic and recreational highway system, portion of state route 7 to be excluded: HB 1302
 State boundary bridge, construction requirements and funding: SB 5330
 State funding for local projects, greenhouse gas emissions criteria: SHB 2010
 State highways within tribal reservation boundaries, tribal authority for setting maximum speed limits: ***HB 1448, CH 383 (2009)**, SB 5331
 State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**, SB 5365
 State route 110, renaming a portion as the "Operations Desert Shield and Desert Storm Memorial Highway": SHJM 4004
 State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463, SB 5287
 State route 164, designation as highway of statewide significance: HB 1037, ***SB 5642, CH 262 (2009)**
 State route 2, development plan: SHB 1575, SB 5394
 State route 2, funding of projects: SB 5037
 State route 397 extended to I-82: ***HB 1000, CH 184 (2009)**, SB 5234
 State route 502, designated as Battle Ground highway: SB 5085
 State route 502, naming a portion as the "Lewisville Highway": ***SJM 8006 (2009)**
 State route 503, designated in part as Lewisville highway: SB 5085
 State route 503, to be named "Battle Ground Highway": ***SJM 8006 (2009)**
 State route 520 corridor, issuance of general obligation bonds to fund projects: ***ESHB 1272, CH 498 (2009)**
 State route 520 floating bridge, authorization of early tolling to finance replacement floating bridge and landings: ***ESHB 2211, CH 472 (2009)**
 State route 7, portion of route to be excluded from scenic and recreational highway system: HB 1302

State route 9 Snohomish river bridge replacement project, department of transportation to begin environmental planning process and prepare final design: SB 6072
 State route 99 Alaskan Way viaduct replacement project finance plan: SB 5768
 State route number 520 work group, creation: ***ESHB 2211, CH 472 (2009)**
 Statewide telework program, department of transportation collaboration with Washington State University: SB 6018
 Studded tires, permit required for use: SB 5859
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: SB 5795
 Toll revenue, constitutional amendment requiring use exclusively for highway purposes: SJR 8207, SJR 8215
 Toll revenue, use for eligible tolling facilities and payment of principal, interest, and premium on bonds related to transportation projects: ***ESHB 1272, CH 498 (2009)**
 Transportation accountability regions and regional transportation accountability boards, establishment, powers, duties, and financing: SB 6064
 Transportation regions, realignment: SB 5682

SALES

Beer and wine boutique and gift delivery license, off-premises sales: SB 5111
 Bisphenol A in products, prohibition: 2SHB 1180
 Bisphenol A in products, prohibition and alternatives: SB 5282
 Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: SB 5395
 Cigarettes and tobacco products, liquor control board licensing administration authority: ***SHB 1435, CH 154 (2009)**, SB 5366
 Crimes against property, threshold values: SB 5225, ***SB 6167, CH 431 (2009)**
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507 (2009)**
 Manufactured homes, restricting consignment contracts in favor of listing contracts: SB 5668
 Mobile homes, restricting consignment contracts in favor of listing contracts: SB 5668
 Motor vehicle wholesalers, retailers, and associated service providers, business and occupation tax rate reduction: SB 5996
 Motor vehicles, dealer disclosure of damage to new or previously unregistered vehicle: SB 5388
 Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**
 Rebates, consumer protections: SB 5978
 Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**
 Retail crime task force: SB 5225, ***SB 6167, CH 431 (2009)**
 Retail products, testing for deca-bde: SB 5977
 Retail theft, aggravated: SB 5622
 Retail transactions, credit card interchange fee definition and limitations: SB 5094
 Retailers to provide notice to customers in the event of a product recall or safety warning: SB 5866
 Retailers, sales tax sourcing provisions: SB 5113, SB 5357
 Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: SB 5906, SB 6170
 Tobacco products, sale by mail order or internet: SB 5340

SALMON

Recovery, consolidation of certain activities and programs within the recreation and conservation office: ***SHB 2157, CH 345 (2009)**, SB 6004
 Recovery, program and monitoring board for lower Columbia: ***HB 1063, CH 199 (2009)**
 Salmonid hatcheries closed or scheduled for closure, department of fish and wildlife to establish department-partner agreements for operation and management: ***2SHB 1951, CH 340 (2009)**
 Upper Columbia river recreational salmon and steelhead pilot stamp program: SB 5421

SCHOLARSHIPS

American Indian endowed scholarship program, matching fund requirement eliminated: SB 5001
 Conditional scholarship programs to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
 Washington investment in student excellence scholarship program: SB 5606
 Washington promise scholarship program: SB 5175

SCHOOL EMPLOYEES' RETIREMENT SYSTEM

- Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: SB 5306
- Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302
- Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313
- Lowering general salary increase assumption for actuarial funding of system: SB 5304
- Postretirement employment provisions: SB 5490
- Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: ***SB 5303, CH 209 (2009)**

SCHOOLS AND SCHOOL DISTRICTS (See also PUBLIC INSTRUCTION, SUPERINTENDENT; TEACHERS)

- Achievement gap advisory committee, establishment within office of the superintendent of public instruction: SB 5973
- Achievement gap oversight and accountability committee, establishment within office of the superintendent of public instruction: SHB 2147
- Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**
- Annual school district compliance reports, superintendent of public instruction to review: SB 5738
- Art for public buildings, removing requirement to purchase during 2009-2011 biennium: SB 5163, SB 5693
- Basic education, redefinition, funding, and accountability: ***ESHB 2261, CH 548 (2009) PV**
- Basic education, refining and redefining: ESB 6048
- Capital projects funds, use by school districts: ***ESHB 1619, CH 460 (2009)**, SB 5807
- Career and technical student organizations, state support: SB 5593
- Certificated employees, notification date for nonrenewal of contracts of: ***SB 5487, CH 57 (2009)**
- Child abuse, superintendent of public instruction to establish standards for education programs for prevention: SB 5935
- Civics instruction added to requirements for receiving a high school diploma: ***HB 2132, CH 223 (2009)**
- Classified staff training, development and offering to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
- Commission for quality education in Washington, creation: SB 5607
- Common school provisions, various sections suspended or amended to provide flexibility in the educational system: 2SHB 2167, SB 5880, SB 5889, SB 5890
- Community and school partnerships, forming programs to help students develop saleable skills: SB 5660
- Community schools program, grants for development of community schools and conversion of empty schools into community facilities: E2SHB 1618
- Construction, school construction assistance grant program financing: ***HB 1113, CH 6 (2009)**
- Correcting or restraining a child, actions presumed unreasonable for purposes of discipline: SB 5706
- Cost-of-living increases for district employees, suspension of: ***SHB 2363, CH 573 (2009)**
- Defined contribution retirement system for new public employees, teachers, and school employees, development: SB 6045
- Diagnostic assessments, school district access to assessments to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
- Digital learning commons, district responsibility for online course costs and guidelines: SB 5410
- Digital learning programs, accreditation: SB 5378
- District board of directors, elections in first-class school districts: SB 5168
- District employees, using public resources for personal benefit: ***SHB 1319, CH 224 (2009)**
- District funding, basic education allocation from superintendent of public instruction to exclude certain state forest land revenues: SHB 1774, SB 5722
- District treasurer, authority of district to designate: SB 5828
- Dropout reengagement system, establishing through statewide model contracts and interlocal agreements: SHB 1418, SB 5618
- Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: ***2SHB 2119, CH 450 (2009)**
- Dual-credit programs, moneys from institutional financial aid fund available for: ***E2SHB 2021, CH 215 (2009) PV**
- Dyslexia, educator training program to enhance skills of students with: SB 6016
- Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541, SB 5302
- Electric shock devices, prohibited in schools: SB 5263
- Elementary and secondary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**

Elementary school students, recess periods: SB 5551
 Employee benefits, definitions for health care: SB 5515
 Employees of districts, suspension of cost-of-living increases: ***SHB 2363, CH 573 (2009)**
 Employees, crimes requiring dismissal or certificate revocation: ***ESHB 1741, CH 396 (2009)**, SB 5189
 Financial education, standards and requirements: ***SHB 1347, CH 443 (2009)**
 Financial, student, and educator data, establishment of comprehensive education data improvement systems and a data governance board: SB 5941
 Fingerprint-based record checks, state patrol to provide to school and educational service districts free of charge: ***HB 1852, CH 170 (2009)**, SB 5694
 First-class school districts, board of director elections: SB 5168
 Food service, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: SB 5361
 Freedom of speech and press, students': SB 5946
 Gangs, residential educational programs for juveniles found to be gang members: SB 5715
 Graduation requirements, using five-component multiple measures and set weighted graduation score to achieve: SB 5459
 Graduation without a certificate of academic achievement or certificate of individual achievement, change in requirements: ***HB 1562, CH 17 (2009)**, SB 5498
 Health insurance, requirement for districts to purchase coverage through health care authority: SB 5491
 High school diplomas, expanding options for students to earn: ***SHB 1758, CH 524 (2009)**
 High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: SB 5260
 Home schooling, annual parental declaration of intent to be exempt from public disclosure: ***HB 1288, CH 191 (2009)**, SB 5661
 Home-based instruction, school district advertising and marketing to students prohibited: ***SHB 1110, CH 190 (2009)**
 Immunization of children, required documentation for exemption from: ESHB 1703, SB 5707
 Impact fees for school facilities, extension of time limit for fee use: ***SB 5580, CH 263 (2009)**
 Influenza vaccination pilot program: SB 5372
 Innovation academies, office of the superintendent of public instruction to design and implement plan for: SHB 2147
 K-12 basic education, plan for full funding: SB 5607
 Kindergarten entry assessments to be recommended by superintendent of public instruction and department of early learning: SB 5619
 Levies, calculation of levy base: SHB 1776, SB 5721
 Levies, changing timing provisions through a proposed constitutional amendment: SB 5887, SJR 8213
 Levies, equalization through local effort assistance funding: SB 5774
 Levies, funding capital projects: SB 5807
 Levies, levy base calculation modification as part of statewide salary equalization process: SB 5379
 Middle school students, career and technical education programs: SB 5676
 Military children, interstate compact on educational opportunity: HB 1075, SB 5248
 National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: ***2SHB 1355, CH 238 (2009)**, SB 5773
 Paraeducator tutor certification requirements: ESHB 1889, SB 5918
 Peace corps volunteers, leaves of absence for employees serving as: SB 5080
 Postsecondary credits earned by high school students, incentives for districts in the form of additional allocations for each student: SB 5805
 Profoundly divergent children, providing special needs educational programs for: SB 6073
 Public education, creating a comprehensive system of programs, finance, and accountability: SB 5444
 Remedial and precollege classes, school district responsibility: SB 5188
 Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: 2SHB 2113
 Rights of students and their parents or guardians, annual school district notification to students and parents or guardians: 2SHB 1762
 Running start program, provisions: ***2SHB 2119, CH 450 (2009)**
 Running start program, revising provisions: SB 5924

Safe routes to school program, department of transportation to administer a competitive grant program and fund an ongoing state center: SB 5743

Safe routes to school program, establishment within department of transportation: ***SHB 1793, CH 392 (2009)**

Salary allocations for districts, six-year statewide equalization process: SB 5379

Savings in education programs, revision of various provisions in order to achieve: ***SHB 2343, CH 539 (2009)**

School environmental health and safety rules, phasing-in period: SB 5779

School plant funding, renaming components of appropriations allotment formula: HB 2142, ***SB 5980, CH 129 (2009)**

School year, one hundred eighty-day requirement: SB 5112

School year, waivers from one hundred eighty-day requirement for school districts proposing a flexible calendar: ***SHB 1292, CH 543 (2009)**

Scoliosis screening in schools, eliminating: ***HB 1322, CH 41 (2009)**

Scoliosis screening in schools, eliminating requirements for: SB 5074

Secondary and elementary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**

Sexual misconduct with a minor in first and second degree, school employee perpetrators: ***EBH 1385, CH 324 (2009)**

Sexual misconduct with a student by a school employee: SB 5232

Small school district contingency fund program: HB 1757

Spanish and Chinese language instruction pilot program: SB 5658

Special education programs, billing for medical services through: ***HB 1155, CH 73 (2009)**, SB 5201

State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**, SB 5650

Student achievement fund allocation rates to be specified in omnibus operating appropriations act: ***SHB 2356, CH 541 (2009)**

Student achievement fund appropriations, transfer by superintendent of public instruction: ***ESB 6137, CH 547 (2009)**

Student discipline policies, use of physical force, mechanical restraints, and chemical sprays for discipline restricted: SB 5624

Student transportation financing, updating funding formula: SB 5914

Teachers, alternative route program for certification for veterans and national guard members: ***HB 1156, CH 192 (2009)**

Teachers, funding for pursuing national board for professional teaching standards certification: ESB 5714

Teachers, professional development programs and national board certification bonuses to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

Teachers, teacher assistance program to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: ***SB 5303, CH 209 (2009)**

Tribal schools, allocation of education moneys: SB 5801

Truancy provisions: SB 5881

Vision screening for public school students: SB 5958

Visual impairments, bi-state partnership for teachers of children with: SB 5176

Washington state center for childhood deafness and hearing loss, direction of state school for the deaf by: ***E2SHB 1879, CH 381 (2009)**

WASL legislative work group, recommendations: SB 5414

Youth innovation education programs, superintendent of public instruction to distribute grant moneys to: SB 5900

Youth sports, adoption of policies for the management of concussions and head injuries: ***EBH 1824, CH 475 (2009)**, SB 5763

SCIENCE

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**

Cultural access authorities, creation, organization, and funding: SB 5786

Puget Sound science panel and scientific research account, provisions: ***HB 1997, CH 99 (2009)**

Science advisory group to provide advice to climate change impacts coordinating team: SB 5138

Soil and wetland science, advisory committee: SB 5698

Soil and wetland scientists, certification: SB 5698

SECRETARY OF STATE

Archives and records management division established: SB 6101

Constitutional amendments and state measures, notice method and contents: SB 6123

Constitutional amendments, notice method and contents: SJR 8217
 Corporations and partnerships, registration provisions: ***SHB 1592, CH 437 (2009)**, SB 5849
 Elections division, reducing costs of: SB 6122
 Partnerships and corporations, registration provisions: ***SHB 1592, CH 437 (2009)**, SB 5849
 Political advertising, filing mailings with secretary of state to be archived: SB 5096
 State measures and constitutional amendments, notice method and contents: SB 6123
 Voter registration database, statewide: SB 5270

SENIOR CITIZENS

Electric and gas utility rates, discounts for low-income and low-income senior customers: SB 5290
 Housing facilities for low-income senior citizens, exemptions: ***SB 5470, CH 483 (2009)**
 Property tax exemptions for tax upon a residence: SB 5663
 Property tax programs for seniors, coverage deductions allowed for calculation of disposable income: SB 5662
 Property tax relief for senior citizens, requirements for eligibility: SB 6028
 Property tax, valuation freeze: SB 5109

SENTENCING

Abandonment of a dependent person in the fourth degree, penalties: ESHB 1234, SB 5454
 Aggravated first degree murder, including offenders fourteen years old and younger: SB 5820
 Alien firearm license, violations and penalties: ***2SHB 1052, CH 216 (2009)**
 Assault of a child in the first degree, offender sentencing review requirements and conditions of release: ***EHB 2279, CH 214 (2009)**
 Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**
 Body armor, sentencing enhancements for crimes committed while wearing: SB 5216
 Certificate of discharge, issuance in relation to existing no-contact order: SB 5167
 Certificate of discharge, no-contact order: ***ESHB 1002, CH 288 (2009) PV**
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**
 Community custody, developing an evidence-based community custody system for adult felons: SB 5325
 Community custody, provisions for alternative sentencing: ***SHB 1791, CH 389 (2009)**, SB 5702
 Community custody, technical corrections to RCW provisions: SB 5190
 Contempt of court sanctions, location of imprisonment: ***HB 1218, CH 37 (2009)**
 Cost savings, correctional: SB 6175
 County supervised community options: ***HB 1361, CH 227 (2009)**
 Crimes against property, threshold values: SB 5225, ***SB 6167, CH 431 (2009)**
 Crimes against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: SB 5639
 Criminal libel, repealing statutes: ***SB 5147, CH 88 (2009)**
 Cruelty to animals, penalties: SB 5790
 Cruelty to animals, violations and penalties: SB 5402
 Death penalty, abolition: SB 5476
 Delayed sentencing, offenders with a standard sentencing range under one year: SB 6067
 Domestic violence offenders, ensuring punishment: SB 5208
 Drug offenses, provisions for alternative sentencing: ***SHB 1791, CH 389 (2009)**, SB 5702
 Drug offenses, sentencing grid revisions: SB 6011
 Extraordinary medical placement, conditions: ***EHB 2194, CH 441 (2009)**
 Firearms possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**
 Gambling, underage: SB 5040
 Hunting, penalties for unlawful possession or use of lead shot: SB 5095
 Illegal alien offenders, release to immigration and customs enforcement agency for early deportation: ESB 6183
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: ***SB 5952, CH 180 (2009)**
 Marijuana possession, reclassifying from misdemeanor to civil infraction: SB 5615
 Motor carriers, violations and penalties: ***SHB 1843, CH 46 (2009)**
 Nonviolent criminals, alternatives to incarceration: SB 6175
 Persistent offenders, resentencing hearing required if offender classified as persistent based on conviction for robbery in the second degree: SB 5292

Prostitution-related offenses, impoundment of conveyances used in: SB 5934
 Prostitution-related offenses, impoundment of vehicles used in: ***ESHB 1362, CH 387 (2009)**
 Registration, juvenile sex or kidnapping offender relief of duty to register: SB 5326
 Retail crime task force: SB 5225, ***SB 6167, CH 431 (2009)**
 Retail theft, aggravated: SB 5622
 Sentencing guidelines commission, developing an evidence-based community custody system for adult felons: SB 5325
 Sentencing guidelines commission, extending authority to supervise offenders based on risk assessments: SB 5291
 Sentencing guidelines commission, technical corrections to RCW community custody provisions: SB 5190
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: ***EHB 1385, CH 324 (2009)**
 Sexual misconduct with a student by a school employee: SB 5232
 Tobacco sales, selling certain products by mail order or internet to someone other than a wholesaler or retailer: SB 5340
 Traffic infractions causing death or significant bodily harm to be considered criminal offenses in certain cases: SB 5838
 Unlawful public transit conduct, violations and penalties: SB 5513
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: SB 5183
 Voter registration and voting violations and penalties: SB 5213
 Work release, crime victims to submit input: ***HB 1076, CH 69 (2009)**, SB 5438

SEWAGE AND SEWERS (See also STORM SEWERS; WATER-SEWER DISTRICTS)

Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507
 Sewer facility construction, contract requirements: ***HB 2146, CH 344 (2009)**
 Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955

SEX OFFENSES AND OFFENDERS (See also CRIMINAL OFFENDERS; MENTAL HEALTH)

Commitment proceedings, counseling for sex offense victim who testifies: SB 5209
 Commitment proceedings, counseling for sex offense victim whose crime occurred in another state and who testifies: ***SHB 1221, CH 38 (2009)**
 Commitment proceedings, sexually violent predators: SB 5718
 Community custody, technical corrections to RCW provisions: SB 5190
 Competency evaluation and restoration, procedural reform: ESB 5519
 Computer access, offenders in special commitment center and less restrictive alternatives to have access controlled: SB 5218
 Electronic statewide unified sex offender registry program: SB 5261
 Offender residence approval, consideration of number of registered offenders within one mile as a factor: SB 5648
 Offenders, enhancing penalties for and monitoring of: SB 6115
 Offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Registered sex and kidnapping offenders, sex offender policy board to make recommendations concerning submission of information regarding offender e-mail addresses: ***ESHB 2035, CH 532 (2009)**
 Registration, juvenile sex or kidnapping offender relief of duty to register: SB 5326
 Registry program for sex offenders, electronic statewide unified: SB 5261
 Risk assessments, extending authority to supervise offenders based on: SB 5291
 School employee perpetrators, sexual misconduct with a minor in first and second degree: ***EHB 1385, CH 324 (2009)**
 School employees, sexual misconduct with a student: SB 5232
 Secure residential facilities for sexually violent predators, limiting siting to properties zoned for industrial use: SB 6125
 Sexual exploitation of children, definition of sexually explicit conduct: SB 5145
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: ***EHB 1385, CH 324 (2009)**
 Sexually violent predators, commitment proceedings: SB 5718
 Sexually violent predators, limiting siting of secure residential facilities to properties zoned for industrial use: SB 6125
 Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912, SB 5611
 Special commitment center and private detention facilities, security information disclosure exemption: ESB 5014
 Special commitment center, resident access to computers to be controlled: SB 5218
 Special commitment center, security information disclosure exemption: ***HB 1030, CH 67 (2009)**

Viewing minors engaged in sexually explicit conduct on the internet, penalties: SB 5183

SEXUAL ORIENTATION (See also DISCRIMINATION)

Civil marriage equality, including same-sex couples: SB 5674

Domestic partners, state insurance and pension benefits: ***EBH 1616, CH 523 (2009)**

State registered domestic partners, rights and responsibilities: SB 5688

SEXUALLY TRANSMITTED DISEASES

Sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

SHERIFFS

Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**

Civil service commissions, five-member commissions authorized: ***SB 5322, CH 112 (2009)**

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131

Dogs, requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200

Drug testing for peace officers, provisions: SB 5740

Medication management in jails, jail medication management work group to develop a model policy: SB 5252

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160

Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186

SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Developmental disabilities, work group for developing screening tool and providing recommendations for accommodating offenders with: ***E2SHB 2078, CH 447 (2009)**

Jail medication management work group to be convened by the association to develop a model policy: SB 5252

Sex offenders, electronic statewide unified sex offender registry program: SB 5261

SHORELINES AND SHORELINE MANAGEMENT

Olympia isthmus, designation as a shoreline of statewide significance under the shoreline management act: SB 5800

Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405 (2009)**

Shoreline management act, local government authority to adopt moratoria and interim official controls: ***ESHB 1379, CH 444 (2009)**

Shorelines hearings board, use of short boards for appeals: ***SB 6165, CH 422 (2009)**

Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

SMOKING

Cigarette tax, distribution of revenues from additional taxation: SB 5626

Little cigars, taxation: SB 6128

Novelty lighters, prohibition of sale and distribution: SB 5011

Tobacco products, sale by mail order or internet: SB 5340

SNOWMOBILES

Snowmobile account, fuel tax rate for determining fuel tax distributions to: SB 5783

SOCIAL AND HEALTH SERVICES, DEPARTMENT

Adoption, department duties: SB 5803

Adult family home providers, department to establish geriatric specialty certification: ***E2SHB 1935, CH 530 (2009)**, SB 5932

Apple health for kids program, department to manage in cooperation with state and local agencies: ***ESHB 2128, CH 463 (2009) PV**

Applications for assistance from persons currently ineligible to receive assistance: SB 6024

Art works for correctional facilities and halfway houses, taxpayer funding of prohibited: SB 5217

Autism, foster parent training program to include needs of children with: SB 6071

Boarding homes, department notice to providers and hearing required before medicaid daily payment rate adjustments: ***HB 1527 (2009) V**

- Chemical dependency specialist services at children and family services offices, department contracting for: ***SB 6179, CH 579 (2009)**
- Child care providers, various provisions: SB 5506
- Child support license suspension program: SB 5166
- Child support, review of support payments by secretary of department: ***HB 2347, CH 527 (2009)**
- Child welfare services, crisis residential center provisions and appropriations: ***SHB 2346, CH 569 (2009)**
- Child welfare services, performance-based contracts: SB 6031
- Child welfare services, performance-based contracts for the provision of: SB 5943
- Child welfare services, remediating racial disproportionality in: HB 2164
- Child welfare system, enhancing safety and well-being of children through performance-based contracts with supervising agencies: ***2SHB 2106, CH 520 (2009) PV**
- Child welfare system, recommendations of racial disproportionality advisory committee: SB 5882
- Child welfare system, reducing racial disproportionality in system and racial disparities in outcomes: ***2SHB 2106, CH 520 (2009) PV**
- Child welfare transformation design committee, establishment: SB 5943
- Child welfare transparency committees, creation: SB 5654
- Children's mental health services, access to care standards: ***2SHB 1373, CH 388 (2009)**
- Community integration assistance program: ***SHB 1201, CH 319 (2009)**
- Correctional facilities and jails, providing assistance for persons with developmental disabilities after their release: ***E2SHB 2078, CH 447 (2009)**
- Crimes against vulnerable adults, reporting and investigations: SB 5639
- Criminal background checks for employees and providers, provisions: SB 5950
- Criminal background checks for long-term care workers and providers, provisions: SHB 2068
- Crisis residential centers for children, provisions and appropriations: ***SHB 2346, CH 569 (2009)**
- Dependency proceedings, department notification of duties and responsibilities to a child subject to: SB 5758
- Dependency proceedings, notice of custody and process for out-of-home care placement to encourage parental engagement in overall process: ***ESHB 1782, CH 477 (2009)**
- Developmental disabilities, eligibility for respite care for primary care providers: 2SHB 1429, ***SB 5547, CH 312 (2009)**
- Developmental disabilities, intensive behavior support services: SB 5117
- Developmental disabilities, vendor rates for supported living providers: SB 5101
- Developmental screenings for children, public medical assistance to include: SB 5484
- Disproportionate share hospital adjustments, appropriations of funds for: ***HB 2349, CH 538 (2009)**
- Electronic applications and signatures as part of benefit application process: ***HB 1270, CH 201 (2009)**, SB 5197
- Family and children's services, department's powers, duties, and functions pertaining to children and family services transferred to department of: SB 6031
- Federal financing of health care, department to request further funding for certain programs: SB 5730
- Federal fostering connections to success and increasing adoptions act of 2008, implementation: ***E2SHB 1961, CH 235 (2009)**
- Foster care, foster parent licensee to notify licensor before moving to new location: HB 1101, ***SB 5015, CH 206 (2009)**
- Foster family homes, placement of child returning to out-of-home care: SB 5431
- Foster parent information, department to maintain for public review: SB 5653
- Foster parent training program, department to include needs of children with autism: SB 6071
- General assistance, modification of eligibility and other provisions: SB 6155
- Health care, affordable nonsubsidized state coverage for children: SB 5202
- Home care, intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 (2009) V**
- Home care, modifying state payments to agencies by prohibiting payment for in-home care in certain cases: ***SHB 2361, CH 571 (2009)**
- Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**
- Infant toddler early intervention program: SB 5373
- Intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 (2009) V**
- Intermediate care facilities, requirements for allowing residents to exercise control over life decisions: SB 5640
- Juvenile offender programs, pilot program to increase family participation: SB 5141
- Less restrictive treatment, renewal of orders for persons released from involuntary mental health treatment: ***ESHB 1349, CH 323 (2009)**
- Long-term care facilities, requests for waiver of rights of residents prohibited: SB 5226

Medicaid, annual personal needs allowance adjustments for medicaid-eligible persons receiving care in institutions or community settings: SB 5196

Medicaid, department notice to boarding home providers and hearing required before adjustments to daily payment rate: ***HB 1527 (2009) V**

Medicaid, nursing facility payment system clarifications: ***EHB 2357, CH 570 (2009)**

Medicaid, simplifying nursing facility payment system: SB 6163

Medical assistance, adjustment of payment rates for noncritical access hospitals by department: SB 6176

Medical care, Washington health care partnership plan to be established: SB 5945

Medical support obligations as part of child support order, provisions: ***SHB 1845, CH 476 (2009)**, SB 5612

Mental health services for children, access to care standards: ***2SHB 1373, CH 388 (2009)**

Mental health, community integration assistance program: ***SHB 1201, CH 319 (2009)**

Newborn children, appropriate locations for transfer: SB 5318

Noncritical access hospitals, adjustment of medical assistance payment rates by department: SB 6176

Nursing facility medicaid payment system, clarifying legislative intent regarding statewide weighted average and other factors: ***EHB 2357, CH 570 (2009)**

Nursing facility medicaid payment system, simplifying: SB 6163

Organization of the department, regional service delivery system boundaries: ESHB 2295

Persons with developmental disabilities serving time in correctional facilities and jails, providing assistance after their release: ***E2SHB 2078, CH 447 (2009)**

Pharmacy payments, department audit program: SB 5794

Primary care medical home reimbursement pilot projects, evaluation of by health care authority and department: 2SHB 2114, SB 5891

Reorganization of department into several smaller, more focused agencies: SB 5656

Residential habilitation centers, department authority to provide services in certain cases of developmental disability: SB 6182

Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: 2SHB 2113

Searchable electronic database of findings of abuse, neglect, financial exploitation, and abandonment, establishment and maintenance by department: SB 5639

Sentence for treatment program, department to maintain a medium security youth camp for: SB 6039

Sexually aggressive youth, treatment eligibility and funding: ***SHB 1419, CH 250 (2009)**

Sexually transmitted diseases, sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

Sexually violent predators, computer access to be controlled for residents of special commitment center and less restrictive alternatives: SB 5218

Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912, SB 5611

Special commitment center and private detention facilities, security information disclosure exemption: ESB 5014

Special commitment center, resident access to computers to be controlled: SB 5218

Special commitment center, security information disclosure exemption: ***HB 1030, CH 67 (2009)**

Special education programs, billing for medical services through: ***HB 1155, CH 73 (2009)**, SB 5201

Telemedicine, delivery of medical assistance program home health care services through: ***SHB 1529, CH 326 (2009)**, SB 5497

Unintended pregnancy, sexual health education funding for programs to help prevent: ***SB 5629, CH 303 (2009)**

Waiver of rights of residents of long-term care facilities, requests prohibited: SB 5226

Washington health care partnership plan, establishment: SB 5945

Washington state apple health community care council, creation within department and duties: SB 5898

WorkFirst program, exemption from participation following birth of child and subsequent notification of services: SB 5286

WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: ***SHB 2071, CH 85 (2009) PV**

SOLID WASTE

Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: SHB 1135, SB 5797

Biomass energy based on certain solid waste included in definition of renewable resource: SB 5806

Handling facilities, anaerobic digesters for processing livestock manure and organic waste-derived material: SHB 1135, SB 5797

SPECIAL PURPOSE DISTRICTS

Boundary review boards, authority to expand annexation limited: SHB 1457, SB 5420
 Diking district annexation of contiguous territory outside of district, procedure and exceptions: ESHB 1887
 Flood control districts, provisions: ESHB 1886
 Flood control districts, provisions for creation of districts that contain three or more counties: SB 5704
 Public health districts, authority to levy property taxes: SB 6074
 Voting rights in special districts, provisions: SB 5705
 Web sites of public agencies, required posting of certain information: SB 6098

SPORTS

Baseball stadium construction bonds, lodging and local sales and use taxes to be used for retiring: SB 6116
 Boxing, martial arts, and wrestling events, payment of certain event and license fees into business and professions account: ***SB 6126, CH 429 (2009)**
 Motorsports vehicles, cancellation of order by dealer: ***SHB 2208, CH 517 (2009)**
 Motorsports, termination or cancellation of manufacturer and dealer franchise agreements: ***ESHB 1664, CH 232 (2009)**
 Public community athletics programs, discrimination on the basis of sex prohibited: SB 5967
 Stadium and exhibition center development bonds, local sales and use taxes to be used for retiring: SB 6116
 Stadiums and arenas, funding publicly owned facilities from special purposes account: SB 6116
 Western Washington University, review by legislative task force of decision to terminate football team: SB 5784
 Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475 (2009)**, SB 5763

STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)

Administrative cost of state government, reducing through limits on hiring, personal service contracts, purchasing, travel, and training: ***HB 2328, CH 294 (2009)**, SB 6148
 Administrative procedure act, scope of agency actions under: SB 5983
 Air travel by state employees, ergonomic seat requirements: SB 5139
 Appropriations for 2009, 2010, or 2011, agency authority to use emergency rule making when implementing requirements or reductions: ***ESB 5915, CH 559 (2009)**
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: SB 5163, SB 5693
 Boards and commissions, administering, suspending, and eliminating: SB 5588
 Boards and commissions, elimination: SB 5994
 Boards, committees, and work groups, elimination, and transfer of duties: ***ESB 5995, CH 560 (2009)**
 Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449
 Certain boards, commissions, committees, and councils, consolidation: SB 5589
 Citizens public campaign act: SB 6177
 Claims for damages against state governmental entities, procedures and claim forms: ***ESHB 1553, CH 433 (2009)**
 Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: SB 5560
 Commute trip reduction programs for state agencies: SB 6088
 Debt limit, eliminating the statutory debt limit: SB 5537
 Denials of public records requests, right to request an in camera review of any records withheld by public agency: SB 5293
 Design of public facilities, life-cycle cost analysis to include calculation of embodied energy in building materials: SB 5385
 Electric vehicles, state agency role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418
 Emergency rule making, agency authority to use when implementing requirements or reductions in appropriations for 2009, 2010, or 2011: ***ESB 5915, CH 559 (2009)**
 Energy efficiency and renewable energy improvements for state property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**
 Ergonomic requirements, air travel by state employees: SB 5139
 Exempt employment, practices regarding: ***ESHB 2049, CH 534 (2009)**, SB 5939
 Green source of wood fiber, designating a source for state-funded construction: SB 6010

Health services account, violence reduction and drug enforcement account, and water quality account, elimination: SB 5408

High-performance public buildings, green building initiative's green globes rating system: SB 5384

High-speed internet, department of information services to conduct survey and create information system map of infrastructure owned or leased by state agencies: ***E2SHB 1701, CH 509 (2009)**

Hours of operation for state agencies, mandatory minimum: ***SB 6104, CH 428 (2009)**

Initiative measures, process for agency review of: SB 6184

Innovation discovery fund authority, created: SB 5919

Land surveying, definition and public agency requirements for professional land surveying: SB 5584

Legislative investigation and oversight, agency employees required to provide truthful information to legislature: SB 5520

Nonprofit corporations, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**, SB 5748

Office of the citizen advocate created within the legislative branch: SB 5456

Open public meetings access, opportunity for all interested rule-making hearing attendees to comment individually and orally: ***SHB 1552, CH 336 (2009)**

Open public meetings and public records board, committee to study feasibility of creating: SB 5339

Paper, state agency paper conservation program to use one hundred percent recycled content paper: ***SHB 2287, CH 356 (2009)**

Partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Projects of statewide significance, qualifications and procedures for designation: SB 5473

Public employees' benefits board, employee eligibility for benefits: ***ESHB 2245, CH 537 (2009)**, SB 5869

Public records and open public meetings board, committee to study feasibility of creating: SB 5339

Public records exemptions accountability committee, eliminating: SB 5119

Public records requests, definition of per page cost: SB 5251

Public records requests, denial if requestor has outstanding balance with agency: SB 5249

Public records requests, maximum per page copying charge: SB 5250

Public records, division of archives and records management established: SB 6101

Public records, updating management and retention provisions: SB 6101

Quality management, accountability, and performance system, each state agency to develop and implement: SB 6001

Records officer, each agency to designate to supervise its records management and retention program: SB 6101

Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: SB 5460

Reports prepared by certain state agencies, elimination or reduction in frequency of: ***ESHB 2327, CH 518 (2009) PV**, SB 6149

Reports to legislature and governor, mandatory electronic filing: HB 1753

Rule-making hearings public access, opportunity for all interested attendees to comment individually and orally: ***SHB 1552, CH 336 (2009)**

Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93 (2009)**

Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**

Small businesses, first-time paperwork violations: SB 5042

Special meetings, notification requirements for agency governing bodies: SB 5927

State environmental policy act review by the department of ecology: SB 5966

State forest lands with harvest encumbrances, transfer: SHB 1595

Technology discovery fund authority, created: SB 5897

Tuition waivers, reporting of higher education enrollment of state employees receiving tuition waivers: SB 5576

Utility facilities, notice of necessary relocation from public agency: EHB 1499

Washington competition council, promoting privatization through competitive contracting: SB 5409

Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583

Web sites of public agencies, required posting of certain information: SB 6098

Whistleblower program, clarifying provisions: SB 5591

STATE AUDITOR

Authority and role, repeal of citizen advisory board statutes to clarify: SB 5170

Citizen advisory board, repeal of statutes: SB 5170

STATE BUILDINGS

Design of public facilities, life-cycle cost analysis to include calculation of embodied energy in building materials: SB 5385

Heritage center, state capitol committee to approve names for public spaces: SB 5328

High-performance public buildings, green building initiative's green globes rating system: SB 5384

Legislative building, sales of wine at gift center: ***SHB 1415, CH 228 (2009)**

STATE GOVERNMENT (See also STATE AGENCIES AND DEPARTMENTS)

"The Evergreen State," official state nickname: SB 5116

Administrative cost of state government, reducing through limits on hiring, personal service contracts, purchasing, travel, and training: ***HB 2328, CH 294 (2009)**, SB 6148

Administrative procedure act, scope of agency actions under: SB 5983

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138

Appropriations for 2009, 2010, or 2011, agency authority to use emergency rule making when implementing requirements or reductions: ***ESB 5915, CH 559 (2009)**

Art for public buildings, removing requirement to purchase during 2009-2011 biennium: SB 5163, SB 5693

Boards and commissions, administering, suspending, and eliminating: SB 5588

Boards and commissions, elimination: SB 5994

Boards, committees, and work groups, elimination, and transfer of duties: ***ESB 5995, CH 560 (2009)**

Capital and operating budgets, general obligation bond issuance authority: ***ESHB 1272, CH 498 (2009)**, SB 5223

Certain boards, commissions, committees, and councils, consolidation: SB 5589

Claims for damages against state governmental entities, procedures and claim forms: ***ESHB 1553, CH 433 (2009)**

Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: SB 5560

Climatologist, office of the state: SB 5138

Debt limit, eliminating the statutory debt limit: SB 5537

Design of public facilities, life-cycle cost analysis to include calculation of embodied energy in building materials: SB 5385

Director of commercialization and innovation created within office of the governor: SB 6015

Electric vehicles, state government role in infrastructure development and transition from combustion to electric vehicles: ***2SHB 1481, CH 459 (2009)**, SB 5418

Emergency rule making, agency authority to use when implementing requirements or reductions in appropriations for 2009, 2010, or 2011: ***ESB 5915, CH 559 (2009)**

Energy efficiency and renewable energy improvements for state property owners, financing through sustainable energy trust program: ***E2SHB 1007, CH 65 (2009)**

Exempt employment, practices regarding: ***ESHB 2049, CH 534 (2009)**, SB 5939

False claims against a governmental entity, procedures and penalties: SB 5144, SB 5224

Flag, Washington state flag account: ***HB 1121, CH 71 (2009)**, SB 5053

Garry oak, official state oak tree: SB 5105

Green source of wood fiber, designating a source for state-funded construction: SB 6010

Health services account, violence reduction and drug enforcement account, and water quality account, elimination: SB 5408

Identification devices, limits on scanning: ***SHB 1011, CH 66 (2009) PV**

Income tax, state: SB 5104, SB 6147, SJR 8205

Interjurisdictional funding of projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Land surveying, definition and public agency requirements for professional land surveying: SB 5584

Legislative web sites, ethical use: SHB 1761

Nordic Heritage Museum, official state Nordic museum: SB 5079

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**, SB 5748

Office of the citizen advocate created within the legislative branch: SB 5456

Olympic marmot, official state endemic mammal: ***SB 5071, CH 464 (2009)**

Omnibus appropriations bills, public and legislative review period: SB 5186

Ornithologist, state: SB 5066

Projects of statewide significance, qualifications and procedures for designation: SB 5473
 Public records requests, definition of per page cost: SB 5251
 Public records requests, maximum per page copying charge: SB 5250
 Public records, division of archives and records management established: SB 6101
 Public records, updating management and retention provisions: SB 6101
 Public works projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**, SB 5399
 Records officer, each agency to designate to supervise its records management and retention program: SB 6101
 Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: SB 5460
 Reports prepared by certain state agencies, elimination or reduction in frequency of: ***ESHB 2327, CH 518 (2009) PV**, SB 6149
 Rules of court, new rules creating or increasing certain programs and services to be unenforceable without specific appropriation: SB 5240
 State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**, SB 5365
 Taxes and tax rates, department of revenue to make publicly available through an online searchable database: SB 6105
 Tuition waivers, reporting of higher education enrollment of state employees receiving tuition waivers: SB 5576
 Unexpired terms of office, elections to fill remainder of terms for certain statewide elected officials: SB 5728
 Uniform law commission: ***HB 1120, CH 218 (2009)**
 Washington competition council, promoting privatization through competitive contracting: SB 5409
 Washington innovation grant authority and grant program established: SB 5896

STATE PATROL

Amber alert plan, state patrol to develop and implement: SB 5012
 Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: ***SB 5413, CH 141 (2009)**
 CBRNE response program, policy and operations advisory groups: SB 5010
 CBRNE response program, statewide: SB 5010
 Chief for a day program, providing a day of special attention to chronically ill children: HB 1785, SB 5582
 Civil air patrol, authority to conduct homeland security, disaster relief, and search and rescue operations under governance of state patrol: SB 5636
 Crime laboratory, members added to forensic investigations council to strengthen oversight: SB 5039
 Crime laboratory, work group to evaluate need for virtual digital forensic lab: ***SB 5184, CH 27 (2009)**
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: SB 5131
 Digital forensic crime lab, work group to evaluate need: ***SB 5184, CH 27 (2009)**
 DNA identification system, broader collection of biological samples: SB 5026
 Donations, state patrol authority to accept: ***SB 5695, CH 108 (2009)**
 Drug testing for peace officers, provisions: SB 5740
 Endangered missing person advisory plan, state patrol to develop and implement: SB 5012
 Fingerprint-based record checks, state patrol to provide to school and educational service districts free of charge: ***HB 1852, CH 170 (2009)**, SB 5694
 Medication management in jails, jail medication management work group to develop a model policy: SB 5252
 Missing children, state patrol to develop and implement amber alert plan: SB 5012
 Motor carriers, compliance reviews and violations and penalties: SB 5815
 Motor carriers, safety requirements and compliance reviews: ***SHB 1843, CH 46 (2009)**
 Retirement system, industrial insurance death benefits for surviving spouses of members: HB 1212
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: SB 5160
 Surviving spouses of members, industrial insurance death benefits: HB 1212
 Traffic accident information, compilation and release in compliance with federal law: SB 6020
 Traffic stops, disclosure of notes and information compiled by law enforcement: SB 6186

STATE PATROL RETIREMENT SYSTEM

Administration of WSPRS, state patrol retirement board and retirement system expense account created: SB 5332
 Deferred option plan, eligibility and policies: SB 5333
 Domestic partners, benefits: ***ESHB 1445, CH 522 (2009)**, SB 5439
 Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313

Lowering general salary increase assumption for actuarial funding of system: SB 5304

STEELHEAD

Recovery, program and monitoring board for lower Columbia: ***HB 1063, CH 199 (2009)**

Upper Columbia river recreational salmon and steelhead pilot stamp program: SB 5421

STUDIES

Board for public records and open public meetings, committee to study feasibility of creating: SB 5339

Contracting out the state's retail sale of liquor, joint legislative audit and review committee to study impact: SB 5729

Current property valuation system, department of revenue to study level of uniformity and recommend improvements: SB 6080

Digital forensic crime lab, work group to evaluate need: ***SB 5184, CH 27 (2009)**

Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: SB 5306

Fiscal resources and needs of state, committee on Washington's finances to study: SB 5049

Joint transportation committee to conduct comprehensive research effort focused on alternative transportation funding methods: SB 5689

Language issues affecting purchasers of health insurance, insurance commissioner to study: SB 5140

Rural character and resource lands, William D. Ruckelshaus center to conduct an examination of policies guiding maintenance: 2SHB 1797

Specialized forest products, work group recommendations: ***SHB 1038, CH 245 (2009)**, SB 5169

State route 99 deep bore tunnel traffic and revenue study, to be conducted by department of transportation: SB 5768

Subtraction method business value added tax, department of revenue to study as an alternative to the business and occupation tax: SB 6081

Underground economy, joint legislative task force on the underground economy to study: ***SHB 1555, CH 432 (2009)**

Veterans, access to services: SB 5035

Washington state health insurance pool study of options for funding sources for operation of the pool: SB 5777

SUBDIVISIONS

Plat approval, hearing examiner fees: SB 5059, SB 5621

Plat approval, notifying irrigation district in certain cases when application received by city, town, or county for: SB 5839

Vesting laws, applications for plat approval: SB 5148

SUPERIOR COURT

Denials of public records requests, right to request an in camera review of any records withheld by public agency: SB 5293

Electronic recording equipment to record oral proceedings: SB 5386

Employees, PERS retirement benefits for: SB 5523

Judicial elections, provisions: SB 5488

Surcharges on various filing fees, clerks to remit for deposit in judicial stabilization trust account: ***SHB 2362, CH 572 (2009)**

Water rights adjudication, procedures: ***ESHB 1571, CH 332 (2009)**

SUPREME COURT

Campaigns, public funding provisions: SB 5912

Employees, PERS retirement benefits for: SB 5523

Judicial elections, provisions: SB 5488

Nonpartisan judicial commission, creation of: SB 5082

Nonpartisan supreme court commission for judicial nominees: SB 5093

Rules of court, new rules creating or increasing certain programs and services to be unenforceable without specific appropriation: SB 5240

Transferring all mandatory, regulatory, licensing, and disciplinary functions of the state bar association to the supreme court: SB 6025

Vacancies filled according to statute: SJR 8203, SJR 8204

SURVEYORS

Land surveying, definition and public agency requirements for professional land surveying: SB 5584

TATTOOS AND TATTOOERS

Sterilization requirements and standard universal precautions: SHB 1085, SB 5762

Tattooing, body art, body piercing, comprehensive regulations: SB 5391

Waivers of practitioner liability or exculpatory clauses signed by client declared void: SHB 1085

TAXES

Ballot titles to include tax consequences of ballot measures: SB 6099

Citizen commission for performance measurement of tax preferences, recommendations adopted: SB 5557, SB 5911

Electronic methods for filing, payment, and assessment of taxes administered by department of revenue: SB 5571

Environmental incentives, various: SB 6170

Incentives for renewable and nonrenewable energy resources, modifications: SB 6029

Incentives, various environmental: SB 6170

Reporting requirements of state and local tax programs: SB 5443

Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**

State and local tax programs, improving administration through comprehensive revisions: SHB 1597, SB 5569

Tax exemption information, public disclosure exemption removed: SB 5885

Tax revenue use flexibility during economic downturns, options for cities and counties: SB 6164

Taxes and tax rates, department of revenue to make publicly available through an online searchable database: SB 6105

Thermal electric generating facilities, distributions of tax proceeds from: SB 5717

Tourism industry tax revenues, repayment of general obligation bonds for ferry vessel construction through use of: SB 6005

TAXES - BUSINESS AND OCCUPATION TAX

Agricultural products exemptions income limit, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911

Alcohol fuel, exemption: SB 5467

Biomass fuels for electricity generation, tax credit for harvesters: SB 5441

Biomass fuels in renewable energy production, tax credit for harvesters: SB 6170

Bullion and rare earth metals, provisions for sales for investment purposes: SB 5395

Bunker fuel, manufacturing and selling for use outside United States waters by foreign commercial vessels: ***SB 6096, CH 494 (2009)**

Commute trip reduction tax credit, limitations: SB 5364

Credit against state income tax: SB 5104, SB 6147

Credit for qualified employment positions with eligible businesses in Washington: SB 5899

Digital products, changes in provisions related to: ***ESHB 2075, CH 535 (2009)**

Electric vehicle infrastructure deduction: SB 5418

Electrolytic processing businesses, exemption: SB 5206

Employer-assisted housing program, tax credits for participating employers: SB 5585

Employment programs for persons with development disabilities, motion picture competitiveness program contributions credit to be replaced with credit for contributions to: SB 6153

Environmental incentives, various: SB 6170

Family and medical leave, credit for an employer who hires a worker to replace an employee on: SB 5679

Historical parks and historic reserves, tax incentive program: SB 5083

Innovation discovery fund authority, exemption for income received by: SB 5919

International services business and occupation tax credit, provisions: SB 5769

Legal services provided by nonprofit organizations, exemption: ***HB 1579, CH 508 (2009)**

Membership dues and fees deductions, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911

Motion picture competitiveness program contributions credit, replacement with credit for contributions to employment programs for persons with developmental disabilities: SB 6153

Motor vehicle wholesalers, retailers, and associated service providers, rate reduction: SB 5996

Municipal business and occupation tax, restrictions on imposition by cities and towns: SB 5737

New businesses, exemptions: SB 6057

Newspaper industry, decreasing tax burden for: ***EHB 2122, CH 461 (2009)**, SB 5961

Newspaper, magazine, and periodical publishing, tax reductions for: SB 5962

Newspapers, taxation of publishing: SB 5942

Opportunity internship program, credit for persons in an opportunity internship consortium offering paid internships within certain guidelines: SB 5773

Printing businesses, tax reductions for: SB 5962

Radioactive waste, applicability of radioactive waste clean-up classification to kinds of work performed at Hanford site: SHB 1321, SB 6170

Radioactive waste, reduced business and occupation tax rate for cleanup at Hanford and other nuclear sites: SB 5390

Renewable energy manufacturing facilities, tax incentives: 2SHB 2130, SB 6069

Reporting requirements of state and local tax programs: SB 5443

Research and development credits, modifying provisions: SB 5733

Small businesses, reducing tax on: SB 5975

Small businesses, tax credit increase: SB 5050

Small water systems, exemption: SB 5855

Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications for sales at wholesale: SB 5906, SB 6170

State and local tax programs, improving administration through comprehensive revisions: SHB 1597, SB 5569

Subtraction method business value added tax, department of revenue to study as an alternative to the business and occupation tax: SB 6081

Technology discovery fund authority, exemption for income received by: SB 5897

Telecommunications companies, tax credit for contributions to Washington community technology opportunity account: SB 5916

Veteran-owned businesses, state contracts: SB 5041

Washington customized employment training program, credit allowed for participants: SB 5616

Washington innovation grant authority account, credit for contributions made to: SB 5896

Washington manufacturing innovation and modernization extension service program, tax credit for participants: SB 5713

Washington research and technology center, credit for contributions for the purpose of research and technology development grants: SB 5474

Wood biomass fuel, exemptions: SB 5467

TAXES - CIGARETTE TAX

Additional cigarette tax, distribution of revenues: SB 5626

Cigarettes, revenues to be deposited in reserve account and benefits account: SB 6093, SB 6094

TAXES - EXCISE TAX

Alcohol fuel, exemptions: SB 5467

Biodiesel fuel and biodiesel feedstock, exemptions: SB 5467

Business projects in rural counties, eligible persons claiming tax credit to complete an annual survey: SB 5341

Commercial parking tax, regional transportation accountability board authority to impose through special taxing district: SB 6064

Digital products, tax provisions, including exemptions: ***ESHB 2075, CH 535 (2009)**

Electric vehicle infrastructure, exemption from leasehold excise tax: ***2SHB 1481, CH 459 (2009)**, SB 5418

Foreclosure sales, real estate excise tax exemption for certain sales: SB 6062

High capacity transportation corridor areas, funding: ***SB 5540, CH 280 (2009)**

Impact fees, to be used for all fire protection facilities: HB 1080

Little cigars, taxation: SB 6128

Local motor vehicle excise tax, regional transportation accountability board authority to impose through special taxing district: SB 6064

Local option fuel tax, regional transportation accountability board authority to impose through special taxing district: SB 6064

Local option vehicle license fee, regional transportation accountability board authority to impose through special taxing district: SB 6064

Lodging tax, city or county authority to collect for furnishing of lodging: ESHB 2252

Lodging tax, limiting authority for levying special excise tax on furnishing of lodging: SB 6116

Lodging tax, removal of an expiration date applicable to heritage and arts program funding: SB 6051

Lodging taxes for convention and trade center account: SB 6118

Moist snuff, excise taxation of: SB 6151, SB 6159

Plastics tax, to be collected from primary plastics or primary plastic container manufacturers: SB 5747
 Project improvements, crediting against impact fees: SB 5548
 Real estate excise tax exemption for certain foreclosure sales: SB 6062
 Real estate excise tax exemptions to encourage sales of vacant homes to low-income buyers: SB 5753
 Real estate excise tax expenditures for parks and capital projects: SB 5630
 Real estate excise tax, expending existing city and county taxes on municipally owned heavy rail short lines: ***SB 5587, CH 211 (2009)**
 Renewable and nonrenewable energy resource incentives, modifications: SB 6029
 Reporting requirements of state and local tax programs: SB 5443
 Rural county tax credit, modification: SHB 1981, SB 5825
 Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**
 State and local tax programs, improving administration through comprehensive revisions: SHB 1597
 Streamlined sales and use tax agreement, harmonizing certain excise statutes with: SB 5566
 Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089
 Subtraction method business value added tax, department of revenue to study as an alternative to the business and occupation tax: SB 6081
 Taxes, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: ESHB 2252
 Tobacco products, excise taxation of moist snuff: SB 6151, SB 6159
 Tobacco products, taxation of little cigars: SB 6128
 Wood biomass fuel, exemptions: SB 5467

TAXES - INCOME TAX

State income tax: SB 5104, SB 6147, SJR 8205

TAXES - MOTOR VEHICLE FUEL TAX

Handling loss deduction eliminated: SB 5027
 Marine fuel, determining amount of motor vehicle fuel tax moneys derived from tax on: SB 5494
 Refunds, time period extended: SB 5159
 Snowmobile account, fuel tax rate for determining fuel tax distributions to: SB 5783
 State route 520 corridor general obligation bonds, use of tax revenues to pay principal and interest: ***ESHB 1272, CH 498 (2009)**

TAXES - PROPERTY TAX

Administration of property tax: ***E2SHB 1208, CH 350 (2009)**
 Artistic, scientific or historical purposes or activities, exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**
 Assessed valuation of real property, constitutional amendment limiting growth of: SJR 8211
 Citizen commission for performance measurement of tax preferences, recommendations concerning nonprofit exemptions adopted: SB 5557
 Community facilities districts, taxation levied by governing regional board of an authority: SB 5954
 Current property valuation system, department of revenue to study level of uniformity and recommend improvements: SB 6080
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SB 5424
 Current use valuation programs, provisions: ***SHB 1733, CH 255 (2009)**
 Electric vehicle infrastructure exemption: SB 5418
 Elimination in connection with imposition of state income tax: SB 5104
 Emergency medical care and services, limit for levies to fund: SB 5143
 Equestrian related activities, eligibility for current use valuation programs of land used for: SB 6063
 Exemption, hospitals charity care standards for receiving: SB 5347
 Farm and agricultural land classification, specifications for: ***EHB 1815, CH 513 (2009)**, SB 5792
 Farm and agricultural land, commercial agricultural purposes defined: SB 5817
 Habitat of threatened or endangered species, exemptions as part of process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Levies for schools, calculation of levy base: SHB 1776, SB 5721
 Levies for schools, changing timing provisions through a proposed constitutional amendment: SB 5887, SJR 8213
 Levies for schools, equalization through local effort assistance funding: SB 5774

Levies for schools, funding capital projects: SB 5807
 Levies for schools, levy base calculation modification as part of statewide salary equalization process: SB 5379
 Levies, adjustment of lid limits for certain local services: SB 5432
 Levies, ballot titles to indicate property tax levy's financial impact: SB 5098
 Levies, provisions modified: SB 5433
 Levies, reimbursing taxing districts for certain refunds and abatements of property tax: SB 6047
 Manufactured home communities, exemption: SB 5821
 Mobile home parks, exemption: SB 5821
 Programs for seniors, coverage deductions allowed for calculation of disposable income: SB 5662
 Public assembly halls, exemptions: SB 5634
 Public health districts, levy authority: SB 6074
 Real or personal property leased to a public hospital, exemption: SB 5570
 Real property, true and fair value determination: SB 5472
 Relief for senior citizens and persons retired due to physical disability, requirements for eligibility: SB 6028
 Reporting requirements of state and local tax programs: SB 5443
 Revaluation of property by counties for property tax purposes, annual: SB 5368
 Revaluation of property impacted by government restrictions, procedures: SB 5179
 Revaluation of property when values have declined: SB 5425
 Revaluations of real property, requirement that county assessors conduct revaluations after a certain percentage reduction in county median home prices: SB 6075
 Revaluations, annual: SB 5099
 Senior citizens and persons retired due to physical disability, valuation freeze: SB 5109
 Senior citizens, exemptions for tax upon a residence: SB 5663
 Service-connected disabled veterans, exemptions for tax upon a residence: SB 5663
 Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429
 State and local tax programs, improving administration through comprehensive revisions: SHB 1597, SB 5569
 State parks, yearly levy by state for support of: SB 6120, SJR 8216
 Taxing districts, levy for reimbursement for certain refunds and abatements of property tax: SB 6047
 Trees within urban growth area boundaries, taxation and valuation: SB 5521
 Tribal property, conditions for exemption from property tax: SB 5641
 Valuation, constitutional amendment limiting increases: SJR 8201
 Valuation, constitutional amendment to set base years: SJR 8200
 Valuation, rate increase limits: SB 5057
 Valuation, setting base years: SB 5000
 Valuations, burden of proof for corrections to valuations made by public officials: SB 5965

TAXES - PUBLIC UTILITY TAX

Commuter trip reduction tax credit, limitations: SB 5364
 Credit against state income tax: SB 5104, SB 6147
 Electrolytic processing businesses, exemption for electricity use: ***SHB 1062, CH 434 (2009)**
 Exemptions, electrolytic processing businesses: ***SHB 1062, CH 434 (2009)**
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 Gas companies, credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198
 Historical parks and historic reserves, tax incentive program: SB 5083
 Irrigation deduction clarified, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911
 Light and power businesses, credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198
 Log transportation businesses, tax calculations: SB 5744
 Public utility districts, prospective clarification of taxes and gross revenue: HB 1088, SB 5567
 Qualified buildings, exemption for sales of electricity, natural gas, and manufactured gas made to person for operation of: SB 5854
 Reporting requirements of state and local tax programs: SB 5443
 Small water systems, exemption: SB 5855
 Solar electric generating systems, tax incentives to businesses for installing solar power for on-site use: SB 5429
 Solar energy, community solar projects incentives: SB 5185, SB 6170

Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198

Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Urban category removed, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5911

Washington research and technology center, credit for contributions for the purpose of research and technology development grants: SB 5474

TAXES - SALES TAX

Biomass fuels for electricity generation, exemption available for forest derived biomass: SB 5441

Biomass fuels in renewable energy production, exemption for forest derived biomass: SB 6170

Breathalyzers, exemption when sold to businesses providing alcohol for on-site consumption: SB 5003

Candy, grants for increasing medical and dental services to be funded through voter-approved tax on: SB 6189

Clean technology development within port district properties, exemption: SB 5847

Community revitalization financing, use of local sales and use tax allocation revenues for public improvements: SB 5045

Commuter air carriers, exemptions for intrastate operations: ***HB 1287, CH 503 (2009)**, SB 5358

Compliance, improving: ***SB 6173, CH 563 (2009)**

Deferral for air pollution control facilities: SB 5766

Digital products, sales and use tax provisions, including exemptions: ***ESHB 2075, CH 535 (2009)**

Durable medical equipment, exemption when prescribed for home use: SB 5033

Electric vehicle infrastructure and product exemption: ***2SHB 1481, CH 459 (2009)**, SB 5418

Electric vehicles, preferences for electric vehicles and electric vehicle infrastructure: SB 5736

Electricity generation, expiration dates for exemptions: E2SHB 1009

Energy parks, exemption for unfinished nuclear power projects to be partially or wholly developed for electricity generation as: SB 5194

Environmental incentives, various: SB 6170

Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: SB 5937

High capacity transportation corridor areas, funding: ***SB 5540, CH 280 (2009)**

High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: SB 5442, SB 6170

Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483 (2009)**

Hybrid technology vehicles, exemption: SB 6170

Livestock nutrient management equipment and facilities, exemption: ESHB 2278, SB 6170

Local sales and use, certain city and county revenues to be used for criminal justice purposes: SB 6164

Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: ESHB 2252

Local sales and use, certain revenues to be deposited in special purposes account after retirement of baseball stadium construction bonds: SB 6116

Local sales and use, certain revenues to be deposited in special purposes account after retirement of stadium and exhibition center development bonds: SB 6116

Local sales and use, changes in tax and effective dates: SB 5737

Local sales and use, chemical dependency services, mental health treatment, and therapeutic courts: SB 5301, SB 5433

Local sales and use, community revitalization financing for public improvements: SB 5045

Local sales and use, county authority to impose additional tax: SB 5960

Local sales and use, county authority to impose upon car rentals and restaurant sales for special funding: ESHB 2252

Local sales and use, crediting against state sales and use tax extended: SB 5321

Local sales and use, electric vehicle infrastructure and product exemption: SB 5418

Local sales and use, exemption for administration and programs of any landless Washington state federally recognized Indian tribe: SB 5937

Local sales and use, funding for parks, recreation, trails, and open space allocation: SB 5545

Local sales and use, imposed for local infrastructure financing: SB 5901, SB 6056

Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533 (2009)**

Local sales and use, local government authority to impose when approved for housing everyone financing: SB 5856

Local sales and use, modifications for solar energy systems using photovoltaic modules or semiconductor materials: SB 5906

Local sales and use, sourcing provisions: SB 5113, SB 5357

Local sales and use, time period during which tax may be collected for public facilities in rural counties: ***SHB 1751, CH 511 (2009)**, SB 5605

Local sales and use, transportation benefit district authority to impose: SB 5687

Local sales and use, various environmental incentives: SB 6170

Local sales and use, voted tax to fund cultural access authorities: SB 5786

Lodging, sales tax to fund watchable wildlife agreements with land owners: SB 5062

Mobility enhancing equipment, exemption when prescribed: SB 5033

Newspapers, taxation of publishing: SB 5942

Power wheelchairs, exemption when prescribed: SB 5871

Propane, exemption for nonhighway use by farmers: SHB 2275

Reduction in connection with imposition of state income tax: SB 5104

Regional sales and use, regional transportation accountability board authority to impose through special taxing district: SB 6064

Reporting requirements of state and local tax programs: SB 5443

Server equipment to be installed in an eligible computer data center, exemptions: SB 5997

Snohomish Polytechnical College, sales and use tax imposed by higher education investment district to finance: SB 5106

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: SB 5906, SB 6170

Special detention facilities, exemption for construction, repairs, decorating, or improving: SB 5244

Spirits, revenues from sale of spirits to be deposited in reserve account and benefits account: SB 6093, SB 6094

State and local tax programs, improving administration through comprehensive revisions: SHB 1597, SB 5569

State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463, SB 5287

Streamlined sales and use tax agreement, harmonizing certain excise statutes with: SB 5566

Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089

Tribal members, documenting eligibility for exemption: SB 5108

Vehicles sold to or used by qualifying disabled veterans or surviving spouses, exemption: SB 6050

Wood biomass fuel, exemption: SB 5467

TAXES - SPECIAL FUEL TAX

Refunds, time period extended: SB 5159

State route 520 corridor general obligation bonds, use of tax revenues to pay principal and interest: ***ESHB 1272, CH 498 (2009)**

Urban passenger transportation systems, clarifying limits of special fuel tax exemption: ***SHB 1225, CH 352 (2009)**

TAXES - USE TAX

Biomass fuels for electricity generation, exemption for forest derived biomass: SB 5441

Biomass fuels in renewable energy production, exemption for forest derived biomass: SB 6170

Breathalyzers, exemption when sold to businesses providing alcohol for on-site consumption: SB 5003

Candy, grants for increasing medical and dental services to be funded through voter-approved tax on: SB 6189

Community revitalization financing, use of local sales and use tax allocation revenues for public improvements: SB 5045

Commuter air carriers, exemptions for intrastate operations: ***HB 1287, CH 503 (2009)**, SB 5358

Digital products, sales and use tax provisions, including exemptions: ***ESHB 2075, CH 535 (2009)**

Durable medical equipment, exemption when prescribed for home use: SB 5033

Electric vehicle infrastructure and product exemption: ***2SHB 1481, CH 459 (2009)**, SB 5418

Electric vehicles, preferences for electric vehicles and electric vehicle infrastructure: SB 5736

Electricity generation, expiration dates for exemptions: E2SHB 1009

Energy parks, exemption for unfinished nuclear power projects to be partially or wholly developed for electricity generation as: SB 5194

Environmental incentives, various: SB 6170

Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: SB 5937

High capacity transportation corridor areas, funding: ***SB 5540, CH 280 (2009)**

High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: SB 5442, SB 6170

Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483 (2009)**

Livestock nutrient management equipment and facilities, exemption: ESHB 2278, SB 6170

Local sales and use, certain city and county revenues to be used for criminal justice purposes: SB 6164

Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: ESHB 2252

Local sales and use, certain revenues to be deposited in special purposes account after retirement of baseball stadium construction bonds: SB 6116

Local sales and use, certain revenues to be deposited in special purposes account after retirement of stadium and exhibition center development bonds: SB 6116

Local sales and use, changes in tax and effective dates: SB 5737

Local sales and use, chemical dependency services, mental health treatment, and therapeutic courts: SB 5301, SB 5433

Local sales and use, community revitalization financing for public improvements: SB 5045

Local sales and use, county authority to impose additional tax: SB 5960

Local sales and use, county authority to impose upon car rentals and restaurant sales for special funding: ESHB 2252

Local sales and use, crediting against state sales and use tax extended: SB 5321

Local sales and use, electric vehicle infrastructure and product exemption: SB 5418

Local sales and use, exemption for administration and programs of any landless Washington state federally recognized Indian tribe: SB 5937

Local sales and use, funding for parks, recreation, trails, and open space allocation: SB 5545

Local sales and use, imposed for local infrastructure financing: SB 5901, SB 6056

Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533 (2009)**

Local sales and use, local government authority to impose when approved for housing everyone financing: SB 5856

Local sales and use, modifications for solar energy systems using photovoltaic modules or semiconductor materials: SB 5906

Local sales and use, time period during which tax may be collected for public facilities in rural counties: ***SHB 1751, CH 511 (2009)**, SB 5605

Local sales and use, transportation benefit district authority to impose: SB 5687

Local sales and use, various environmental incentives: SB 6170

Local sales and use, voted tax to fund cultural access authorities: SB 5786

Mobility enhancing equipment, exemption when prescribed: SB 5033

Power wheelchairs, exemption when prescribed: SB 5871

Propane, exemption for nonhighway use by farmers: SHB 2275

Regional sales and use, regional transportation accountability board authority to impose through special taxing district: SB 6064

Reporting requirements of state and local tax programs: SB 5443

Server equipment to be installed in an eligible computer data center, exemptions: SB 5997

Snohomish Polytechnical College, sales and use tax imposed by higher education investment district to finance: SB 5106

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: SB 5906, SB 6170

Special detention facilities, exemption for construction, repairs, decorating, or improving: SB 5244

State and local tax programs, improving administration through comprehensive revisions: SHB 1597, SB 5569

State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463, SB 5287

Streamlined sales and use tax agreement, harmonizing certain excise statutes with: SB 5566

Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089

Vehicles sold to or used by qualifying disabled veterans or surviving spouses, exemption: SB 6050

Wood biomass fuel, exemption: SB 5467

TEACHERS

Alternative route partnership grant program, changing work experience provisions: ***HB 1675, CH 166 (2009)**

Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**

Certification, alternative route program for veterans and national guard members: ***HB 1156, CH 192 (2009)**

Defined contribution retirement system for new public employees, teachers, and school employees, development: SB 6045

Digital learning commons, education and certification for local advisors and online teachers: SB 5410

Dyslexia, educator training program to enhance skills of students with: SB 6016

Educator data, establishment of comprehensive education data improvement systems and a data governance group: SB 5941

National board certification bonuses to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714

Professional development programs to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**

Savings in education programs, revision of various provisions in order to achieve: ***SHB 2343, CH 539 (2009)**

School district employee benefits, definitions for health care: SB 5515
 School employees, crimes requiring dismissal or certificate revocation: ***ESHB 1741, CH 396 (2009)**, SB 5189
 Teacher assistance program to be subject to availability of appropriations: ***SHB 2343, CH 539 (2009)**
 Visual impairments, bi-state partnership for teachers of children with: SB 5176

TEACHERS' RETIREMENT SYSTEM

Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: SB 5306
 Interruptive military service credit: ***HB 1548, CH 205 (2009)**, SB 5313
 Lowering general salary increase assumption for actuarial funding of system: SB 5304
 Plan 1, preserving fully funded status through state investment board policies and procedures: SB 6046
 Postretirement employment provisions: SB 5490

TECHNOLOGY

Aerospace technology and advanced manufacturing, membership and duties of Washington institute of: E2SHB 2318
 Broadband technologies, continuing the work of the high-speed internet strategy work group concerning broadband deployment and adoption: E2SHB 1698
 Clean energy collaborative established, Washington technology center to create by contract: SB 5921
 Clean technology development within port district properties, sales tax exemption: SB 5847
 Commercialization of technologies, fostering in part through the investing in innovation grants program: SB 5553
 Cultural access authorities, creation, organization, and funding: SB 5786
 Digital products, sales and use tax provisions, including exemptions: ***ESHB 2075, CH 535 (2009)**
 Director of commercialization and innovation created within office of the governor: SB 6015
 Greenhouse gas emission reduction technologies, funding to come from climate protection account: SB 5735
 Health technology assessment program, health care authority and health technology clinical committee roles in assessment process: SB 6150
 Health technology clinical committee, review process for health technology: SB 6026
 High technology sales and use tax deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**
 High-speed internet work group to be renamed the advisory council on digital inclusion: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: SB 5916
 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts on behalf of the state: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department of information services to assess and map broadband and related services in state: SB 5917
 High-speed internet, department of information services to conduct survey and create information system map of infrastructure owned or leased by state agencies: ***E2SHB 1701, CH 509 (2009)**
 High-speed internet, department of information services to procure information system map of high-speed internet infrastructure and service availability and adoption: ***E2SHB 1701, CH 509 (2009)**
 Higher education technology transformation task force to be convened by higher education coordinating board: ***2SHB 1946, CH 407 (2009)**
 Innovation discovery fund and fund authority, created: SB 5919
 Technology discovery fund and fund authority, created: SB 5897
 Washington innovation grant authority and grant program established: SB 5896
 Washington research and technology center, tax incentives for contributions for the purpose of research and technology development grants: SB 5474

TELECOMMUNICATIONS (See also UTILITIES AND TRANSPORTATION COMMISSION)

Benefits to executive officer or any employee, limits on recoverability through rates or charges: SB 5072
 Broadband technologies, continuing the work of the high-speed internet strategy work group concerning broadband deployment and adoption: E2SHB 1698
 Companies, business and occupation tax credit for contributions to Washington community technology opportunity account: SB 5916
 Companies, customer interest protections in proceedings before utilities and transportation commission: SB 5055
 Digital products, sales and use tax provisions, including exemptions: ***ESHB 2075, CH 535 (2009)**
 Facilities, notice of necessary relocation from public agency: EHB 1499

Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955
 Wireless communications, billing upon termination of wireless device services: SB 5863
 Wireless communications, early termination of wireless device contracts: SB 5860
 Wireless communications, provisions related to wireless phone numbers used by directory providers: ***SHB 1816, CH 401 (2009)**
 Wireless communications, service provider replacement of wireless device: SB 5283

TELEVISION

Public, education, and government access cable channels, cable television service franchise requirements regarding: SB 5241
 Tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: SB 5557
 Television reception improvement districts, providing emergency radio communications systems: HB 1028

THEATERS

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: SHB 1304, ***SB 5680, CH 58 (2009)**
 August Wilson, state arts commission to work with interested citizens and groups to promote the plays of: SB 5594
 Cultural access authorities, creation, organization, and funding: SB 5786
 Symphony orchestras, operas, and performing arts theaters, under public employment relations commission jurisdiction for collective bargaining: SB 5046

TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES AND PRODUCTS)

Christmas trees, harvesting: ***SHB 1038, CH 245 (2009)**, SB 5169
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**
 Climate protection forestry account, financial incentives for continuing timber production: SB 5747
 Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200 (2009)**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SB 5424
 Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: SB 5602
 Green source of wood fiber, designating a source for state-funded construction: SB 6010
 Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401
 Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Harvest termination dates for public lands, department of natural resources extension of: SB 6127
 Huckleberries, regulations: ***SHB 1038, CH 245 (2009)**, SB 5169
 Institute of forest resources to establish and maintain a forest land database: SB 5598
 Institute of forest resources, coordination of University of Washington cooperatives and centers: SB 5097
 Log transportation businesses, public utility tax calculations: SB 5744
 Public lands, extension of normal timber harvest termination dates by department of natural resources: SB 6127
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: SB 5690
 Specialized forest products, permitting process and theft protections: ***SHB 1038, CH 245 (2009)**, SB 5169
 State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**
 Timber recovery fund board, creation: SB 5598
 Trees within urban growth area boundaries, property taxation and valuation: SB 5521

TIRES

Lead wheel weights, environmentally preferred alternatives: ***ESHB 1033, CH 243 (2009)**
 Studded tire pavement repair grant program, establishment by department of transportation: SB 6066
 Studded tires, use and sale prohibitions: SB 6066

TITLE ONLY

Actuarial funding of pension systems act of 2009: SB 6161
 Aerospace competitiveness act: SB 6117

Bonds for transportation funding act: SB 6114
 Common schools act of 2009: SB 6138
 Criminal justice act of 2009: SB 6160, SB 6162
 Ferries act: SB 6109
 Fiscal matters act of 2009: SB 6129, SB 6130
 General assistance act of 2009: SB 6178
 Higher education act of 2009: SB 6139, SB 6140
 Home care workers act of 2009: SB 6180
 Human services act of 2009: SB 6133, SB 6134
 Hunting and fishing licenses act of 2009: SB 6060
 Natural resources act of 2009: SB 6135, SB 6136
 Retirement from public service act of 2009: SB 6141, SB 6142
 Revenue and taxation act of 2009: SB 6143, SB 6144
 State government act of 2009: SB 6131, SB 6132
 Tolling act: SB 6113
 Transportation financing act: SB 6110
 Transportation funding and appropriations act: SB 6112
 Transportation funding in the central Puget Sound region act: SB 6111

TOBACCO AND TOBACCO PRODUCTS

Cigarette tax, distribution of revenues from additional taxation: SB 5626
 Cigarettes and tobacco products, liquor control board licensing administration authority: ***SHB 1435, CH 154 (2009)**, SB 5366
 Cigarettes, tax revenues to be deposited in reserve account and benefits account: SB 6093, SB 6094
 Little cigars, taxation: SB 6128
 Moist snuff, excise taxation of: SB 6151, SB 6159
 Tobacco products, tax revenues to be deposited in reserve account and benefits account: SB 6093, SB 6094
 Tobacco settlement account, transfer of moneys to reserve account and benefits account: SB 6093, SB 6094

TOURISM

Local tourism promotion areas, restriction on forming in counties with population of one million or more removed: ***2SHB 1290, CH 442 (2009)**
 Lodging businesses, exemption from imposed charge when within a tourism promotion area: SB 5265
 Maintaining or enhancing tourism, certain city and county tax revenues to be available for: SB 6164
 Tourism industry tax revenues, repayment of general obligation bonds for ferry vessel construction through use of: SB 6005
 Tourism promotion, funding from special purposes account: SB 6116
 Watchable wildlife program: SB 5062

TRAFFIC (See also COMMUTING)

Accident information, compilation and release by state patrol in compliance with federal law: SB 6020
 Automated traffic safety cameras, use in ferry zones: SB 5685
 Bicyclists, legal requirements for overtaking and passing when driving: HB 1491, SB 5335
 Children riding motorcycles, modifying restrictions: SB 5552
 Commute trip reduction programs for state agencies: SB 6088
 Electronic traffic flagging devices, department of transportation to initiate pilot program to evaluate benefits: SB 5635
 High occupancy toll lanes, toll penalties for violations of restrictions: SB 5683
 Notes and information compiled by law enforcement during traffic stops, disclosure: SB 6186
 Pedestrians, legal requirements for overtaking and passing when driving: HB 1491, SB 5335
 Safety cameras, use on certain arterial streets to detect speed violations: SB 5712
 Studded tires, permit required for use: SB 5859
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556
 Two-wheeled and three-wheeled vehicles, definitions and requirements: ***SB 5482, CH 275 (2009)**
 Vehicle-activated traffic control signals, reliable detection of motorcycles and bicycles to be required: SB 5387

TRAFFIC OFFENSES

"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**

Accident information, compilation and release by state patrol in compliance with federal law: SB 6020
 Automated traffic safety cameras, use in ferry zones: SB 5685
 Failing to properly cover vehicular loads of dirt, sand, and gravel, requirements, violations, and penalties: SB 5846
 Infractions causing death or significant bodily harm to be considered criminal offenses in certain cases: SB 5838
 Infractions for drivers whose licenses or privileges are suspended or revoked: SB 5732
 Liability for damage to state property of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**, SB 5365
 Notes and information compiled by law enforcement during traffic stops, disclosure: SB 6186
 Recording devices in vehicles, vehicle systems data privacy and disclosure provisions: SB 5574
 Relicensing diversion program: SB 5732
 Safety cameras, use on certain arterial streets to detect speed violations: SB 5712
 Studded tires, use and sale prohibitions: SB 6066
 Studded tires, use without permit prohibited: SB 5859
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556
 Victim impact panels, requirements: SHB 1408

TRANSPORTATION (See also FERRIES; TRANSPORTATION COMMISSION; TRANSPORTATION, DEPARTMENT)

Agency council on coordinated transportation to appoint work group and advance effective transportation for persons with special transportation needs: ***ESHB 2072, CH 515 (2009) PV**
 Agribusiness drivers, exemption from certain commercial driver's license requirements: ***SHB 2223, CH 339 (2009)**
 Alternative transportation funding methods, joint transportation committee to conduct comprehensive research effort: SB 5689
 Budget, 2009-2011: SB 5352
 Budget, supplemental 2007-2009: SB 5351
 Budget, supplemental 2008: ***ESHB 1978, CH 8 (2009)**
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
 Economic stimulus transportation funding and appropriations: ***ESHB 1978, CH 8 (2009)**, SB 5458
 Facilities, prohibition of development under local comprehensive plans: SB 5872
 Ferry system, modernizing ferry fleet and organization: SB 6061
 Ferry vessels and terminals, cost limitations when using state forces for work performed on: HB 2271
 Ferry vessels, elimination of requirement that certain ferries be constructed in Washington: SB 5971
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785
 General obligation bonds, issuance to fund transportation projects: ***ESHB 1272, CH 498 (2009)**
 High capacity transportation corridor areas, establishment and funding: ***SB 5540, CH 280 (2009)**
 Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94 (2009)**, SB 5450
 Interjurisdictional funding of transportation projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334
 Jurisdictional route transfers, transferring responsibility to commission from improvement board: ***SB 5028, CH 260 (2009)**
 Limousine carriers, regulation by counties, cities, and port districts: SB 5686
 Local coordinating coalitions, creation in each nonemergency medical transportation brokerage region: ***ESHB 2072, CH 515 (2009) PV**
 Log transportation businesses, public utility tax calculations: SB 5744
 Marine container ports, land use and transportation planning for: ***ESHB 1959, CH 514 (2009)**, SB 5853
 Marine transportation facilities for sand and gravel, permit requirements: SB 5836
 Motor carriers, safety requirements and compliance reviews: ***SHB 1843, CH 46 (2009)**
 Paratransit/special needs grants, application requirements for organizations applying for: ***ESHB 2072, CH 515 (2009) PV**
 Projects, effect of teleworking option included in environmental impact statements: SB 5090
 Public transportation benefit area authorities, annexation of territory by: SB 5353
 Public transportation benefit area authorities, increasing membership: HB 1139
 Public transportation infrastructure improvements, crediting against impact fees: SB 5548
 Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: SB 5796
 Rail fixed guideway system, adding personal rapid transit and magnetic levitation transit systems to definition of: SB 6079

Rate and service regulation of certain transportation services, utilities and transportation commission authority to forebear from: ***ESB 5894, CH 557 (2009)**

Regional transportation corridor authority, establishment: SB 5493

Special transportation needs, agency council on coordinated transportation to appoint work group and advance effective transportation for persons with: ***ESHB 2072, CH 515 (2009) PV**

State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463, SB 5287

State route 520 corridor, issuance of general obligation bonds to fund projects: ***ESHB 1272, CH 498 (2009)**

State route 520 floating bridge, authorization of early tolling to finance replacement floating bridge and landings: ***ESHB 2211, CH 472 (2009)**

Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Toll revenue, constitutional amendment requiring use exclusively for highway purposes: SJR 8207, SJR 8215

Toll revenue, use for eligible tolling facilities and payment of principal, interest, and premium on bonds related to transportation projects: ***ESHB 1272, CH 498 (2009)**

Transportation accountability regions and regional transportation accountability boards, establishment, powers, duties, and financing: SB 6064

Transportation budget, 2009-2011: SB 5352

Transportation budget, supplemental 2007-2009: SB 5351

Trucking industry, requesting the passage of legislation to stabilize: ***HJM 4014 (2009)**

Urban passenger transportation systems, clarifying limits of special fuel tax exemption: ***SHB 1225, CH 352 (2009)**

TRANSPORTATION BENEFIT DISTRICTS

Funds, modifying use of certain: SB 5428

TRANSPORTATION COMMISSION

Ferries, tribal government involvement in naming process: SB 5440

Jurisdictional route transfers, transferring responsibility to commission: ***SB 5028, CH 260 (2009)**

TRANSPORTATION, DEPARTMENT

Agency council on coordinated transportation to appoint work group and advance effective transportation for persons with special transportation needs: ***ESHB 2072, CH 515 (2009) PV**

Airports owned or controlled by municipalities or Indian tribes, maximum amount for loan or grant by department: SB 6012

Bond amounts for department highway contracts: SB 5499

Commute trip reduction programs for state agencies: SB 6088

Commute trip reduction tax credit, limitations: SB 5364

Contracts, veteran-owned businesses: SB 5041

Electronic traffic flagging devices, department to initiate pilot program to evaluate benefits: SB 5635

Ferry system, comprehensive incident and accident investigation policy and procedures proposal to be provided to legislature by Washington state ferries: EHB 2044

Ferry vessels, elimination of requirement that certain ferries be constructed in Washington: SB 5971

High occupancy toll lanes, toll penalties for violations of restrictions: SB 5683

Highway construction review and site selection process, prioritizing use of public land: SB 5684

Marine employees of the department of transportation, collective bargaining provisions: SB 6106

Marine vessel contracts, changing requirements for security amounts: SB 5953

Milwaukee Road corridor, extending the time period for the department to enter into a franchise agreement for a rail line: ***HB 1717, CH 338 (2009)**, SB 5496

Motorcycle toll rates, including motorcycles with trailers in tow: SB 5652

Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: SB 5796

Safe routes to school program, department to administer a competitive grant program and fund an ongoing state center: SB 5743

Safe routes to school program, establishment within department: ***SHB 1793, CH 392 (2009)**

Special transportation needs, agency council on coordinated transportation to appoint work group and advance effective transportation for persons with: ***ESHB 2072, CH 515 (2009) PV**

State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**, SB 5365

State route 520 floating bridge tolls, department authority to administer tolling program: ***ESHB 2211, CH 472 (2009)**

State route 9 Snohomish river bridge replacement project, department to begin environmental planning process and prepare final design: SB 6072

State route 99 deep bore tunnel traffic and revenue study, to be conducted by the department: SB 5768

State route number 520 work group, creation: ***ESHB 2211, CH 472 (2009)**

Statewide telework program, department collaboration with Washington State University: SB 6018

Toll penalties for infractions detected through photo enforcement system, reduction prohibited: SB 5556

Transportation regions, realignment: SB 5682

TRUSTS AND TRUSTEES

Deeds of trust, foreclosure: ***ESB 5810, CH 292 (2009)**

Guardianship, uniform adult guardianship and protective proceedings jurisdiction act: ***SHB 1261, CH 81 (2009)**

Washington principal and income act of 2002, revisions: SB 5171

UNEMPLOYMENT COMPENSATION

Benefits eligibility for certain workers participating in workforce training: SB 5809

Corporate officer, defined: SB 5471

Economic security, improving through unemployment compensation: ***ESHB 1906, CH 3 (2009)**

Economic stimulus, modifications of unemployment insurance program for: SB 5319

Employer contribution rates, revisions: SB 5963

Employer experience rating chapter, correcting statutory references: ***HB 1339, CH 225 (2009)**, SB 5257

Employers, good cause for late filing of reports, contributions, penalties, or interest: ***HB 1338, CH 83 (2009)**, SB 5258

Experience rating accounts of employers, military service benefit charge exemption: SB 5009

Language service providers, exemption from definitions of employment and worker: SB 5771

Qualifying for benefits, defining good cause for leaving work voluntarily: SB 5242

Voluntarily leaving part-time work, qualifying for benefits under certain circumstances: ***SB 5804, CH 247 (2009)**

Washington state essential worker pilot program, established by department of employment security: SB 5831

UNIVERSITY OF WASHINGTON

Alternative public works contracting procedures, authorization and restrictions: HB 1690

Board of regents, adding a faculty member to board: SHB 1841

Bond retirement fund: ***ESHB 2254, CH 499 (2009)**

Botanic gardens endowed curatorship: SB 5061, SB 5092

Building account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

Building fee, university authority to establish: SB 5078

Clean energy collaborative established, Washington technology center to create by contract: SB 5921

Climatologist, office of the state: SB 5138

Consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394 (2009)**, SB 5526

Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, SB 5276

Extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986

Global Asia institute, creation within Henry M. Jackson school of international studies: SB 5177

Health sciences library, online access to by certain health care providers: SB 5913

Human rights center, creation: SB 5172

Institute of forest resources, coordination of university cooperatives and centers: SB 5097

Primary care physician conditional tuition waiver program to be administered by university: SB 5502

Public works contracting procedures: SB 5527, SB 5760

Shellfish biotoxins, surcharge to fund monitoring by Olympic region harmful algal bloom program of the Olympic natural resources center: ***SB 6121, CH 577 (2009)**

Snohomish county branch campus, establishment: SB 5864

Tuition fees rates, board of regents authority to establish: SB 5710

Washington park arboretum, natural resource collections: SB 5061, SB 5092

Washington technology center, university to contract with: SB 5553

UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)

Coal-powered facilities, strategies to replace energy and jobs lost by closure of: SB 5766

Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**

Electric vehicles, utilities encouraged to use: SB 5418

Eligible renewable resource, modifying requirements: SB 6089

Energy efficiency and greenhouse gases in built environment, maintaining energy consumption data on certain nonresidential and public agency buildings as part of strategic plan concerning: E2SHB 1747, SB 5854

Energy independence act, renewable energy and conservation requirements: SB 5840

Facilities, notice of necessary relocation from public agency: EHB 1499

Gas companies, date utilities and transportation commission sets pipeline safety fees changed: ***SHB 1388, CH 91 (2009)**, SB 5451

Gas companies, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198

Greenhouse gas emissions performance standard, compliance provisions: SB 6090

Lake Tapps water supply, exercise of eminent domain authority by watershed management partnership: ***SHB 1332, CH 504 (2009)**

Liens against rental premises for utility charges when tenant is delinquent: SB 5281

Liens against rental premises for utility charges when tenant vacates or is delinquent: SB 5667

Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: SB 5198

Public service companies, customer interest protections in proceedings before utilities and transportation commission: SB 5055

Public service companies, limits on recoverability of benefits to executive officer or any employee through rates or charges: SB 5072

Rates, discounts for low-income and low-income senior customers of gas and electric companies: SB 5290

Renewable energy and renewable energy credits, electric utilities: SB 5345

Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: SB 5441, SB 6170

Renewable energy targets, conservation achieved by electric utilities in excess of biennial conservation acquisition targets to be counted against: SB 5280

Renewable or alternative energy resources, definition: SB 5505

Renewable resources, electric utilities: SB 5137

Renewable resources, modifying requirements for an eligible renewable resource: SB 6089

Solar energy, community solar projects incentives: SB 5185, SB 6170

Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185

Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: SB 5198

Underground facilities, requirements for notification prior to excavation: ESHB 1996, SB 5955

Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910

Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**

UTILITIES AND TRANSPORTATION COMMISSION

Electrical companies, renewable energy and renewable energy credits: SB 5345

Electrical companies, renewable resources alternative compliance rate: SB 5137

Energy independence act, renewable energy and conservation requirements: SB 5840

Gas companies, date commission sets pipeline safety fees changed: ***SHB 1388, CH 91 (2009)**, SB 5451

Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94 (2009)**, SB 5450

Motor carriers, commission responsibility for adoption and enforcement of safety requirements: ***SHB 1843, CH 46 (2009)**

Public service companies, customer interest protections in proceedings before commission: SB 5055

Rate and service regulation of certain transportation services, commission authority to forebear from: ***ESB 5894, CH 557 (2009)**

Rates, discounts for low-income and low-income senior customers of gas and electric companies: SB 5290

Solar energy, community solar projects incentives: SB 5185, SB 6170

VETERANS

Access to services, department of veterans affairs to study ways to improve: SB 5035
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**
 Burials, liability related to transfer of remains: SHB 1001, SB 5481
 Businesses owned by veterans, state contracts: SB 5041
 Disabled veterans assistance account, voluntary donations at time of vehicle registration to fund: EHB 1876
 Funerals, right to a live performance of Taps: SB 5711
 Interstate commission on educational opportunity for military children: HB 1075, SB 5248
 Linked deposit program for veteran-owned businesses, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**
 Military children, interstate compact on educational opportunity: HB 1075, SB 5248
 Nisei veterans, postage stamp: ***HJM 4005 (2009)**, SJM 8000
 Public employment, scoring criteria in competitive examinations: ***HB 1050, CH 248 (2009)**, SB 5034
 Relief, definition of veteran: ***EHB 1049, CH 35 (2009)**, SB 5036
 Service-connected disabled veterans, property tax exemptions for residences: SB 5663
 State contracts, veteran-owned businesses: SB 5041
 Taps, right to a live performance at veterans' funerals: SB 5711
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**
 Vehicles sold to or used by qualifying disabled veterans or surviving spouses, sales and use tax exemptions: SB 6050

VETERINARIANS

Companion animal spay/neuter assistance program, participation eligibility: SB 5329
 Technician performance of certain drug preparation functions when delegated by licensed veterinarian: ***SHB 1271, CH 136 (2009)**
 Veterinary board of governors, administration and disciplining authority: SB 5532

VICTIMS OF CRIMES

Counseling for sex offense victim who testifies in civil commitment proceedings: SB 5209
 Counseling for sex offense victim whose crime occurred in another state and who testifies in civil commitment proceedings: ***SHB 1221, CH 38 (2009)**
 Crime victims' compensation program, funds for counseling for sex offense victim who testifies in civil commitment proceedings: SB 5209
 Crime victims' compensation program, funds for counseling for sex offense victim whose crime occurred in another state and who testifies in civil commitment proceedings: ***SHB 1221, CH 38 (2009)**
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**, SB 5703
 Right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138 (2009)**, SB 5207
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Tenants who are victims of sexual assault, sexual harassment, or stalking by a landlord, legal protections: SB 5833
 Tenants who are victims of sexual assault, unlawful harassment, or stalking by a landlord, legal protections: ***SHB 1856, CH 395 (2009)**
 Traffic offenses, victim impact panel requirements: SHB 1408
 Work release, crime victims to submit input: ***HB 1076, CH 69 (2009)**, SB 5438

VOCATIONAL EDUCATION

College board worker retraining program, expanding: SB 6091
 Community and school partnerships, forming programs to help students develop saleable skills: SB 5660
 Job skills program, funding and applications for: ***SB 5554, CH 554 (2009)**
 Lifelong learning account steering committee: SB 5555
 Middle school students, career and technical education programs: SB 5676
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: ***2SHB 1355, CH 238 (2009)**, SB 5773
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SB 5317
 Workforce and economic development, coordination of: ***SHB 1323, CH 151 (2009)**, SB 5048

Workforce training, state comprehensive plan for 2008-2018: SCR 8404

VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS, STATE BOARD

Retired participant resumption of service, including volunteer firefighters, emergency workers, and reserve officers: SB 5632

VULNERABLE ADULTS

Abandonment of a dependent person in the fourth degree, penalties: ESHB 1234, SB 5454

Crimes against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: SB 5639

Estates, financial exploitation of vulnerable adult by an abuser: ***SHB 1103, CH 525 (2009)**

Financial exploitation of a vulnerable adult, provisions: SB 5639

Long-term care facilities, requests for waiver of rights of residents prohibited: SB 5226

Searchable electronic database of findings of abuse, neglect, financial exploitation, and abandonment, establishment and maintenance: SB 5639

Unsupervised access to vulnerable adults, consumer credit reports on employees or volunteers who will or may have: SB 5936

Waiver of rights of residents of long-term care facilities, requests prohibited: SB 5226

WAGES AND HOURS

Apprentices, requirements for labor hours on public works projects by four-year higher education institutions to be performed by: SB 5873

Health care employees, hours of labor: SB 5563

Minimum wage and overtime compensation complaints, good faith defense: SB 5463

Minimum wage, defining "employ" for purposes of: SB 5466

Nurses, hours of labor: SB 5563

Overtime, mandatory limits for corrections officers and sergeants employed by city or county jail: SB 5907

Prevailing wage, definition of independent contractor: SB 5904

Residential construction wage rates for public works projects: ***SB 5903, CH 62 (2009)**

WARRANTIES

Motor vehicle warranties, provisions: ***SHB 1215, CH 351 (2009)**, SB 5235

WASHINGTON ADMINISTRATIVE CODE

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: ***SHB 1730, CH 97 (2009)**, SB 5748

Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93 (2009)**

WASHINGTON STATE UNIVERSITY

Board of regents, adding a faculty member to board: SHB 1841

Bond retirement fund: ***ESHB 2254, CH 499 (2009)**

Building account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842

Energy efficiency assistance program, creation within university's energy program: SB 5649

Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, SB 5276

Public works contracting procedures: SB 5760

Small business development center to include satellite offices as deemed appropriate: SB 5723

Statewide telework program, WSU collaboration with department of transportation: SB 6018

Tuition fees rates, board of regents authority to establish: SB 5710

Vision impairments/orientation and mobility coordinator, position to be housed at WSU-Vancouver: SB 5176

WATER

Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: SB 5299

Conservation appliances, requirements for high efficiency toilets and urinals: SB 5948

Interjurisdictional funding of water conservation projects through interjurisdictional bonds to be repaid by allocating shared responsibility: SB 5334

Lake Tapps water supply, exercise of eminent domain authority by watershed management partnership: ***SHB 1332, CH 504 (2009)**

Lewis county watershed planning and economic development demonstration project funding: SB 6058
 Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507
 Petroleum products in storm water, mitigation and prevention projects: ESHB 1614, SB 5518
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Walla Walla watershed community, establishing a water management board and pilot local water management program: ***2SHB 1580, CH 183 (2009)**, SB 5647
 Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583
 Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: ESHB 1614, SB 5518
 Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940
 Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ***SHB 1532, CH 253 (2009)**, SB 5485
 Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254, SB 5910
 Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**
 Watersheds, Lewis county watershed planning and economic development demonstration project funding: SB 6058

WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)

Benefits to executive officer or any employee, limits on recoverability through rates or charges: SB 5072
 Customer interest protections in proceedings before utilities and transportation commission: SB 5055
 Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: SB 6171
 Public water systems, operator certification and responsibilities: ***SHB 1283, CH 221 (2009)**, SB 5199
 Small water systems, tax exemptions: SB 5855
 Water facility construction, contract requirements: ***HB 2146, CH 344 (2009)**

WATER POLLUTION (See also ECOLOGY, DEPARTMENT)

Dairy nutrient management program, compliance with: SB 5677
 Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48 (2009)**
 Petroleum products in storm water, mitigation and prevention projects: ESHB 1614, SB 5518
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Storm water technical resource center and advisory committee, department of ecology to create in partnership with a university or other entity: ***ESHB 2222, CH 449 (2009)**
 Water discharge fees, changes: ***SHB 1413, CH 249 (2009)**, SB 5430
 Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: ESHB 1614, SB 5518
 Water pollution control facilities, funding from water pollution control revolving fund: ESHB 2116
 Water pollution control revolving fund, use of moneys in fund by department of ecology: ESHB 2116
 Water quality standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: SB 6036

WATER QUALITY

Habitat of threatened or endangered species, process for transfer or sale of conservation easement of private forest land containing: ***2SHB 1484, CH 354 (2009) PV**
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: SB 5401
 Habitat of threatened or endangered species, replacement of state forest lands with endangered species-based encumbrances with productive, working forest lands: ***2SHB 1484, CH 354 (2009) PV**
 Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48 (2009)**
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: SB 5503
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: SB 6036
 Water discharge fees, changes: ***SHB 1413, CH 249 (2009)**, SB 5430

Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940
 Water quality account, elimination: SB 5408

WATER RIGHTS

Adjudication, procedures: ***ESHB 1571, CH 332 (2009)**, SB 5533
 Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: SB 5299
 Fire suppression ponds, exemption from water use permit requirements: SB 6017
 Groundwater and surface water, department of ecology to prepare data gap analysis of available information on water levels and quality in each water resource inventory area: SB 6077
 Groundwater, managing permit exempt withdrawals: SB 5888
 Instream flows, setting: SB 5754
 Irrigation districts providing municipal water service, conditions for retaining water rights: SB 6076
 Nonuse, sufficient cause: SB 5692
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: SB 5503
 Public groundwaters, exemption from permit requirement for stock watering: SB 5578
 Reclaimed water use, permitting requirements and violations and penalties: SB 5504
 Relinquishment, eliminating partial relinquishment: SB 5114
 Walla Walla watershed community, establishing a water management board and pilot local water management program: ***2SHB 1580, CH 183 (2009)**, SB 5647
 Water banks, interlocal agreements for operation by watershed management partnerships: SB 5583
 Water discharge fees, changes: ***SHB 1413, CH 249 (2009)**, SB 5430
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

WATER-SEWER DISTRICTS

Lake Tapps water supply, exercise of eminent domain authority by watershed management partnership: ***SHB 1332, CH 504 (2009)**
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230 (2009)**
 Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ***SHB 1532, CH 253 (2009)**, SB 5485
 Watershed management partnerships, eminent domain authority granted: ***SHB 1332, CH 504 (2009)**, SB 5254
 Watershed management partnerships, exercise of eminent domain authority in the case of the Lake Tapps water supply: ***SHB 1332, CH 504 (2009)**

WEEDS

Invasive plant species, noxious weed control board to amend definitions to address weeds spreading by seed and other reproductive propagules: SB 5745

WESTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: SHB 1841
 Capital projects account, use of funds for certificates of participation authorized: ***ESHB 2254, CH 499 (2009)**, SB 5842
 Peer mentoring pilot program in collaboration with a community or technical college: ***EHB 1986, CH 446 (2009)**
 Termination of football team, review by legislative task force of decision: SB 5784

WETLANDS

Soil and wetland science, advisory committee: SB 5698
 Soil and wetland scientists, certification: SB 5698

WILDLIFE

California condor and other vulnerable wildlife, protection from lead poisoning: SB 5095
 Cruelty to animals, violations and penalties: SB 5402
 Damage, compensation when crops damaged or livestock injured or killed by wildlife: SB 5272
 Endangered species act, federal and state cooperation: ***SJM 8001 (2009)**

Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: ***SB 5348, CH 16 (2009)**

Invasive species council, assessment and control of invasive species in state: SB 5070

Mice and rat traps, exemption from restrictions on traps: SB 5382

Modernizing certain fish and wildlife provisions in title 77 RCW: ***SHB 1778, CH 333 (2009) PV**, SB 5404

Mole trapping, body-gripping traps: SB 5123

Olympic marmot, official state endemic mammal: ***SB 5071, CH 464 (2009)**

Ornithologist, state: SB 5066

Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: SB 5274

State wildlife account, funding from state lottery account: SB 6107

Trapping, licensing and regulations: SB 5389

Watchable wildlife program and raffle pilot project: SB 5062

Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: SB 5726

Wildlife and recreation program, qualified applicants and procedures for funding from accounts: ***SHB 1957, CH 341 (2009)**, SB 5843

Wildlife viewing opportunities, requirements for viewing on department of fish and wildlife land and department authority to provide web-based information regarding: SHB 1972

Wolf-hybrid classified as a potentially dangerous wild animal: SB 5383

Yukon to Yellowstone Rocky mountain ecosystem management: SB 5064

WOMEN (See also DISCRIMINATION)

Breastfeeding, protecting women's right to do so in certain public places: ***HB 1596, CH 164 (2009)**

Discrimination against women, adoption of an anti-discrimination treaty: ***SJM 8012 (2009)**

Linked deposit program for women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**

Linked deposit program, barriers to participation by women's small business enterprises: SB 5883

Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 (2009) PV**

WORKERS' COMPENSATION

Benefit award orders, process and appeals: SB 6008

Benefits calculation, simplifying and adding certainty: SB 5462

Family and medical leave act of 2007, repealed: SB 5558

For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Industrial insurance appeals, restrictions on contact with medical providers after filing: ***SHB 1402, CH 391 (2009)**, SB 5627

Industrial insurance final settlement agreements, requirements: SB 5465

Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: SB 5464

Language service providers, exemption from definitions of employment and worker for industrial insurance purposes: SB 5771

Ombudsman for workers of industrial insurance self-insured employers, abolished and superseded by office of the citizen advocate: SB 5456

Retrospective rating plans, evaluation and increased transparency of retrospective rating system: SB 6035

Seamen, claims brought for injury, illness, or death occurring from employment with the state: SB 6003

Statewide centers of occupational health and education program, department of labor and industries to create: SB 5949

Surviving spouses of members of certain retirement systems, industrial insurance death benefits: HB 1212

Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: SB 5785

Violations, department of labor and industries authority to issue stop work orders: SHB 1554, SB 5613

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: SB 5449

Coal-powered facilities, strategies to replace jobs lost by closure of: SB 5766

Comprehensive plan for workforce training and education, timeline for submission and updates by board revised: ***HB 1394, CH 92 (2009)**, SB 5316

Energy audits and retrofits, workforce training for performing: SB 5649

Entrepreneurial education and training, board to help foster in conjunction with economic development commission: SB 5879

Evergreen jobs act, provisions relating to vocational education, including green industry skill panels: ***E2SHB 2227, CH 536 (2009) PV**

Green jobs, provisions of evergreen jobs act, including evergreen jobs initiative and training account: ***E2SHB 2227, CH 536 (2009) PV**

Lifelong learning account steering committee: SB 5555

Opportunity internship program, board to study outcome: ***2SHB 1355, CH 238 (2009)**, SB 5773

Opportunity internship program, incentive payment for participating opportunity internship consortium offering paid internships within certain guidelines: ***2SHB 1355, CH 238 (2009)**

Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SB 5317

Workforce and economic development, comprehensive plan for coordination of: ***SHB 1323, CH 151 (2009)**, SB 5048

Workforce and economic development, multi-agency report to legislature on progress: ***SHB 1323, CH 151 (2009)**

Workforce training, state comprehensive plan for 2008-2018: SCR 8404

Youth innovation education programs, board to advise superintendent of public instruction in distribution of grant moneys to: SB 5900

ZOOS AND AQUARIUMS

Cultural access authorities, creation, organization, and funding: SB 5786